

## CHAPTER 559—S. F. No. 467

[Coded as sections 17.201 to 17.209, 17.211 to 17.218 and 17.29, subd. 4]

*An act to regulate the sale and distribution of mixed fertilizers and fertilizers; providing for the payment of a fee therefor; providing penalties for violation of this act, and repealing Minnesota Statutes 1945, Sections 17.20, 17.21, 17.22 and 17.29, Subdivision 2.*

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

[17.201] Section 1. **Citation.** This act shall be known as the "Minnesota Fertilizer Law of 1949."

[17.202] Sec. 2. **Administration.** This act shall be administered by the Commissioner of Agriculture, Dairy and Food of the State of Minnesota, hereinafter referred to as the "commissioner."

[17.203] Sec. 3. **Definitions.** When used in this act:

(a) The term "person" includes individuals, partnerships, associations, firms and corporations.

(b) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

(c) The term "commercial fertilizer" includes both mixed fertilizer or fertilizer materials.

(d) The term "fertilizer material" means any substance containing nitrogen, phosphoric acid, potash, or any recognized plant food element or compound which is used primarily for its plant food content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

(e) The term "mixed fertilizer" means any combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth, with or without inert materials.

(f) The term "distributor" means any person who offers for sale, sells, barter, or otherwise supplies commercial fertilizers.

(g) The term "sell" or "sale" includes exchange.

(h) The term "grade" means the minimum percentages of total nitrogen, available phosphoric acid, and soluble potash stated in the order given in this paragraph and, when applied to mixed fertilizers, shall be in whole numbers only.

(i) The term "brand" means the name, and other designations under which a commercial fertilizer is distributed in this state.

(j) The term "official sample" means any sample of commercial fertilizer taken by the commissioner or his agent according to methods prescribed by this act.

(k) The term "ton" means a net ton of two thousand pounds avoirdupois.

(l) The term "per cent" or "percentage" means the percentage by weight.

(m) The term "Specialty Fertilizer" means any fertilizer distributed solely for use on crops grown for noncommercial purposes such as gardens, lawns, shrubs, and flowers; and may include fertilizers used for research or experimental purposes.

[17.204] Sec. 4. **Registration of brands; application; information contained in application.** (a) Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold, or distributed in this state. The application for registration shall be submitted in duplicate to the commissioner on forms furnished by the commissioner, and shall be accompanied by a remittance of \$1.00 per brand and grade for a registration fee. Upon approval by the commissioner a copy of the registration shall be furnished to the applicant. All registrations expire on June 30th of each year. The application shall include the following information in the following order:

(1) The name and address of the company or person guaranteeing registration.

(2) The brand and grade.

(3) The guaranteed analysis showing the minimum percentage of plant food in the following order and form:

Total Nitrogen . . . . . —per cent

Available Phosphoric Acid . . . . . —per cent

Soluble Potash . . . . . —per cent

In the case of bone, tankage, and other natural organic phosphate materials, the total phosphoric acid, but not the available, shall be guaranteed. Unacidulated mineral phosphatic materials and basic slag shall be guaranteed and labeled as to available phosphoric acid only, and as to the degree of fineness.

(4) The sources from which the nitrogen, phosphoric acid, and potash are derived.

(5) Additional plant food elements, determinable by chemical control methods, may be guaranteed only by permission of the commissioner with the advice of the director of the experiment station. When any such additional plant food elements are included in the guarantee, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the commissioner.

(6) The commissioner may permit or require the potential basicity or acidity (expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton) to be registered and guaranteed.

(b) The distributor of any brand and grade of commercial fertilizer shall not be required to register the same if it has already been registered under this act by a person entitled to do so and such registration is then in effect.

(c) The plant food content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

[17.205] **Sec. 5. Label upon container.** (a) Any commercial fertilizer offered for sale or sold or distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container the net weight and the data, in written or printed form, required by items: 1, 2, 3, 5, and 6, of paragraph (a) of Section 4 printed either (1) on tags to be affixed to the end of the package midway between the ears or sewed on the end or (2) directly on the package in which case for bags containing 50 pounds or more the grade shall appear also on the end of the package in type that is plainly legible.

(b) If transported in bulk, the net weight and the data, in written or printed form, as required by paragraph (a) of this section shall accompany delivery and be supplied to each and every purchaser.

[17.206] **Sec. 6. Inspection fee.** (a) There shall be paid to the commissioner for all commercial fertilizers offered for sale, sold, or distributed in this state an inspection fee at the rate of five cents per ton: Provided, that products sold to manufacturers or exchange between them are hereby exempted when used exclusively for manufacturing purposes. Fees so collected shall constitute a fund for the payment of the costs of inspection, sampling, and analysis, and other expenses necessary for putting into effect this act.

(b) Payment of the inspection fee levied by paragraph (a) of this section shall be made on the basis of semiannual tonnage reports subscribed and sworn to before a notary, or witnessed by a duly authorized agent of the Department of Agriculture, Dairy and Food, and filed with the commissioner by the person to whom fertilizer registration is issued. The tonnage reports shall cover the semiannual periods ending June 30th and December 31st of each year and shall be filed with the commissioner not later than thirty days (which may be extended on valid reason therefor an additional thirty days, on written request to the commissioner) after the close of each semiannual period. Remittance to cover the inspection fee at the rate prescribed in (a) of this section shall accompany each tonnage report; provided also that each tonnage report shall grant to the commissioner or his authorized agent permission to verify the records upon which such statement of tonnage is based.

[17.207] **Sec. 7. Commissioner, duties of.** (a) It shall be the duty of the commissioner, who may act through his authorized agent, to sample, inspect, make analyses of, and test commercial fertilizers offered for sale, sold, or distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this act, and the commissioner shall have the further authority to obtain such additional information as he may deem advisable. The commissioner, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers subject to the provisions of this act and the rules and regulations thereto.

(b) An official fertilizer sample shall be one drawn from a lot or shipment of fertilizer sold or exposed for sale in this state in the manner prescribed by the commissioner. In sampling a lot of commercial fertilizer packaged in small containers (less than 10 pounds each) a single package may constitute the official sample.

(c) The methods of analysis shall be those adopted by the commissioner from published sources such as those of the association of official agricultural chemists.

[17.208] **Sec. 8. Phosphoric acid, soluble potash; contents requirement.** No superphosphate containing less than eighteen per cent available phosphoric acid nor any mixed fertilizer in which the sum of the guarantee for the nitrogen, available phosphoric acid, and soluble potash totals less than twenty-seven per cent shall be offered for sale, sold or distributed in this state except for complete fertilizers containing one-fourth or more of their nitrogen in water-insoluble form of plant or animal origin, in which case the total nitrogen, available phosphoric acid, and soluble potash need not total more than twenty-four percent. If an acute fertilizer shortage should occur the commissioner shall have the authority to reduce the minimum requirement for mixed fertilizers for the duration of such shortage; provided that the provisions of this section shall not apply to specialty fertilizer which is clearly labeled for non-commercial use.

[17.209] **Sec. 9. Hearings.** The commissioner may, in his discretion, hold a public hearing open to all interested par-

ties, and with the cooperation of the director of the agricultural experiment station, prior to June 30th of each year or as nearly as practicable thereafter, promulgate a list of grades of mixed and specialty fertilizers adequate to meet the agricultural needs of the state. After this list of grades has been established, the commissioner may, with or without a public hearing, authorize the registration of additional grades.

[17.211] **Sec. 10. Misbranded commercial fertilizer; sale prohibited.** A commercial fertilizer is misbranded if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container or in any printed advertising matter issued by the distributor that registered said fertilizer. It shall be unlawful to sell, offer for sale or distribute a misbranded commercial fertilizer in this state.

[17.212] **Sec. 11. Report of sales to commissioner.** Each person registering commercial fertilizers under this act shall furnish the commissioner with a confidential written statement of the tonnage of each grade of fertilizer sold by him in this state. Said statement shall include all sales for the periods of July first to and including December 31st and of January 1st to and including June 30th of each year. The commissioner may, in his discretion, cancel the registration of any person failing to comply with this section if above statement is not made within 30 days from date of the close of each period. The commissioner, however, in his discretion, may grant a reasonable extension of time. No information furnished under this section shall be disclosed in such a way as to divulge the operations of any person.

[17.213] **Sec. 12. Information, publication of.** The commissioner shall publish at least annually, in such forms as he may deem proper, information concerning the sales of commercial fertilizers, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses based on official samples of commercial fertilizers sold within the state as compared with the analyses guaranteed under Sections 4 and 5: Provided, however, that the information concerning production and use of commercial fertilizers shall be shown separately for the periods July 1st to December 31st and January 1st to June 30th of each year, and that no disclosure shall be made of the operations of any person.

[17.214] **Sec. 13. Rules and regulations.** (a) The commissioner is authorized to prescribe and, after public hearing following due public notice, adopt such rules and regulations relating to the manufacture, sale, and distribution of commercial fertilizers as he may deem necessary to carry into effect the full intent and meaning of this act.

(b) The commissioner may invoke regulations governing the labeling and distribution of such liming materials as are sold for agricultural purposes, including: limestones (carbonates), slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Provided, however, that such products are not to be deemed fertilizers subject to the registration and tonnage fees stated in this act.

(c) The commissioner is further authorized to require the registration by manufacturers or jobbers of soil inoculants or products which are sold or distributed for such purposes. The commissioner may also invoke regulations concerning the labeling of these products for specific use with the various legumes.

[17.215] **Sec. 14. Refusal to register; revocation of registration; hearing.** The commissioner is authorized and empowered to cancel the registration of any commercial fertilizer or to refuse to register any brand of commercial fertilizer as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this act or any rules and regulations promulgated thereunder; Provided, that no registration shall be revoked or refused until the registrant shall have been given a hearing by the commissioner.

[17.216] **Sec. 15. Enforcement.** It shall be the duty of the commissioner to issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the commissioner finds said commercial fertilizer is being offered or exposed for sale in violation of any of the provisions of this act or any regulation issued thereunder, until the law has been complied with and said commercial fertilizer is released in writing by the commissioner or said violation has been otherwise legally disposed of by written authority.

[17.217] **Sec. 16. Seizure; court jurisdiction; disposition of seized property.** Any lot of commercial fertilizer not in compliance with the provisions of this act shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of this act and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the character of the commercial fertilizer and the laws of this state; Provided, that in no instance shall the disposition of said commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or for permission to process or relabel said commercial fertilizer under supervision of the commissioner to bring it into compliance with this act.

[17.29] **Sec. 17. Subd. 4. Violations and penalties.**  
(a) Any person convicted of violating any of the provisions of this act or any rule or regulation issued thereunder shall be adjudged guilty of a misdemeanor.

(b) It shall be the duty of each county attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

[17.218] **Sec. 18. Exchange between importer, manufacturer or manipulator.** Nothing in this act shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizers to manufacturers or manipulators who have registered their brands as required by the provisions of this act.

**Sec. 19. Severable.** If any clause, sentence, paragraph, or part of this act shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 20. **Repealer.** Minnesota Statutes 1945, Sections 17.20, 17.21, 17.22 and 17.29, Subdivision 2, are hereby repealed.

Sec. 21. **Effective date.** This act shall take effect and be in force from and after the first day of September, 1949.

Approved April 21, 1949.

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CHAPTER 560—S. F. No. 782

[Not Coded]

*An act fixing and regulating the salary and compensation of judges, clerks, deputy clerks, and employees in the office of the clerk of municipal court in each city of the first class now or hereafter having a population of 450,000 or more, amending Laws 1947, Chapter 443.*

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

Section 1. Laws 1947, Chapter 443, is hereby amended to read as follows:

**Minneapolis municipal court; compensation of clerks and employees.** The annual salary and compensation for clerk of municipal court, deputy clerks and employees in the office of the clerk of municipal court now fixed by law in each city of the first class now or hereafter having a population of 450,000 or more, shall remain as so fixed; except, that for the period commencing January 1, 1947, and continuing from year to year so long as the cost of living index for the City of Minneapolis (as determined by the Bureau of Labor Statistics of the United States Department of Labor) remains above the figure 123.0 on the first day of January of each consecutive year, the salary and compensation of each such employee shall be increased as follows:

Clerk of Municipal Court.....	10	per cent per annum;
Chief Clerk .....	12	per cent per annum;
3 Assistant Chief Clerks.....	12½	per cent per annum;