

This company is subrogated to, and may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this company; and the insurer may prosecute therefor in the name of the insured retaining such amount as the insurer has paid.

Assignment of this policy shall not be valid except with the written consent of this company.

IN WITNESS WHEREOF, this company has executed and attested these presents.

_____ (Signature)	_____ (Signature)
_____ (Name of Office)	_____ (Name of Office)

Approved March 20, 1963.

CHAPTER 90—H. F. No. 269

An act relating to milk and cream; providing uniform bases for purchase price quotations and providing alternatives to the Babcock test for the testing of milk and cream; amending Minnesota Statutes 1961, Section 32.25.

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

Section 1. Minnesota Statutes 1961, Section 32.25, is amended to read:

32.25 Milk and cream bought by weight; Babcock and alternative tests. Subdivision 1. **Milk fat and non-fat solids bases of payment; tests.** All milk and cream purchased from two or more producers for the purpose of *resale as such, or for manufacture into butter or cheese dairy products, or for the purpose of condensing or drying the same, or for the purpose of resale;* shall be purchased by weight and payment shall be made therefor upon the basis of milk-fat therein contained; provided, that in purchasing whole milk from which the milk fat or cream is to be separated and the skimmed milk sold or processed separately; the purchaser shall pay for such skimmed milk by weight in addition to the amount paid for milk fat, computing the skimmed milk at 80 percent of the weight of the whole milk, or the purchaser of such whole milk may pay for same on the basis of the fat and the non fat solids contained therein: *the purchase price of such milk shall be based upon the declared pur-*

Changes or additions indicated by italics, deletions by strikeout.

chase price of 100 pounds of whole milk (1) calculated at three and one-half pounds of milk-fat per hundredweight, or (2) calculated at three and one-half pounds of milk-fat per hundredweight and the non-fat solids contained therein. The latter basis shall be used only after the commissioner has promulgated, as provided in this subdivision, rules and regulations for the testing of non-fat solids. When the milk-fat test of such whole milk varies from 3.5 percent, a uniform adjustment in the declared purchase price shall be made for each one tenth of one percent of milk-fat above or below 3.5 percent.

The percentage of milk-fat in such milk and cream shall be determined *as follows: (1) By the Babcock test and by employing a standard official method for operating this test, which method shall be that adopted, prescribed, and set forth, with specifications in detail, in the rules and regulations from time to time made and published by the commissioner in the manner provided by law; ; or (2) by alternative tests which not only determine the percentage of milk-fat but also determine the amount of non-fat solids, when the commissioner is satisfied that these alternative tests are consistently as accurate as the Babcock test in determining the percentage of milk-fat. The test shall be performed in the manner and with equipment prescribed by rules and regulations promulgated by the commissioner in the manner provided by law.*

Subd. 2. **Apparatus to conform to specifications.** All glassware, test-bottles, pipettes, acid measures, chemicals, scales, and other apparatus used in the operation of ~~this test~~ *these tests* shall conform to the specifications set forth ~~in that~~ *for the particular test* method.

Subd. 3. **Penalties for violations.** Any person

(1) who, *when testing by the Babcock test*, shall use any appliances other than the standard Babcock glassware for measuring or testing milk or cream sold or purchased at prices determined upon the basis of milk-fat therein contained, or

(2) who shall manufacture or sell Babcock glassware which is not constructed or graduated in accordance with these specifications, or

(3) who shall employ any test other than the Babcock test *or those tests authorized by rule and regulation promulgated by the commissioner*, or any ~~method~~ *methods* other than the standard official ~~method~~ *methods* for determining the milk-fat content of milk or cream, or

(4) who shall underread *the tests*, or ~~otherwise~~

(5) who shall falsify *the reading of the tests*, or

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(6) *who shall* manipulate the reading of the *test tests*, or

(7) who shall falsely state, certify, or use in the purchase or sale of milk or cream a misreading of such *test tests*, whether the *test tests* or actual reading shall have been made by such person or by any other person, shall be guilty of a misdemeanor.

Sec. 2. *This act takes effect on July 1, 1963.*

Approved March 20, 1963.

CHAPTER 91—H. F. No. 344

An act relating to dairy industry records; amending Minnesota Statutes 1961, Section 32.18.

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

Section 1. Minnesota Statutes 1961, Section 32.18, is amended to read:

32.18 **Records, contents.** Every person engaged in the purchase, manufacture, or sale of dairy products, and all *dairy plant* owners of ~~skimming stations or other places engaged in the business of purchasing milk or cream, and~~ or operators of ~~condenseries, creameries, milk factories, and cheese factories,~~ shall keep in proper books true and full records of all milk, cream, butterfat, and other dairy products manufactured, purchased, received, shipped, stored, or handled by them each day; the number of pounds of butter and the number, weight, style and composition of cheese made each day, and the amount of butterfat used or utilized in the form of other dairy products, the net price received for all butter and cheese sold, the cost per pound for the manufacture of such butter or cheese, the amount of overrun of butter manufactured from butterfat and cream, the average test of cream and of milk and butterfat purchased, manufactured, sold or handled, and all items of operating cost and expense of such person, owner, or operator, including the salaries, wages, commission, per diem, or other form of compensation, of all employees, officers, directors, and others, and such other information *and in such form* as the commissioner shall specify or require by rules or regulations adopted as required by law.

Approved March 20, 1963.

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