

districts having a population of 3,000 inhabitants, such dues shall not exceed the sum of \$500 per year and in cities, villages, towns or school districts having a population of less than 3,000 inhabitants, such dues shall not exceed the sum of \$250.

Approved April 30, 1965.

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CHAPTER 310—H. F. No. 1471

*An act relating to the purchase and sale of milk, cream, and other dairy products; amending Minnesota Statutes 1961, Sections 32.207, and 32.25, Subdivisions 1 and 3, as amended.*

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

Section 1. Minnesota Statutes 1961, Section 32.207, is amended to read:

**32.207 Dairy products; butterfat, nonfat milk solids, sales in excess of purchases.** It shall be and it is hereby declared to be unlawful for any person to sell or to permit any of his employees, agents, officers, directors or other representatives to sell butterfat *or nonfat milk solids* in butter, cheese, milk, cream, or any other dairy products in excess of the number of pounds of butterfat *or nonfat milk solids* contained in the milk, cream, or other dairy products shown by his books and records as received by such person.

Sec. 2. Minnesota Statutes 1961, Section 32.25, Subdivision 1, as amended by Laws 1963, Chapter 90, Section 1, is amended to read:

**32.25 Milk, cream, skim milk, and buttermilk bought by weight; Babcock and alternative tests.** Subdivision 1. **Milk fat and nonfat solids bases of payment; tests.** All milk and cream purchased from producers, *and all milk, cream, skim milk, and buttermilk purchased by one dairy plant from another dairy plant for the purpose of resale as such, or for manufacture into dairy products,* shall be purchased by weight and payment shall be made therefor upon the basis of milk fat therein contained *in the case of milk and cream, and on the basis of nonfat milk solids contained therein in the case of skim milk and buttermilk;* provided, that in purchasing whole milk the purchase price of such milk shall be based upon the declared purchase 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 hundred-

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

weight and the nonfat 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 nonfat 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 nonfat 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 amount of nonfat milk solids in skim milk and buttermilk shall be determined by methods provided for herein.* The test tests shall be performed in the manner and with equipment prescribed by rules and regulations promulgated by the commissioner in the manner provided by law.

Sec. 3. Minnesota Statutes 1961, Section 32.25, Subdivision 3, as amended by Laws 1963, Chapter 90, Section 1, is amended to read:

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 methods other than the standard official methods for determining the milk fat content of milk or cream, or

(4) *who shall incorrectly sample milk or cream purchased or sold, or*

(5) *who shall incorrectly weigh milk or cream purchased or sold, or*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(6) *who shall incorrectly grade milk or cream purchased or sold, or*

(7) *who shall make a false entry of the weight, or test result, or grade of any milk or cream purchased or sold, or*

(8) *who shall incorrectly sample, weigh, test, or record or report weights or tests of skim milk or buttermilk purchased or sold, or*

(4) (9) who shall underread the tests, or

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

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

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

Approved April 30, 1965.

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CHAPTER 311—S. F. No. 1542

[Not Coded]

*An act authorizing the city of Winona in Winona county to issue certificates of indebtedness in case of an emergency declared by the governor and to take measures in connection therewith.*

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

Section 1. **Winona, city of; emergency measures.** If the governor declares areas of this state as disaster areas when communities therein are stricken or about to be stricken by fire, flood, storm, or other action of the elements, and he determines the emergency powers provided herein are essential to prevent the causes of the disaster, spread of the disaster or alleviating the damages caused thereby:

Sec. 2. The governing body of the city of Winona, if in such disaster areas, may by four-fifths vote exercise the following emergency powers:

(1) Take such measures as are necessary to prevent the occurrence of the disaster, or the spread of the disaster, or alleviate the damages caused thereby.

**Changes or additions indicated by italics, deletions by strikeout.**