
CHAPTER 412—H.F.No.1169

[Coded in Part]

An act relating to agriculture; inspection; licensing; fees; amending Minnesota Statutes 1974, Sections 17.35, Subdivision 6; 18.032, Subdivision 6; 18.53; 18.54, Subdivision 1; 18A.02, Subdivision 3; 21.54, Subdivision 2; 24.072, Subdivisions 2 and 4; 28A.03; 28A.04; 28A.05; 28A.08; 28A.15, Subdivision 5; 31.101; 31.102, Subdivision 1; 31.103, Subdivision 1; 31.104; 31.31; 31.39; 32.075; 32.394, Subdivision 8, and by adding subdivisions; 32.59; and 34.05, Subdivisions 1 and 2.

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

Section 1. Minnesota Statutes 1974, Section 17.35, Subdivision 6, is amended to read:

Subd. 6. AGRICULTURE; INSPECTION, LICENSING AND FEES. Before any person shall engage in business as a fur farmer, he shall obtain a license therefor from the commissioner. An application for such license shall be made to the commissioner in writing, accompanied by a fee of ~~65~~ \$10, stating the name of the applicant, the description of the premises upon which such business is to be conducted, the species of the domestic animals to be maintained and handled thereon, and such further information as the commissioner may require. The commissioner shall grant the application and issue a license after he has determined that the application is made in good faith and with intent to carry on the business described in the application, and that the facilities are adequate therefor. All licenses issued pursuant to this section shall expire on the 31st day of December of the year for which the same is issued. Any person to whom a license has been issued may, upon application, obtain a renewal license upon payment of the annual fee of ~~65~~ \$10, which application for renewal shall be made on or before January 1 of each year. If a license renewal is not applied for on or before January 1 of each year, a penalty of 25 percent of the license fee shall be imposed. All moneys received in payment of license fees and penalties under this section shall be paid into the state treasury.

Sec. 2. Minnesota Statutes 1974, Section 18.032, Subdivision 6, is amended to read:

Subd. 6. Each application for a license shall be accompanied by a license fee of ~~65~~ \$10 and an identification card fee of ~~65~~ \$7.50 for the applicant and ~~65~~ \$7.50 for each additional identification card desired.

Sec. 3. Minnesota Statutes 1974, Section 18.53, is amended to read:

18.53 GREENHOUSE CERTIFICATION. The commissioner or his employee may inspect and certify greenhouses and greenhouse plants

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as being free from plant pests upon request of the greenhouse operator and issue a greenhouse certificate. The fee is ~~\$15-\$25~~ for each greenhouse operator. Said certificate shall expire on November 15 next following the date of issue.

Sec. 4. Minnesota Statutes 1974, Section 18.54, Subdivision 1, is amended to read:

18.54 LOCAL SALES AND MISCELLANEOUS. Subdivision 1. The commissioner or his employee may make small lot inspections or perform other necessary services for which another charge is not specified. For such a service, he shall charge a fee of ~~\$5-\$10~~; in addition, he may charge the necessary expenses incurred by the inspector performing this service.

Sec. 5. Minnesota Statutes 1974, Section 18A.02, Subdivision 3, is amended to read:

Subd. 3. An annual fee of ~~\$10-\$15~~ must accompany application for a registration where the applicant is licensed by a political subdivision or municipality to engage in structural pest control and ~~\$50-\$75~~ for a license if the applicant is not so licensed. Employees of a person who is registered or licensed under sections 18A.01 to 18A.11 shall be subject to the payment of a fee of ~~\$5-\$10~~ for an initial license or registration and a fee of ~~\$2-\$6~~ for each renewal thereof.

In case a delinquency in the payment of the license or registration renewal fee or fees extends beyond three months, such licensee or registrant will be required to obtain a new license or registration subject to all the requirements, procedures, and fees for an initial license or registration.

The commissioner shall establish and define classes and categories of persons who shall be deemed to be a "master", "journeyman" and "apprentice" in structural pest control. No person shall engage in structural pest control as a sole proprietorship, company, partnership, or corporation unless he is licensed or registered as a "master" in structural pest control or unless he employs a person so licensed or registered.

Sec. 6. Minnesota Statutes 1974, Section 21.54, Subdivision 2, is amended to read:

Subd. 2. **FIELD CORN VARIETIES; REGISTRATION FEE.** A record of each hybrid seed field corn grain variety to be sold in Minnesota shall be registered by February 1 of each year by the originator or owner thereof with the commissioner. The annual fee for such registration shall be ~~\$7.50-\$12.50~~ per variety. The record shall include the permanent designation of the hybrid as well as the day classification and zone of adaptation, as determined under subdivision 1 hereof, which the originator or owner declares to be the zone in which said variety is

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adapted. In addition, at the time of the first registration of a hybrid seed field corn grain variety, the originator or owner shall include a sworn statement that his declaration as to the zone of adaptation was based on actual field trials in said zone and that such field trials substantiate his declaration as to the day and zone classifications to which the variety is adapted. The number or name used to designate any hybrid seed field corn grain variety in the registration thereof shall be the only variety name of all seed corn covered by or sold under such registration.

Sec. 7. Minnesota Statutes 1974, Section 24.072, Subdivision 2, is amended to read:

Subd. 2. **FEE.** Each application for registration shall be accompanied by a registration fee of ~~\$7~~\$10 for each product registered by any one firm. But in cases where the registration fees have been paid by the manufacturer, jobber, or any person, as required by this section, then in that event nothing in this section shall be construed as applying to retail dealers selling economic poisons or devices. All such registration fees collected by the commissioner shall be paid into the state treasury and be credited to the general fund.

Sec. 8. Minnesota Statutes 1974, Section 24.072, Subdivision 4, is amended to read:

Subd. 4. **FEE.** Each application for a restricted use pesticide dealer license shall be accompanied by a fee of ~~\$20~~\$35. All such license fees collected shall be deposited in the state treasury and credited to the general fund.

Sec. 9. Minnesota Statutes 1974, 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, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

(1) 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

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from bulk, or processed in any manner thereon.

(2) Each location which is identified by a separate address, at which one or more vending machines which process or dispense food are located shall be considered a separate place of business for the purposes of this section.

(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) ~~or~~, (c) or (d) in section 28A.05 within which category the greatest amount of the applicant's food business lies.

Sec. 10. Minnesota Statutes 1974, Section 28A.04, is amended to read:

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28A.04 LICENSE REQUIRED; APPLICATIONS; RENEWALS. No person shall engage in the business of manufacturing, processing, selling, handling, or storing food whether at wholesale or retail without having first obtained from the commissioner a license for doing such business. Applications for such license shall be made to the commissioner in such manner and time as required and upon such forms as provided by the commissioner and shall contain the name and address of the applicant, address or description of each place of business, and the nature of the business to be conducted at each place, and such other pertinent information as the commissioner may require.

A retail or wholesale food handler license shall be issued for the period July 1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1 each year. A license for a food broker or for a food processor or manufacturer shall be issued for the period January 1 to December 31 following and shall be renewed thereafter by the licensee on or before January 1 of each year. A penalty for a late renewal shall be assessed in accordance with section 28A.08.

Sec. 11. Minnesota Statutes 1974, Section 28A.05, is amended to read:

28A.05 FOOD; REGULATION AND LICENSING; CLASSIFICATION. All persons required to have a license under section 28A.04 shall be classified into one of the following ~~three~~ classes of food handlers, according to their principal mode of business.

(a) **RETAIL FOOD HANDLERS.** Retail food handlers are persons who sell or process and sell food directly to the ultimate consumer or who custom process meat or poultry. The term includes a person who sells food directly to the ultimate consumer through the use of coin actuated vending machines, unless excluded by section 28A.15, subdivision 6.

(b) **WHOLESALE FOOD HANDLERS.** Wholesale food handlers are persons who sell to others for resale. A person who handles food in job lots (jobbers) is included in this classification.

(c) **WHOLESALE FOOD PROCESSORS OR MANUFACTURERS.** Wholesale food processors or manufacturers are persons who process or manufacture raw materials and other food ingredients into food items, or who reprocess food items, or who package food for sale to others for resale, or who commercially slaughter animals or poultry. Included herein are persons who can, extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or otherwise treat or preserve food for sale to others for resale, cold storage warehousemen as defined in section 28.01, subdivision 3, salvage food processors as defined in section 31.495, subdivision 1, dairy plants as defined in section 32.01, subdivision 6, nonresident manufacturers of frozen foods as described in section 32.59, and nonresident manufacturers or distributors of nonalcoholic beverages as described in sec-

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tion 34.05.

(d) FOOD BROKERS. A food broker is a person who buys and sells food and who negotiates between a buyer and a seller of food, but who at no time has custody of the food being bought and sold.

Sec. 12. Minnesota Statutes 1974, Section 28A.08, is amended to read:

28A.08 LICENSE FEES; PENALTIES. The fees for licenses and the penalties for late renewal thereof prescribed herein shall apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by ~~Laws 1971, Chapter 330~~ chapter 28A.

	Type of food handler	License Fee		Penalty
1.	Retail food handler	\$15		\$5
	(a) <u>Having gross sales of less than \$250,000 for the immediately previous license or fiscal year</u>	\$15		\$5
	(b) <u>Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	\$30		\$10
	(c) <u>Having over \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	\$50		\$15
2.	Wholesale food handler	\$15	\$5	\$10
3.	Food broker			\$5
4.	(a) Wholesale food processor or manufacturer	\$50	\$100	\$15 \$30
	(b) Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture	\$50		\$15

Sec. 13. Minnesota Statutes 1974, Section 28A.15, Subdivision 5, is amended to read:

Subd. 5. Persons ~~engaging solely in a~~ whose principal mode of business is licensed under section 157.03; provided that ~~issuance the holding of any license pursuant to section 157.03 shall not exempt any person from the licensing-applicable requirements of section 32.56 and section 34.02~~ the laws and regulations administered by the commissioner, as they relate to composition, standards of identity, adulteration, labeling or misbranding of food.

Sec. 14. Minnesota Statutes 1974, Section 31.101, is amended to ~~Changes or additions indicated by underline deletions by~~ strikeout

read:

31.101 REGULATIONS; HEARINGS; UNIFORMITY WITH FEDERAL LAW. Subdivision 1. The authority to promulgate and amend regulations for the efficient administration and enforcement of the Minnesota food law is vested in the commissioner and is in addition to authority granted in sections 31.10, 31.11, and 31.12. Such regulations when applicable shall conform, insofar as practicable and consistent with state law, with those promulgated under the federal law.

Subd. 2. Hearings authorized or required by law shall be conducted by the commissioner or such officer, agent, or employee as the commissioner may designate for the purpose.

Subd. 3. Federal pesticide chemical regulations and amendments thereto in effect on April 1, ~~1974-1975~~ adopted under authority of the federal act are the pesticide chemical regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 4. Federal food additive regulations and amendments thereto in effect on April 1, ~~1974-1975~~ adopted under authority of the federal act are the food additive regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 5. Federal color additive regulations and amendments thereto in effect on April 1, ~~1974-1975~~ adopted under authority of the federal act are the color additive regulations in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 6. Federal special dietary use regulations and amendments thereto in effect on April 1, ~~1974-1975~~ adopted under authority of the federal act 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.

Subd. 7. Federal regulations and amendments thereto in effect on April 1, ~~1974-1975~~ adopted under the fair packaging and labeling act, 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.

Subd. 8. Applicable federal regulations including recodification contained in Code of Federal Regulations, Title 21, Chapter 1, Parts 0-

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1299, Food and Drugs, in effect April 1, 1975, 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. 15. Minnesota Statutes 1974, Section 31.102, Subdivision 1, is amended to read:

31.102 DEFINITIONS, STANDARDS OF IDENTITY; TEMPORARY PERMITS. Subdivision 1. Federal definitions and standards of identity, quality and fill of container and amendments thereto, in effect on April 1, ~~1974-1975~~ adopted under authority of the federal act, are the definitions and standards of identity, quality and fill of container in this state. Such regulations may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Sec. 16. Minnesota Statutes 1974, Section 31.103, Subdivision 1, is amended to read:

31.103 FAIR PACKAGING AND LABELING PROVISIONS. Subdivision 1. All labels of consumer commodities shall conform with the requirements for the declaration of net quantity of contents of section 4 of the fair packaging and labeling act (15 U.S.C. 1451 et seq.) and federal regulations in effect on April 1, ~~1974-1975~~ promulgated pursuant thereto, except to the extent that the commissioner shall exercise his authority to amend such regulations in accordance with the administrative procedure act. Consumer commodities exempted from the requirements of section 4 of the fair packaging and labeling act shall also be exempt from this subdivision.

Sec. 17. Minnesota Statutes 1974, Section 31.104, is amended to read:

31.104 FOOD LABELING EXEMPTION REGULATIONS. The commissioner shall promulgate regulations exempting from any labeling requirement food which is, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded upon removal from such processing, labeling or repacking establishment.

Federal regulations in effect on April 1, ~~1974-1975~~ adopted under authority of the federal act relating to such exemptions are effective in this state unless the commissioner shall exercise his authority to amend such regulations and he also may promulgate amendments to existing regulations concerning exemptions in accordance with the administrative procedure act.

Sec. 18. Minnesota Statutes 1974, Section 31.31, is amended to read:

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31.31 COMMERCIAL CANNERIES, REGULATION. All commercial canneries ; shall be under the supervision and regulation of the commissioner. For the purpose of sections 31.31 to 31.392, a commercial cannery is defined to mean any place or building where food is received in a raw or partly processed form, except for meats and meat products frozen in retail stores for sale directly to the consumer, for the purpose of canning in hermetically sealed containers and where sterilization by heat is used, or where preservation of vegetable products is accomplished by the use of approved chemical preservatives, sugar, salt or acidity factors introduced as ingredients or additives, or by freezing food for sale as and for food in any other type of vessel, bottle, can, bag, container or other type or form of package, and the products placed on the market for general consumption as human food; but shall not include private homes where farmers or others may pack or preserve vegetables, fruits, fish or other food products for their own use , or a food establishment that processes meat or poultry products under supervision of the U.S. department of agriculture . At such times as the commissioner may deem proper, he shall cause all commercial canneries to be inspected, and shall require the correction of all unsanitary conditions or practices found therein, and may search and enter all cupboards, closets, or any other places in such canneries for the purpose of enforcing the provisions of laws, rules and regulations provided therefor.

Sec. 19. Minnesota Statutes 1974, Section 31.39, is amended to read:

31.39 ASSESSMENTS; INSPECTION SERVICES; COMMERCIAL CANNERIES ACCOUNT. The commissioner is hereby authorized and directed to collect from each commercial cannery an assessment for inspection and services furnished, and for maintaining a bacteriological laboratory and employing such bacteriologists and trained and qualified sanitarians as he may deem necessary. The assessment to be made on each commercial cannery, for each and every packing season, shall not exceed one-half cent per case on all foods packed, canned, or preserved therein, nor shall the assessment in any one calendar year to any one cannery exceed ~~61,500~~ \$2,500 , and the minimum assessment to any cannery in any one calendar year shall be ~~\$50-\$100~~ ; provided, that the amount of the annual license fee collected under section 28A.08 shall be used to reduce the annual assessment for that year. The commissioner shall provide appropriate deductions from assessments for the net weight of meat, chicken, or turkey ingredients which have been inspected and passed for wholesomeness by the United States department of agriculture. The commissioner may, when he deems it advisable, graduate and reduce the assessment to such sum as is required to furnish the inspection and laboratory services rendered. The assessment made and the license fees, penalties, and other sums so collected shall be deposited in the state treasury, as other departmental receipts are deposited, but shall constitute a separate account to be known as the commercial canneries inspection account, which is hereby created, and together with moneys now remaining in

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said account, set aside, and appropriated as a revolving fund, to meet the expense of special inspection, laboratory and other services rendered, as provided in sections 31.31 to 31.392. The amount of such assessment shall be due and payable on or before December 31, of each year, and if not paid on or before February 15 following, shall bear interest after that date at the rate of seven percent per annum, and a penalty of ten percent on the amount of the assessment shall also be added and collected.

Sec. 20. Minnesota Statutes 1974, Section 32.075, is amended to read:

32.075 TERM OF LICENSE; TRANSFERABILITY; FEES AND PENALTIES. Every license issued by the commissioner shall be for a period ending on the thirty-first day of December next following, and shall not be transferable. The fee for each such ~~annual license or renewal thereof shall be \$5~~ initial license shall be \$15 and each renewal thereof shall be \$6 and shall be paid to the commissioner before any license or renewal thereof is issued. If a license renewal is not applied for on or before January 1 of each year, a penalty of 25 percent of the license fee shall be imposed. A person who does not renew his license within one year following its December 31 expiration date, except those persons who do not renew such license while engaged in active military service, shall be required to prove his competency and qualification pursuant to section 32.073, before a license is issued. The commissioner may require any other person who renews his license to prove his competency and qualification in the same manner. All license fees and penalties received by the commissioner shall be paid into the state treasury.

Sec. 21. Minnesota Statutes 1974, Section 32.394, Subdivision 8, is amended to read:

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 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

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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 \$300 per plant and of not less than \$15 nor more than \$30 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.

~~Any processor of milk, milk products or goat milk, other than Grade A who wishes to obtain farm certification, shall make a request to the commissioner for a farm certification inspection. Each processor who requests and receives a farm certification inspection shall pay a fee to the commissioner for the certification of his milk supply. The fee shall be set by the commissioner in an amount that he deems is necessary to meet the cost of the service for farm certification, which fee shall not exceed 50 percent of fees charged for Grade A permits.~~

Sec. 22. Minnesota Statutes 1974, Section 32.394, is amended by adding a subdivision to read:

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 \$50 nor more than \$200. The fee for each set of split samples shall be not less than \$20 nor more than \$50. 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 the effective date of this act shall be issued a permit without having to pay the initial certification fee.

Sec. 23. Minnesota Statutes 1974, Section 32.394, is amended by adding a subdivision to read:

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Subd. 8b. A processor of milk, milk products or goat milk, other than Grade A, who wishes to obtain farm certification, shall make a request to the commissioner for a farm certification inspection. A processor who requests and receives a farm certification inspection shall pay a fee to the commissioner for the certification of his milk supply. The fee shall be set by the commissioner in an amount necessary to meet the cost of the service for farm certification, which fee shall not exceed 50 percent of the fees charged for Grade A permits.

Sec. 24. Minnesota Statutes 1974, Section 32.59, is amended to read:

32.59 NONRESIDENT MANUFACTURER LICENSE. Any person who manufactures frozen foods, mix, ice cream mix, mix base, or ice cream mix base outside of the state, for sale within the state, shall apply for registration with the department of agriculture in such form, and furnish such information, as it may require. Samples of all frozen foods, mix, ice cream mix, mix base, or ice cream mix base, so manufactured for sale and sold within this state, shall be submitted to the department. Each application for registration shall be accompanied by a fee of ~~\$50~~-\$100, which shall constitute the registration fee in case certificate of registration is granted. If the department of agriculture shall find that the samples so submitted are up to the accepted standards, and otherwise comply with the laws of this state, it shall issue to applicant a certificate of registration.

Sec. 25. Minnesota Statutes 1974, Section 34.05, Subdivision 1, is amended to read:

34.05 REGISTRATION BY NONRESIDENT MANUFACTURERS AND DISTRIBUTORS; EXCEPTION. Subdivision 1. Except as provided in subdivision 2, any person who distributes soft drinks or other non-alcoholic 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 non-alcoholic beverages so manufactured for sale and sold within this state shall be submitted. Each application shall be accompanied by a registration fee of ~~\$50~~-\$100, which shall constitute the registration fee in case registration is granted, and one-half of which may be retained to reimburse the state for inspection should registration be refused. If the commissioner shall find that the samples so 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. 26. Minnesota Statutes 1974, Section 34.05, Subdivision 2, is amended to read:

Subd. 2. A distributor need not register if the label of the non-alcoholic beverage offered for sale bears, in addition to all other required information, the identity of a licensed manufacturer. By identity

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is meant:

(a) The actual name and address including the zip code of said manufacturer, or

(b) An identification code or number consisting of the number for the IBM Numerical Code of States representing the state of origin followed by the plant number corresponding to a permanent list of ~~members~~ numbers assigned by the state regulatory agency having jurisdiction. Such number may be printed, embossed, stamped, or perforated on the container label. If the manufacturer cannot be identified because of misuse of the identity code, the product shall be deemed to be misbranded.

Sec. 27. **FEES INCREASED AS LICENSES RENEWED.** The fee or assessment charged a person for a license, permit, certification or other service provided by the department of agriculture shall not be increased as a result of this act until the license, permit, certification or other service requires renewal or the payment of a periodic fee or assessment.

Sec. 28. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved June 4, 1975.

CHAPTER 413—H.F.No.1187

An act relating to the operation of state government; providing for implementation of a state register for official notices by state departments; amending Minnesota Statutes 1974, Section 15.0412, Subdivision 4; and Laws 1974, Chapter 344, Section 9.

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

Section 1. Minnesota Statutes 1974, Section 15.0412, Subdivision 4, is amended to read:

Subd. 4. **STATE GOVERNMENT; STATE REGISTER; IMPLEMENTATION.** No rule shall be adopted by any agency unless the agency first holds a public hearing thereon, following the giving of at least 30 days prior to the hearing of notice of the intention to hold such hearing, by United States mail, to representatives of associations or other interested groups or persons who have registered their names with the secretary of state for that purpose and in the state register as described in section 15.051. Every rule hereafter proposed by an administrative agency, before being adopted, must be based upon a showing of need for the rule, and shall be submitted as to form and le-

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