

Subd. 2. There is appropriated the sum of \$6,300 to the legislative coordinating commission for the per diem and expenses of the council established in section 8 of this act.

**Sec. 38. EFFECTIVE DATE.**

Section 14 is effective the day following final enactment and applies to salaries set or changed after that date. An employee who, on the day of final enactment, is receiving a salary which is above the limit set according to section 14 shall continue to receive that salary until the salary is below the limit. Sections 17, 34, and 35 are effective the day following final enactment. Section 13 applies only to collective bargaining agreements entered into after July 1, 1983, for the 1983 to 1985 biennium and thereafter. All other sections are effective July 1, 1983.

Approved June 7, 1983

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**CHAPTER 300 — S.F.No. 346**

*An act relating to agriculture; granting the commissioner powers relating to agricultural promotion; changing certain procedures related to fees; redefining certain terms; changing the coverage of the consolidated food licensing law; exempting certain vending machines from inspection fees; permitting the sale of certain eggs for human consumption; updating certain provisions; specifying certain plumbing and sewage disposal requirements; changing the coverage of certain animal processing laws; prohibiting sale or possession of certain meat; changing certain fees; changing the dates of reports from and payments to certain agricultural societies; eliminating certain duties of the commissioner of agriculture and county agricultural agents; eliminating the prohibition on manufacture or use of certain preservative compounds; eliminating provisions relating to the dairy industry; adjusting fees for inspection of warehouses; directing the commissioner of agriculture to adopt a mandatory collective ratemaking procedure for warehousemen; amending Minnesota Statutes 1982, sections 17B.15, subdivision 1; 28A.03; 28A.09, subdivision 1; 29.235; 31.01, subdivision 20; 31.10; 31.101, subdivisions 3, 4, 5, 6, 7, and 8; 31.51, subdivision 2; 31.56, subdivision 1; 31A.02, subdivision 5; 31A.10; 31A.15; 32.394, subdivision 8; 34.05, subdivision 1; 38.02, subdivisions 1 and 3; 231.11; 231.12; 231.16; 232.22, subdivision 3; proposing new law coded in Minnesota Statutes, chapters 17 and 31; repealing Minnesota Statutes 1982, sections 17.031; 17.032; 17B.15, subdivision 2; 31.401 to 31.406; 32.472; and 32.473.*

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

**Section 1. [17.1015] PROMOTIONAL EXPENDITURES.**

In order to accomplish the purposes of section 17.101, the commissioner may participate jointly with private persons in appropriate programs and projects and may enter into contracts to carry out those programs and projects. The

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contracts may not include the acquisition of land or buildings and are not subject to the provisions of chapter 16 relating to competitive bidding.

The commissioner may spend money appropriated for the purposes of section 17.101, and expenditures made pursuant to section 17.101 for food, lodging, or travel are not governed by the travel rules of the commissioner of employee relations.

Sec. 2. Minnesota Statutes 1982, section 17B.15, subdivision 1, is amended to read:

Subdivision 1. **ADMINISTRATION; APPROPRIATION.** The fees for inspection and weighing shall be fixed by the commissioner and be a lien upon the grain. The commissioner shall set fees for all inspection and weighing in an amount adequate to pay the expenses of carrying out and enforcing the purposes of sections 17B.01 to 17B.23, including the portion of general support costs and statewide indirect costs of the agency attributable to that function, with a reserve sufficient for up to six months, and including repayment by the department of any amount appropriated from the general fund to establish the grain inspection and weighing account. ~~The fees may be adjusted and set so as to establish a six month or less reserve.~~ The commissioner shall review the fee schedule twice each year. Fee adjustments are not subject to chapter 14. Payment shall be required for services rendered. If the grain is in transit, the fees shall be paid by the carrier and treated as advance charges, and, if received for storage, the fees shall be paid by the warehouseman, and added to the storage charges.

All fees collected and all fines and penalties for violation of any provision of this chapter shall be deposited in the grain inspection and weighing account, which is created in the state treasury for carrying out the purpose of sections 17B.01 to 17B.23. The money in the account is annually appropriated to the commissioner of agriculture to administer the provisions of sections 17B.01 to 17B.23.

Sec. 3. Minnesota Statutes 1982, section 28A.03, is amended to read:

**28A.03 DEFINITIONS.**

As used in sections 28A.01 to 28A.16 the terms defined in this section shall have the following meanings:

(a) "Commissioner" means the commissioner of agriculture of the state of Minnesota.

(b) "Person" means any individual, firm, corporation, company, association, cooperative or partnership and includes any trustee, receiver, assignee or other similar representative thereof.

(c) "Place of business" means every location where food or food items are manufactured, processed, sold, stored or handled, including buildings, locations,

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permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

Any vehicle or similar mobile unit from which food is sold shall be considered a place of business for purposes of this section if the food therefrom has been manufactured, packaged or dispensed from bulk, or processed in any manner thereon.

(d) "Food" includes every article used for, entering into the consumption of, or used or intended for use in the preparation of food, drink, confectionery, or condiment for man, whether simple, mixed or compound.

(1) "Perishable food" is food which includes, but is not limited to fresh fruits, fresh vegetables, and other products which need protection from extremes of temperatures in order to avoid decomposition by microbial growth or otherwise.

(2) "Readily perishable food" is food or a food ingredient consisting in whole or in part of milk, milk products, eggs, meat, fish, poultry or other food or food ingredient which is capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

(3) "Frozen food" is food which is processed and preserved by freezing in accordance with good commercial practices and which is intended to be sold in the frozen state.

(4) For the purposes of this definition, packaged food in hermetically sealed containers processed by heat to prevent spoilage; packaged pickles; jellies, jams and condiments in sealed containers; bakery products such as bread, rolls, buns, donuts, fruit-filled pies and pastries; dehydrated packaged food; and dry or packaged food so low in moisture content as to preclude development of micro-organisms are not "perishable food," "readily perishable food," or "frozen food" within the meaning of definitions (1), (2) and (3) herein when they are stored and handled in accordance with good commercial practices.

(e) "Sell and sale" includes the keeping, offering, or exposing for sale, use, transporting, transferring, negotiating, soliciting, or exchange of food, the having in possession with intent to sell, use, transport, negotiate, solicit, or exchange the same and the storing, or carrying thereof in aid of traffic therein whether done or permitted in person or through others.

(f) "Principal mode of business" means that type of business described under either (a), (b), (c) or (d) in section 28A.05 within which category the greatest amount of the applicant's food business lies.

(g) A "Custom processor" is means a person who for a fee slaughters animals or processes noninspected meat for the owner of ~~such~~ the animals, and returns the meat products derived from ~~such~~ the slaughter or processing to the owner. "Custom processor" shall does not include a person who slaughters

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animals or poultry and/or processes meat for the owner of the animals or poultry on the farm or premises of the owner of such the animals, meat, or poultry. For the purpose of this clause, "animals" or "meat" do not include poultry or game animals or meat derived therefrom.

Sec. 4. Minnesota Statutes 1982, section 28A.09, subdivision 1, is amended to read:

Subdivision 1. Every coin operated food vending machine shall be subject to an annual state inspection fee of \$2 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 another shall be exempt from the state inspection fee, but may be inspected by the state, or by a home rule charter city or statutory city or a county which may impose a reasonable inspection or license fee.

Sec. 5. Minnesota Statutes 1982, section 29.235, is amended to read:

**29.235 SALE OF SHELL EGGS.**

Checks, and dirties and grade C eggs as defined by the commissioner, shall not be sold for human consumption as shell eggs, but may be sold as such to be processed for human consumption by a processor licensed by the commissioner to break eggs for resale, except that a producer may sell such shell eggs of his own production on his premises directly to a household consumer for the consumer's own personal use.

Sec. 6. Minnesota Statutes 1982, section 31.01, subdivision 20, is amended to read:

Subd. 20. **CONSUMER COMMODITY.** "Consumer commodity," except as otherwise specifically provided by this subdivision, means any food as defined in subdivision 3 or by the federal act. Such term does not include:

(a) Any tobacco or tobacco product.

(b) Any commodity subject to packaging or labeling requirements imposed under chapter 24, or sections 35.40 to 35.60.

(c) Any drug subject to the provisions of sections 151.34 to 151.40.

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(d) Any beverage subject to the provisions of chapter 340.

(e) Any commodity subject to the provisions of chapter 21.

Sec. 7. Minnesota Statutes 1982, section 31.10, is amended to read:

**31.10 STANDARDS, DEFINITIONS; PROMULGATION.**

For the purpose of preventing fraud and deception in the manufacture, use, sale, and transportation of food, or for the purpose of protecting and preserving the public health, it shall be the duty of the commissioner to fix, adopt, and publish, from time to time, by rulings or regulations, in writing, definitions and standards of quality, purity, identity, composition, analysis, content and strength of articles of food, for which no definitions and standards are prescribed by law, and such definitions and standards so fixed, adopted, and published by the commissioner shall be the lawful definitions and standards thereof before all courts; provided that when definitions and standards have been or may be fixed by the secretary of the department of agriculture, or the secretary of the department of health, ~~education and welfare~~ and human services of the United States, except in cases where definitions or standards otherwise are prescribed by law, they may be accepted by the commissioner and if accepted, published as definitions or standards for Minnesota. All definitions and standards promulgated and adopted by the commissioner shall be done in the manner provided by law. Until such definitions and standards are promulgated and adopted in the manner stated, the definitions and standards heretofore prescribed by law or promulgated and adopted by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, package, offer for sale or transportation, or have in possession with the intent to sell, package, repackage, offer for sale or transportation, or use, or transport, any article of food, which does not conform to such definitions or standards so fixed, adopted, and published, shall be guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1982, section 31.101, subdivision 3, is amended to read:

Subd. 3. Federal pesticide chemical regulations and amendments thereto in effect on April 1, ~~1975~~ 1982 adopted under authority of the federal act Federal Insecticide, Fungicide and Rodenticide Act, as provided by United States Code, title 7, chapter 6, are the pesticide chemical regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act.

Sec. 9. Minnesota Statutes 1982, section 31.101, subdivision 4, is amended to read:

Subd. 4. Federal food additive regulations and amendments thereto in effect on April 1, ~~1975~~ 1982 ~~adopted under authority of the federal act, as~~

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provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act.

Sec. 10. Minnesota Statutes 1982, section 31.101, subdivision 5, is amended to read:

Subd. 5. Federal color additive regulations and amendments thereto in effect on April 1, ~~1975~~ 1982 ~~adopted under authority of the federal act,~~ as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act.

Sec. 11. Minnesota Statutes 1982, section 31.101, subdivision 6, is amended to read:

Subd. 6. Federal special dietary use regulations and amendments thereto in effect on April 1, ~~1975~~ 1982 ~~adopted under authority of the federal act,~~ as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act.

Sec. 12. Minnesota Statutes 1982, section 31.101, subdivision 7, is amended to read:

Subd. 7. Federal regulations and amendments thereto in effect on April 1, ~~1975~~ 1982 ~~adopted under the fair packaging and labeling act,~~ as provided by United States Code, title 15, U.S.C. sections 1451 to 1461, are the regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the Administrative Procedure Act; provided that the commissioner shall not adopt amendments to such regulations or adopt other regulations which are contrary to the labeling requirements for the net quantity of contents required pursuant to section 4 of the Fair Packaging and Labeling Act and the regulations promulgated thereunder.

Sec. 13. Minnesota Statutes 1982, section 31.101, subdivision 8, is amended to read:

Subd. 8. Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, ~~Chapter 1,~~ parts 0-1299, Food and Drugs, in effect April 1, ~~1980~~ 1982, and not otherwise adopted herein, also are adopted as food regulations of this state. Such regulations may be amended by the commissioner in accordance with the Administrative Procedure Act.

Sec. 14. **[31.175] WATER, PLUMBING, AND SEWAGE.**

A person who is required by statutes administered by the department of agriculture, or by rules adopted pursuant to those statutes, to provide a suitable

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water supply, or plumbing or sewage disposal system, may not engage in the business of manufacturing, processing, selling, handling, or storing food at wholesale or retail unless his water supply is satisfactory under plumbing codes adopted by the department of health and his sewage disposal system satisfies the rules of the pollution control agency.

Sec. 15. Minnesota Statutes 1982, section 31.51, subdivision 2, is amended to read:

Subd. 2. **SLAUGHTER HOUSE.** "Slaughter house" means an establishment in which animals other than poultry are slaughtered ~~and, eviscerated, or~~ dressed for human food.

Sec. 16. Minnesota Statutes 1982, section 31.56, subdivision 1, is amended to read:

Subdivision 1. **FARMER'S OWN ANIMALS.** ~~The provisions of Sections 31.51 to 31.58 do not apply to a farmer slaughtering his own animals, rabbits, or poultry, on his own farm for: (1) his own use, (2) the use of his immediate family, or (3) sale directly to the ultimate consumer; or to the farmer slaughtering his own animals on his own farm for his own use or the use of his household and nonpaying guests and employees.~~

Sec. 17. Minnesota Statutes 1982, section 31A.02, subdivision 5, is amended to read:

Subd. 5. **CUSTOM PROCESSING.** "Custom ~~meat~~ processing" means the slaughtering ~~and, eviscerating,~~ dressing, ~~or processing~~ of an animal or the processing of meat products for the owner of the animal or of the meat products when all meat products derived from custom slaughter are returned to the owner of the animal or of the meat products. No person shall sell, offer for sale, or have in his possession with intent to sell any meat derived from custom ~~meat~~ processing.

Sec. 18. Minnesota Statutes 1982, section 31A.10, is amended to read:

**31A.10 PROHIBITIONS.**

No persons ~~shall~~ may, with respect to any animal or any carcasses, parts of carcasses, meat, or meat food products of any animals:

(a) slaughter any animals or prepare any articles which are capable of use as human food, at any establishment preparing articles solely for intrastate commerce, except in compliance with the requirements of sections 31A.01 to 31A.31;

(b) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate commerce (1) any articles which are capable of use as human food, and are adulterated or misbranded at the time of sale, transportation, offer for sale or transportation, or receipt for transportation; or (2) any articles

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required to be inspected under sections 31A.01 to 31A.16 unless they have been so inspected and passed;

(c) do, with respect to any articles which are capable of use as human food, any act while they are being transported in intrastate commerce or held for sale after transportation, which is intended to cause or has the effect of causing articles to be adulterated or misbranded; or

(d) sell, offer for sale, or have in his possession with intent to sell, any meat derived from custom processing.

Sec. 19. Minnesota Statutes 1982, section 31A.15, is amended to read:

### 31A.15 EXEMPTIONS.

Subdivision 1. **INSPECTION.** The provisions of sections 31A.01 to 31A.16 requiring inspection of the slaughter of animals and the preparation of the carcasses, parts ~~thereof~~ of carcasses, meat, and meat food products at establishments conducting slaughter and preparation shall do not apply:

(1) to the ~~slaughtering~~ processing by any person of his own animals and the preparation by him and transportation in intrastate commerce of the carcasses, parts ~~thereof~~ of carcasses, meat, and meat food products of his own animals exclusively for use by him and members of his household and his nonpaying guests and employees; ~~nor~~ or

(2) to the custom ~~slaughter~~ processing by any person of cattle, sheep, swine, or goats delivered by the owner for ~~slaughter~~ processing, and the preparation by a ~~slaughterer~~ and or transportation in intrastate commerce of the carcasses, parts ~~thereof~~ of carcasses, meat, and meat food products of animals, exclusively for use, in the household of the owner, by him and members of his household and his nonpaying guests and employees; provided, that all meat derived from custom ~~slaughter~~ processing of cattle, sheep, swine, or goats shall be identified and handled as required by the commissioner, during all phases of ~~slaughtering~~ processing, chilling, cooling, freezing, preparation, storage, and transportation; and provided further, that the custom ~~slaughterer~~ processor does not engage in the business of buying or selling any carcasses, parts of carcasses, meat, or meat food products of any animals capable of use as human food unless the carcasses, parts of carcasses, meat, or meat food products have been inspected and passed and are identified as having been inspected and passed by the Minnesota department of agriculture or the United States department of agriculture.

Subd. 2. **SANITARY CONDITIONS.** The ~~slaughter~~ processing of animals and preparation of articles referred to in subdivision 1, ~~paragraph~~ clause (2) shall be conducted in accordance with the sanitary conditions that the commissioner may by regulations ~~rule~~ prescribe. Violation of ~~his regulation~~ a rule is prohibited.

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Subd. 3. **ADULTERATION AND MISBRANDING.** The adulteration and misbranding provisions of sections 31A.01 to 31A.16, other than the requirement of the inspection legend, shall apply to articles which are not required to be inspected under this section.

Sec. 20. Minnesota Statutes, section 32.394, subdivision 8, is amended to read:

Subd. 8. **EXPLORATORY PRELIMINARY INSPECTIONS.** 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 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 \$500 per plant and of not less than \$15 nor more than ~~\$40~~ \$50 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.

Sec. 21. Minnesota Statutes 1982, section 34.05, subdivision 1, is amended to read:

Subdivision 1. **APPLICATION.** Any person who distributes soft drinks or other nonalcoholic beverages manufactured outside of this state, for sale within this state, shall apply for registration with the commissioner in such form and furnish such information as he may require. Samples of all soft drinks or other nonalcoholic beverages manufactured for sale and sold within this state shall be submitted to the commissioner once each year for laboratory examination. Each application shall be accompanied by a registration fee of \$100 set in accordance with section 28A.05, clause (c), which shall constitute the registration fee in case

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registration is granted, and one-half of which may be retained to reimburse the state for inspection should registration be refused. If the commissioner finds that the samples submitted are up to accepted standards, and otherwise comply with the laws of this state, he shall issue to the applicant a certificate of registration.

Sec. 22. Minnesota Statutes 1982, section 38.02, subdivision 1, is amended to read:

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) (a) 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 board of health or the state commissioner of health to exist; (2) (b) shall have an annual membership of 25 or more; (3) (c) 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) (d) 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) (e) 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) (f) 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~~ December 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 Farmer Contest, Youth Group Contests, school spelling contests and school current events contests, the award corresponding to the amount

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offered in the advertised premium list referred to in schedule 2. Payments of awards for horse races, ball games, musical contests, talent contests, parades, and for amusement features for which admission is charged, are specifically excluded from consideration as premiums within the meaning of that term as used herein. Upon receipt of the statement by the commissioner of agriculture, it shall be the duty of the commissioner of finance to draw his voucher in favor of the agricultural society or association for the amount to which it is entitled under the provisions of this chapter, which amount shall be computed as follows: On the first \$750 premiums paid by each society or association, such society or association shall receive 100 percent reimbursement; on the second \$750 premiums paid, 80 percent; on the third \$750 premiums paid, 60 percent; and on any sum in excess of \$2,250, 40 percent.

(4) If the total amount of state aid to which the agricultural societies and associations are entitled under the provisions of this chapter exceeds the amount of the appropriation therefor, the amounts to which the societies or associations are entitled shall be pro rated so that the total payments by the state will not exceed the appropriation.

Sec. 23. Minnesota Statutes 1982, section 38.02, subdivision 3, is amended to read:

Subd. 3. **CERTIFICATION, COMMISSIONER OF AGRICULTURE.** Any county or district agricultural society which may have has held its second annual fair shall be is entitled to share pro rata in such the distribution. The commissioner of agriculture shall certify to the secretary of the state agricultural society, within 30 days after payments have been made hereunder, a list of all county or district agricultural societies that have complied with this chapter, and which are entitled to share in such the appropriation. All payments hereunder shall be made on or before December 20 of the year in which the fair is held or within 30 days after all societies have submitted their annual report to the commissioner of agriculture, whichever is later within three months after the agricultural societies submitted their reports under subdivision 1, clause (2)(f).

Sec. 24. Minnesota Statutes 1982, section 231.11, is amended to read:

#### 231.11 SCHEDULE OF RATES.

Every warehouseman shall file with the department and print and keep open for public inspection a schedule of rates. The department may determine and prescribe the form in which the schedules required by this chapter to be filed with the department and to be kept open for public inspection shall be prepared and arranged and may change the form from time to time if it shall be found expedient. In order to insure nondiscriminatory rates and charges for all depositors, the commissioner shall establish a collective rate-making procedure which will insure the publication and maintenance of just and reasonable rates and charges under uniform, reasonably related rate structures. These procedures

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shall provide for the joint consideration, initiation, and establishment of rates and charges, and shall assure that the respective revenues and expenses of warehousemen engaged in warehouse services are ascertained. Any participating warehouseman party to a collectively mandated rate or charge has the right to petition the commissioner for the establishment of a rate or charge which deviates from the collectively set rate. Upon receiving the commissioner's approval, that warehouseman may proceed to establish the requested rate or charge. All warehousemen subject to rate regulation under this chapter must comply with the commissioner's rate-making procedures. No warehouseman shall undertake to perform any service, or store any goods, wares, or merchandise, ~~unless or until such a~~ schedule of rates has been filed and published in accordance with the provisions of this chapter; provided, that. In case of emergency, ~~however,~~ a service or storage not specifically covered by the schedules filed, may be performed or furnished at a reasonable rate, which ~~rate shall forthwith~~ must then be promptly filed, and shall be which is subject to review in accordance with the provisions of this chapter.

Sec. 25. Minnesota Statutes 1982, section 231.12, is amended to read:

**231.12 CHANGE OF RATES.**

Unless the department otherwise orders, no ~~change shall be made by any warehouseman, in~~ may change any rate except after ~~30 ten~~ ten days' notice to the department and to the public as ~~herein provided pursuant to this section.~~ Such Notice shall be given by filing with the department and keeping open for public inspection new schedules or supplements stating plainly the changes to be made in the schedules then in force and the time when the changes will go into effect. The department for good cause shown, may, after hearing, allow changes without requiring the ~~30 ten~~ ten days' notice ~~herein provided for~~ by an order specifying the changes ~~to be made and,~~ the time when they shall take effect, and the manner in which they shall be filed and published.

Sec. 26. Minnesota Statutes 1982, section 231.16, is amended to read:

**231.16 WAREHOUSEMAN TO OBTAIN LICENSE.**

Every person desiring to engage in the business of warehouseman, before engaging therein, shall be licensed annually by, and shall be under the supervision and subject to the inspection of, the department. Written application in the form prescribed by the department shall be made to the department for license, specifying the city in which it is proposed to carry on the business of warehousing, the location, size, character, and equipment of the buildings or premises to be used by the warehouseman, the kind of goods, wares, and merchandise intended to be stored therein, the name of the person or corporation operating the same, and of each member of the firm or officer of the corporation, and any other facts necessary to satisfy the department that the property proposed to be used is suitable for warehouse purposes and that the warehouseman making the applica-

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tion is qualified to carry on the business of warehousing. Should the department decide that the building or other property proposed to be used as a warehouse is suitable for the proposed purpose and that the applicants are entitled to a license, notice of the decision shall be given the interested parties and, upon the applicants filing with the department the necessary bond, as provided for in this chapter, the department shall issue the license provided for, upon payment of the license fee, as in this section provided. A warehouseman to whom a license is issued shall pay for the license a fee ~~set by the commissioner.~~ based on the storage capacity of the warehouse as follows:

Storage capacity in square feet

(1) <u>5,000 or less</u>	\$ 80
(2) <u>5,001 to 10,000</u>	\$155
(3) <u>10,001 to 20,000</u>	\$250
(4) <u>20,001 to 100,000</u>	\$315
(5) <u>100,001 to 200,000</u>	\$410
(6) <u>over 200,000</u>	\$470

Fees collected under this chapter shall be paid into the grain buyers and storage fund established in section 232.22.

The license shall be renewed annually on ~~June 30~~ or before July 1, and always upon payment of the full license fee, as provided for in this section for such renewal; and no license shall be issued for any portion of a year for less than the full amount of the license fee, as provided for in this section. Each license obtained under this chapter shall be publicly displayed in the main office of the place of business of the warehouseman to whom it is issued. The license shall authorize the warehouseman to carry on the business of warehousing only in the one city or town named in the application and in the buildings therein described. The department, without requiring an additional bond and license, may issue permits from time to time to any warehouseman already duly licensed under the provisions of this chapter to operate an additional warehouse in the same city or town for which his original license was issued during the term thereof, upon his filing an application for a permit in the form prescribed by the department.

License may be refused for good cause shown and revoked by the department for violation of law or of any rule or regulation by it prescribed, upon notice and after hearing.

Sec. 27. Minnesota Statutes 1982, section 232.22, subdivision 3, is amended to read:

Subd. 3. **FEES; GRAIN BUYERS AND STORAGE FUND.** There is created in the state treasury an account known as the grain buyers and storage fund. The commissioner shall set the fees for inspections, certifications and licenses under sections 232.20 to 232.25 at levels necessary to pay the costs of

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administering and enforcing sections 232.20 to 232.25. All money collected pursuant to sections 232.20 to 232.25 and chapters ~~231~~, 233 and 236 shall be paid by the commissioner into the state treasury and credited to the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of sections 232.20 to 232.25 and chapters ~~231~~, 233 and 236. All money collected pursuant to chapter 231 shall be paid by the commissioner into the grain buyers and storage fund and is appropriated to the commissioner for the administration and enforcement of chapter 231.

Sec. 28. **REPEALER.**

Minnesota Statutes 1982, sections 17.031; 17.032; 17B.15, subdivision 2; 31.401; 31.402; 31.403; 31.404; 31.405; 31.406; 32.472; and 32.473 are repealed.

Sec. 29. **EFFECTIVE DATE.**

Sections 2, 4, 20, 21, 26, and 27 are effective the day following final enactment.

Approved June 7, 1983

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**CHAPTER 301 — H.F.No. 1290**

*An act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; authorizing land acquisition in certain cases; fixing and limiting the amount of fees and other costs to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; providing for a motor vehicle study; providing for an information systems directory; defining and amending terms; providing for settlement of claims; imposing certain duties, responsibilities, authority, and limitations on agencies, political subdivisions, and the University of Minnesota; setting certain salaries; setting guidelines and procedures for procurement; establishing boards and a council; providing for bonds; providing for certain licenses, permits, and certificates; setting evidentiary standards for workers' compensation court of appeals; modifying election procedures; regulating certain utilities; providing for a review process for tax expenditures; providing property tax relief for congressional medal of honor recipients; modifying certain tax obligations; regulating certain employment practices; providing assistance for residential energy conservation; modifying right of detainer and veterinary liens; providing for reimbursement of excess pension contributions; providing for capital improvements planning; allowing the city of Duluth to enter into a self-insurance pool with private employers; imposing penalties; amending Minnesota Statutes 1982, sections 3.732, by adding a subdivision; 3.922, subdivision 5; 3.9222; 6.65; 7.09, subdivision 1; 14.14, subdivision 1; 15.16, subdivision 5; 15A.083, subdivision 1; 16.02, subdivisions 10a, 14, and by adding a subdivision; 16.083, subdivisions 1, 3, 4, 5, 6, and by adding subdivisions; 16.084; 16.085; 16.086, subdivision*

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