

CHAPTER 520—H. F. No. 826.

An act abolishing the office of state oil inspector and transferring his powers to the dairy and food commissioner, providing for appointment of a chief oil inspector and deputy oil inspectors, amending sections 3622, 3623, 3625, 3626, 3627, 3628, 3630 and 3631, General Statutes Minnesota 1913, as amended by Chapter 271, Session Laws Minnesota 1915, and Chapter 331, Session Laws Minnesota 1917, all relating to gasoline and illuminating oils, and repealing certain laws relating thereto.

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

Section 1. Abolishing of office of state oil inspector and transferring powers to dairy and food commissioner.—The office of state oil inspector created by chapter 502, General Laws 1909, is hereby abolished, and all its powers, duties and privileges, except insofar as inconsistent herewith, are hereby transferred to and vested in the dairy and food commissioner.

Sec. 2. Dairy and food commissioner to be appointed by governor.—There shall continue to be a dairy and food commissioner charged with the execution of the laws relating to dairy and food products. He shall be appointed by the governor, by and with the consent of the senate, and, after the termination of the term of office of the incumbent at the time this act takes effect, shall hold his office for a term of four years; vacancies shall be filled by the governor for the unexpired term.

Sec. 3. Commissioner to appoint chief oil inspector.—The dairy and food commissioner is hereby authorized to appoint with the consent of the governor a chief oil inspector who shall be in charge and shall administer the division of oil inspection; and shall receive an annual salary of \$2,400. The chief oil inspector shall be a skilled and suitable person with experience and knowledge of petroleum and its by-products, and who is not interested in the manufacture of or dealing in such products. He shall hold office for four years unless sooner removed by the dairy and food commissioner, and in the performance of his duties he shall at all times be subject to the control of and supervision by the dairy and food commissioner.

Sec. 4. 67 inspection districts and deputies, and compensation.—The dairy and food commissioner in conjunction with the chief oil inspector, is hereby authorized to create not to exceed sixty-seven inspection districts in the state. In the creation of said districts due consideration shall be given to important shipping centers. Said commissioner with the advice of the chief oil inspector is hereby authorized to appoint when necessary one deputy for each inspection district so established. He shall take such measures as he deems necessary to prevent duplication of effort by inspectors under his control and to effect economy in the ad-

ministration of the inspection laws, and to that end he shall detail dairy and food inspectors to perform the duties of deputy oil inspectors as far as practicable. The deputy inspectors shall receive compensation on a graded scale based upon their qualifications and the volume of work they perform; such salaries not to be less than one hundred dollars per month, nor to exceed two thousand dollars per annum; and they shall be reimbursed for all expenses necessarily incurred by them in the performance of their official duties; such salaries to be determined by the dairy and food commissioner upon the advice of the chief oil inspector.

Sec. 5. Certain sections made applicable to appointment and removal.—The provisions of section 3635, 3636, 3637 and 3638, General Statutes Minnesota 1913, are hereby extended and made applicable to the appointment and removal of deputy inspectors.

Sec. 6. Application to chief inspector.—Section 3621, General Statutes Minnesota 1913, is hereby extended and made applicable to the office of chief inspector created by this act.

Sec. 7. Requirements for sale of oil.—That section 3622, General Statutes Minnesota 1913, as amended by chapter 271, Session Laws Minnesota 1915, be and the same hereby is amended so as to read as follows:

3622. No person shall sell, or offer for sale, for illuminating purposes, any coal oil, or products thereof, unless the same has been inspected and branded as provided by this act.

All illuminating oils sold or offered for sale in this state shall conform to the following conditions:

1. *It shall be water white.*
2. *It shall not contain glue or suspended matter.*
3. *It shall not contain water.*
4. *It shall not contain more than five per cent of residue, after being distilled at a temperature of not more than 600° Fahrenheit.*
5. *It shall not flash at a temperature below 100° Fahrenheit, nor shall it burn at a temperature below 120° Fahrenheit.*

The instrument to be used in making *illuminating oil* tests shall be the Tagliabue Open Cup and the gravity of said oils shall be determined by the Tagliabue Standard Registered Hydrometer Beaume Scale at a temperature of 60° Fahrenheit.

There shall be printed or stenciled on each tank wagon, sale ticket car, can, cask, barrel or tank covering delivery of oil the following:

"This is to certify that the oil covered by this sale has a gravity test of..... (This blank shall be filled in with the actual gravity test) a distillation 'end point' not over 600° Fahrenheit, and a fire test of not less than 120° and has been inspected and approved by the chief oil inspector."

.....

(Name of person or corporation selling or furnishing same shall be signed, printed or stenciled on the above line.)

Provided, however, that it shall be deemed a full compliance with this act if said label or tank wagon sale ticket shows a Beaume gravity not higher than the actual Beaume gravity of the goods sold as determined by the Tagliabue Standard Registered Hydrometer Beaume Scale at a temperature of 60° Fahrenheit *and a distillation "end point" not higher than 600° Fahrenheit.*

Every person or corporation selling or delivering oil in bulk by means of portable tanks, shall, in lieu of the stamp or brand herein provided for, furnish and deliver to the purchaser a certificate as above set forth.

Sec. 8. Testing of illuminating oil.—That section 3623, General Statutes Minnesota 1913, be and the same is hereby amended so as to read as follows:

3623. The *chief* inspector, or one of his deputies, shall test the quality of all illuminating oils made, offered for sale, or sold in this state, using for that purpose such instructions as prescribed in section 3622. If found to answer the requirements of this act, he shall affix to the receptacle containing the same his brand, showing the date of his inspection, his name and the words "approved," gravity test.....degrees; "*end point*".....degrees. Otherwise he shall in like manner brand the same "unsafe for illuminating purposes." He shall give to the person in possession of such oil a certificate of inspection, reciting the package, number of gallons, result of fire test, and gravity test, "*end point*" and the date of inspection, *and immediately send a copy of such certificate to the office of the divisions of oil inspection.*

Sec. 9. Sec. 3624, G. S. 1913, repealed.—That section 3624, General Statutes Minnesota 1913, be and the same hereby is repealed.

Sec. 10. Specifications for motor gasoline.—That section 3625, General Statutes Minnesota 1913, as amended by chapter 271, Session Laws Minnesota 1915, be and the same is hereby amended so as to read as follows:

3625. For the purpose of this act all gasoline, benzine, naphtha, under whatever name called, held or offered for sale, which may or can be used for illuminating, heating or power purposes, shall be deemed to be subject to the inspection and control as herein provided for; and it shall be unlawful for any person, dealer or vendor to sell or offer for sale any gasoline, benzine or naphtha for any such purpose, that has not been so inspected and approved. *Motor gasoline shall comply with the following specifications:*

Quality.—Gasoline to be high grade, refined and free from water and all impurities.

Inspection.—Before being sold or offered for sale the gasoline shall be inspected. The samples immediately after drawing will be

retained in a clean, absolutely tight closed vessel and a sample for test taken from the mixture in this vessel directly into the test vessel.

Test.—One hundred cubic centimeters shall be taken as a test sample, and these rules shall be followed:

(a) *The initial boiling point must not be higher than 140° Fahrenheit.*

(b) *20 per cent of the sample must distill below 221° F.*

(c) *45 per cent must distill below 300° F.*

(d) *90 per cent must distill below 430° F.*

(e) *The end or dry point of distillation must not be higher than 450° F.*

(f) *After complete distillation the residue shall not be over 3 per cent.*

All gasoline, benzine and naphtha shall be tested as to "end point" and shall be branded "Unsafe for illuminating purposes," and every barrel, cask, or package which contains gasoline, naphtha or benzine shall be labeled or branded with the word "Gasoline," "Naphtha" or "Benzine," as the case may be, in large letters at least two inches in size, and the "end point" thereof shall be printed or stenciled on each barrel, can, cask, tank or other vessel covering deliveries of such gasoline, naphtha or benzine the following:

"This is to certify that the.....(gasoline, naphtha or benzine, as the case may be, shall be inserted in this blank) covered by this sale has an 'end point' of.....(the actual 'end point' test to be inserted in this blank) and has been inspected and approved by the chief oil inspector..... (name of corporation or person selling or furnishing same shall be signed, printed or stenciled on the above line)."

Provided, however, that any person or corporation selling or delivering gasoline, benzine or naphtha in bulk by tanks shall, in lieu of the stamp or brand herein provided for, furnish and deliver to the purchaser a certificate as above set forth.

Provided, however, that it shall be deemed a full compliance with this act if the said label or tank wagon sale ticket shows a distillation "end point" not higher than 450° Fahrenheit.

All visible containers and all devices used for drawing gasoline from underground containers at filling stations, garages, and other places, where gasoline is sold or offered for sale, shall be stamped or labeled in a visible place with two-inch figures showing the "end point" of the contents of such containers and the retail price of same contents.

Sec. 11. Powers given to chief inspector and deputies.—That section 3625, General Statutes Minnesota 1913, as amended by chapter 271, Session Laws Minnesota 1915, be and the same is hereby amended so as to read as follows:

3626. The *chief oil* inspector and his deputies are empowered and it is hereby made their duty to enter into or upon the premises of all wholesale and retail dealers in, or any manufacturer, refiner or vendor of said illuminating oils, gasoline, benzine or naphtha and to inspect the receptacles in which said petroleum products are stored; and it is made the duty of all dealers in such petroleum products to keep such receptacles free from water, dirt or other solid matter; *and when such receptacles are found to contain water, dirt or other solid matter the inspector shall make a written order to have the same properly cleaned, and upon failure of the owner to comply with said order within ten days from the date thereof, the inspector shall confiscate and cause the contents to be destroyed or removed.* And if such inspector shall find or discover on said premises any oil, gasoline, benzine or naphtha, which shall not have been examined or tested and properly marked, stamped, sealed, or branded, he shall at once proceed to test and thereafter mark, stamp, seal or brand the same.

Every agent and employe of any railroad company or other transportation company having the custody of books or records showing the shipment or receipt of the oils, gasoline, benzine or naphtha mentioned in this act shall give and permit the *chief oil* inspector and his deputies free access to such books and records for the purpose of determining the amount of oils, gasoline, benzine, or naphtha shipped and received. Any such agent or employe of any railroad company or other transportation company refusing or neglecting to comply with these provisions shall be guilty of a misdemeanor and shall be punished by a fine not to exceed fifty dollars or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment.

Sec. 12. **Sale of adulterated oils prohibited.**—That section 3627, General Statutes Minnesota 1913, be and the same is hereby amended so as to read as follows:

3627. The sale of any adulterated illuminating oils or gasoline is hereby forbidden and prohibited. The chief inspector and his deputies are not required in every case to make a complete analysis of the oils inspected to ascertain every form of impurities such as sulphur, tar-like matter, but whenever in the opinion of the chief inspector or his deputies it is necessary that any of the oils provided for in this section shall be more thoroughly analyzed, it shall be their duty to procure a sample of such oil and forward same to the chemist of the state dairy and food department, for the purpose of a more detailed analysis to determine in what particular the impurities or imperfections exist. And if upon such analysis it is demonstrated that some other impurities or imperfections exist in said oil not in this act specified, which would render such oil in any way unfit for illuminating purposes, it shall be his duty to reject such oil for such purposes. It shall be the duty of such chemist

to make such analysis without delay and return such sample of oil at the earliest practicable moment to the inspector from whom it was received, together with *the report of his official analysis of the same.*

All clerks, bookkeepers, express agents, railroad agents, or officials, employes or common carriers or other persons, shall render the oil inspectors, chemists or agents all assistance in their power when so requested, in tracing, finding and inspecting such oils.

Sec. 13. *Inspection to occur before unloading.*—That section 3628, General Statutes Minnesota 1913, as amended by chapter 271, Session Laws Minnesota 1915, be and the same is hereby amended so as to read as follows:

3628. Oil, gasoline, naphtha or benzine shipped in tanks or tank cars shall not be unloaded until it is duly inspected, providing such inspection is made within twenty-four hours after the arrival and notice setting forth the number of the car and date of its arrival has been given to the inspector. Each fifty gallons or major fraction thereof shall be considered a barrel in computing the inspection fees. If such oils, gasoline, benzine or naphtha be afterwards placed in barrels the person, firm or corporation so barreling same shall brand each barrel as hereinbefore provided.

Sec. 14. *Fees for inspection.*—That section 3630, General Statutes Minnesota 1913, as amended by chapter 271, Session Laws Minnesota 1915, and chapter 321, Session Laws Minnesota 1917, be and the same is hereby amended so as to read as follows:

3630. The fees for inspecting shall be as follows:

1. For a single barrel or other receptacle containing not more than fifty gallons, forty cents.

2. If more than one and not more than ten such receptacles be inspected at one time and place, twenty-five cents for each.

3. If more than ten, fifteen cents for each additional barrel or receptacle, except as hereinafter provided.

4. Oil, gasoline, naphtha or benzine in tanks or tank cars containing more than fifty barrels, *not to exceed* five cents per barrel.

If the quantity in any one receptacle exceeds one barrel excepting where the same is in tanks or tank cars containing fifty barrels or more, *not more than* five cents shall be charged for each fifty gallons thereof.

Provided, that when oil, gasoline, benzine or naphtha is shipped outside of the state after inspection *has been performed* the firm shipping same shall be given credit by the inspector for such fees, *but that notices of such outshipments, acknowledged and sworn before a notary public is given the chief inspector not later than the tenth day of the following month, or else no such credit shall be given.*

Whenever the chief inspector finds it necessary to check up such outshipments, the firm claiming credit for same shall procure books,

shipping bills, etc., for such outshipments and provide one of its clerks to perform the checking up with an employe of the oil inspection division.

Sec. 15. Payment to be made to state treasurer—Annual report—Salaries and expenses.—That section 3631, General Statutes Minnesota 1913, be and the same is hereby amended so as to read as follows:

3631. It shall be the duty of the *chief* inspector on the *fifteenth* day of each month to certify to the state auditor the money due from any corporation, firm or individual as inspection fees, and the auditor shall forthwith issue his drafts for such amounts and deliver the same to the state treasurer for collection. If any such corporation, firm or individual shall fail to pay such inspection fees within sixty days after the date of the state auditor's draft, the fact of such non-payment shall be certified by the treasurer to the chief inspector, and thereafter no inspection shall be made for such delinquent corporation, firm or individual until said draft is paid.

At the end of each fiscal year, the *chief* inspector shall make an annual report to the governor. All moneys collected hereunder shall be credited to the "oil inspection fund."

On or before the *20th* day of each month the *chief* inspector shall certify to the state auditor the amount due to each of his deputies as compensation for the preceding month; also the items and amounts of all expenses necessarily incurred by him in the performance of his duties, including the cost of blanks, stationery, postage, travel and instruments furnished for testing and branding oils and such salaries and expenses, being duly audited, shall be paid by the state.

Sec. 16. Application.—The provisions of section 3632, General Statutes Minnesota 1913, as amended by chapter 271, Session Laws 1915, are hereby extended and made applicable to this act.

Sec. 17. Inconsistent acts repealed.—All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 18. Effective July 1, 1919.—This act shall take effect and be in force from and after July 1, 1919.

Approved April 25, 1919.

CHAPTER 521—H. F. No. 869.

An act to provide for the payment from state funds of the tuition of non-resident high school pupils.

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

Section 1. Free admission to state high or graded schools.—Any properly qualified pupil resident within the state, insofar as his resident district does not provide high school courses of instruction within the meaning of this act, shall be entitled to