

pay. If the commissioner finds that the patient is unable to pay the full cost of care he shall make a determination as to the ability of the relatives to pay provided, however, that in no case shall the relatives be ordered to pay more for each patient than ten percent of the cost of care but voluntary payments in excess thereof may be accepted by the commissioner. No parent shall be liable for the cost given a patient at a state hospital after such patient has reached the age of 21 years. Such determination shall be conclusive in any action to enforce payment of the cost of care unless appealed from as hereinafter provided. All money received shall be paid to the state treasurer and placed in the general fund and a separate account kept thereof. Responsibility under this section shall not apply to those relatives earning less than \$4,000 per year.

Sec. 6. Minnesota Statutes 1969, Section 246.54, is amended to read:

246.54 LIABILITY OF COUNTY; REIMBURSEMENT. The patient's county shall pay ~~quarterly~~ annually to the state of Minnesota \$10 for each month or portion thereof the patient spends at a state hospital. Any portion of said amount actually received by the state of Minnesota from the patient and his relatives shall be ~~reimbursed~~ credited to said county. The county shall not be entitled to reimbursement therefor from the patient, his estate or his relatives, except as provided in section 246.53. No such payments shall be made for any patient who was last committed prior to July 1, 1947. ~~Each quarter the commissioner shall notify each county of the amount due under this section.~~

Sec. 7. Minnesota Statutes 1969, Sections 252.041; 252.042; 252.043; 252.044; 252.045; and 252.046 are repealed.

Approved June 1, 1971.

CHAPTER 638—H.F.No.940

[Coded]

An act relating to agriculture; fertilizers, soil conditioners and related materials; providing for the regulation of their manufacture, sale, distribution, labeling, and handling; imposing fees; providing penalties; repealing Minnesota Statutes 1969, Sections 17.201 to 17.219.

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

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Section 1. [17.711] **FERTILIZER AND SOIL CONDITIONER LAW; TITLE.** This act shall be known and cited as the "Minnesota fertilizer and soil conditioner law."

Sec. 2. [17.712] **ENFORCING OFFICIAL.** The commissioner of agriculture shall administer this act.

Sec. 3. [17.713] **DEFINITIONS.** Subdivision 1. When used in this act, the terms defined in this section have the meanings given them.

Subd. 2. "Brand" means a term, design, or trademark used in connection with one or several grades of commercial fertilizers or with soil conditioner materials.

Subd. 3. "Bulk fertilizer" means any commercial fertilizer material distributed in a nonpackaged form.

Subd. 4. "Commercial fertilizer" includes both mixed fertilizer or fertilizer materials.

Subd. 5. "Distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer, or who offers for sale, sells, barter, or otherwise supplies commercial fertilizer or soil conditioner in this state.

Subd. 6. "Fertilizer material" means any substance containing nitrogen, phosphorus, potassium or any recognized plant food nutrient, or any compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

Subd. 7. "Grade" means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis; provided, however, that fertilizer materials, bone meals, manures, and similar raw materials may be guaranteed in fractional units.

Subd. 8. "Guaranteed analysis": (1) Until the commissioner prescribes the alternative form of "guaranteed analysis" in accordance with the provisions of paragraph 2 of this subdivision, the term "guaranteed analysis" shall mean the percentage of plant nutrient content, if claimed, in the following order:

- (a) Total nitrogen percent
- Available phosphoric acid percent
- Soluble potash percent.

(b) For unacidulated mineral phosphatic materials and basic slag, bone, tankage and other organic phosphate materials, the total phosphoric acid or degree of fineness may also be guaranteed.

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(c) Guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by regulation of the commissioner. The guarantees for such other nutrients shall be expressed in the elemental form. The sources of such other elements, oxides, salt, and chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the commissioner and with the advice of the director of the agricultural experiment station. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analyses in accord with the methods and regulations prescribed by the commissioner.

(d) Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton, when required by regulation.

(2) When the commissioner finds, after public hearing following due notice, that the requirement for expressing the guaranteed analysis of phosphorus and potassium in elemental form would not impose an economic hardship on distributors and users of fertilizer by reason of conflicting labeling requirements among the states, he may require thereafter that the "guaranteed analysis" shall be in the following form:

Total nitrogen percent
 Available phosphorus percent
 Soluble potassium percent

The effective date of said regulation shall be not less than one year following the issuance thereof, and provided, further, that for a period of two years following the effective date of said regulation the equivalent of phosphorus and potassium may also be shown in the form of phosphoric acid and potash. After the effective date of a regulation issued under the provisions of this section, requiring that phosphorus and potassium be shown in the elemental form, the guaranteed analysis for nitrogen, phosphorus, and potassium shall constitute the grade.

Subd. 9. "Guarantor" means the person who is guaranteeing the material to be as stated in the guaranteed analysis statement.

Subd. 10. "Mixed fertilizer" means any combination or mixture of fertilizer material designed for use or claimed to have value in promoting plant growth, with or without inert materials.

Subd. 11. "Mobile mechanical unit" means any portable machine or apparatus used to blend, mix, or manufacture fertilizer materials.

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Subd. 12. "Official sample" means any sample of commercial fertilizer or soil conditioner taken by the commissioner or his agent according to methods prescribed by this act.

Subd. 13. "Organic" when applied to fertilizer nutrients refers only to naturally occurring substances generally recognized as the hydrogen compounds of carbon and their derivatives or synthetic products of similar composition whose water insoluble nitrogen content is at least 60 percent of the total nitrogen guaranteed.

Subd. 14. "Percent" or "percentage" means the percentage by weight.

Subd. 15. "Person" includes individuals, partnerships, associations, firms, corporations, companies, and societies.

Subd. 16. "Registrant" means the person who registers commercial fertilizer material or soil conditioner under the provisions of this act.

Subd. 17. "Sell," when applied to commercial fertilizer or soil conditioner, includes:

- (1) The act of selling, transferring ownership;
- (2) The offering and exposing for sale, exchange, distribution, giving away, and transportation in, and into, this state;
- (3) The possession with intent to sell, exchange, distribute, give away or transport in, and into, this state;
- (4) The storing, carrying and handling in aid of traffic therein, whether done in person or through an agent, employee or others; and
- (5) Receiving, accepting, and holding of consignment for sale.

Subd. 18. "Small package fertilizer" means fertilizer material sold exclusively in packages of 25 pounds or less.

Subd. 19. "Soil conditioner" means any aggregant or additive or any synthetic organic chemical substances, or chemically or physically modified natural substances, or naturally occurring substance, or manufacturing by-products, mixed or unmixed, which are represented as having a primary function of forming or stabilizing soil aggregants in soil to which it is to be applied and thereby improving the resistance of such soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, or otherwise favorably modifying its structural or physical properties.

Subd. 20. "Specialty fertilizer" means any commercial fertilizer, distributed primarily for use on crops grown for noncommercial

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purposes such as gardens, lawns, shrubs, golf courses, municipal parks, cemeteries, greenhouses, and nurseries, and may include fertilizers used for research or experimental purposes.

Subd. 21. "Ton" means a net ton of 2,000 pounds avoirdupois.

Subd. 22. "Plant food" means any one of the following plant nutrients or any additional plant nutrient which might be generally recognized as beneficial for plant growth: nitrogen, phosphorus, potassium, calcium, magnesium, sulfur, boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, and zinc.

Subd. 23. "Label" means the display of all written, printed, or graphic matter upon the immediate container or statement accompanying a commercial fertilizer or soil conditioner.

Subd. 24. "Labeling" means all written, printed or graphic matter, upon or accompanying any commercial fertilizer, or soil conditioner, or advertisements, brochures, posters, television, radio, or other announcements used in promoting the sale of such commercial fertilizer or soil conditioner.

Sec. 4. [17.714] **REGISTRATION; RENEWAL.** Subdivision 1. Fertilizer brands and grades sold only as small package items or represented and labeled as specialty fertilizer; and soil conditioners sold with recommendations for commercial agricultural use, shall be registered at the fee set forth in section 7, subdivision 2. Fees paid for registration made in this manner shall be in lieu of any other license or tonnage fees.

Subd. 2. The application for registration shall include the following information:

(a) For fertilizers:

- (1) The name and address of the registrant;
- (2) The brand and grade;
- (3) The guaranteed analysis as required by section 3, subdivision 8;
- (4) The sources from which nitrogen, phosphorus, potassium or other elements or materials are derived.

(b) For soil conditioners:

- (1) The name and address of the registrant;
- (2) The brand name;
- (3) The sources from which the ingredients used in the product are derived.

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Subd. 3. Application for registration of a small package fertilizer or a specialty fertilizer or a soil conditioner shall be accompanied by a label or label facsimile of each product for which registration is requested.

Subd. 4. The commissioner may require a person applying for a license or registration to manufacture or distribute a product for commercial agricultural use to submit authentic experimental evidence, or university research data, to substantiate the claims made for the product.

Subd. 5. Each registration is effective until January 1 next following the date of issuance or approval. A product registration shall not be transferrable from one person to another or from the ownership to whom issued to another ownership; or from one location to another location.

Sec. 5. **[17.715] LICENSE, RENEWAL.** Subdivision 1. A person who manufactures, blends, mixes, or otherwise manipulates commercial fertilizer material shall obtain license from the commissioner for each fixed location within the state where these operations are performed.

Subd. 2. One license for all fixed locations of a firm which are located outside of the state shall be obtained from the commissioner.

Subd. 3. A distributor who manufactures, blends, mixes, or otherwise manipulates commercial fertilizer material by means of a mobile mechanical unit, shall obtain a license for each mobile mechanical unit from the commissioner.

Subd. 4. Each license is effective until January 1 next following the date of its issuance or approval. A license shall not be transferable from one person to another, or from the ownership to whom issued to another ownership, or from one location to another location.

Subd. 5. The license shall be posted in a conspicuous place in each fixed location in this state and shall accompany each mobile mechanical unit operated in this state.

Sec. 6. **[17.716] LABELING; GUARANTEED ANALYSIS.** Subdivision 1. Any commercial fertilizer offered for sale or sold or distributed in this state in bags, or other containers, shall have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information: (a) The net weight; (b) The brand and grade. When the commercial fertilizer material is used solely for agricultural purposes, inclusion of the grade on the tag or label, shall be optional providing the guaranteed analysis statement is shown in the complete form as in section 3, subdivision 8; (c) The guaranteed analysis; (d) The name and address of the guarantor. Such information, if not appearing on the face or

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display side of the container in a conspicuous form, shall appear on the upper one third of the side of the container, or on the upper end of the container or shall be printed on tags affixed conspicuously to the upper end of the container.

Subd. 2. Any distributor who blends or mixes fertilizer materials to a customer's order without a guaranteed analysis of the final mixture shall furnish each and every purchaser, in written or printed form, an invoice or delivery ticket showing the net weight and guaranteed analysis of each and every one of the materials used in the mixture, which shall accompany the delivery.

Subd. 3. If transported or distributed in bulk, the data in written or printed form, as required by subdivision 1 shall accompany each delivery and be supplied to each and every purchaser at time of delivery.

Subd. 4. The plant food content of a given lot must remain uniform.

Sec. 7. [17.717] LICENSE, INSPECTION AND REGISTRATION FEES. Subdivision 1. Each application for a license from each fixed location within the state shall be accompanied by a fee of \$50. A fee of \$50 shall accompany the application for a license for all fixed locations of each firm outside of the state. In the case of mobile mechanical units, each unit owned and operated by any one distributor shall be licensed at a rate of \$50 for the first unit and \$25 for each additional mobile mechanical unit.

Subd. 2. License and registration fees submitted in the period following the effective date of this act and continuing through December 30, 1971, shall be at one and one half times the rates as specified in section 7, subdivisions 1, 3, and 4 and shall extend such license registration to December 31, 1972. New licenses and registration applications received after January 1, 1972, shall be at the rates specified in section 7, subdivisions 1, 3, and 4 and shall expire on December 30 following date of such application.

Subd. 3. Each application for registration of a commercial fertilizer material sold as a small package or as a specialty fertilizer shall be accompanied by a registration and inspection fee of \$50 for each brand and grade to be sold or distributed. This shall be in accordance with the provisions of section 4, subdivision 1.

Subd. 4. Each application for registration of a soil conditioner shall be accompanied by a registration and inspection fee of \$50 for each brand sold or distributed. This shall be in accordance with the provisions of section 4, subdivision 1.

Subd. 5. There shall be paid to the commissioner for all commercial fertilizers offered for sale, sold, or distributed in this

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state an inspection fee at the rate of ten cents per ton. Products sold to manufacturers or exchanged between them are hereby exempted from the fee imposed by this subdivision when used exclusively for manufacturing purposes. Inspection fees of products registered under provisions of section 7, subdivision 2, are also exempted.

Subd. 6. Fees collected shall be deposited in the state treasury to the credit of the general fund. Costs of inspection, sampling and analysis and other services shall be paid from the appropriations made to the department of agriculture.

Sec. 8. [17.718] **TONNAGE REPORT.** Subdivision 1. Each licensed distributor of commercial fertilizer under section 7, subdivision 1, and each registrant of commercial fertilizer or soil conditioner under section 7, subdivision 2, shall file with the commissioner on forms furnished by the commissioner, a semiannual statement for the periods ending December 31 and June 30 setting forth the number of net tons of each grade of commercial fertilizer or soil conditioner distributed in this state during such reporting period. The report shall be due on or before the 30th of the month following the close of each reporting period and upon such statement shall pay the inspection fee at the rate stated in section 7, subdivision 3. The commissioner may by regulation require additional reports for the purpose of gathering statistical data relating to fertilizer distribution in the state.

If the tonnage report is not filed and the payment of inspection fee is not made within 30 days after the end of the reporting period, a collection fee amounting to ten percent, with a minimum of \$10, of the amount shall be assessed against the licensee or registrant, and the total amount of fees due shall constitute a debt and may be recovered in a civil action against the licensee or registrant.

Subd. 2. When more than one person is involved in the distribution of a commercial fertilizer, the last person licensed or who has the fertilizer registered and who distributes to a nonlicensed or nonregistrant dealer or consumer is responsible for the inspection fee, unless the reporting and paying of fees have been made by a prior distributor of the fertilizer.

Subd. 3. Submission of each tonnage report shall also be authority for the commissioner or his authorized agent's permission to verify the records upon which such statement of tonnage is based.

Sec. 9. [17.719] **INSPECTION, SAMPLING, ANALYSIS.** Subdivision 1. The commissioner or his authorized agent shall sample, inspect, make analysis of, and test commercial fertilizers and soil conditioners 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 and soil condition-

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ers are in compliance with the provisions of this act, and may 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 and soil conditioners subject to the provisions of this act and the rules and regulations pertaining thereto.

Subd. 2. An official fertilizer or soil conditioner sample shall be one drawn from a lot or shipment of fertilizer or soil conditioner sold or exposed for sale in this state in the manner prescribed by the commissioner. In sampling a lot of commercial fertilizer or soil conditioner registered under section 4, subdivision 1, a single package may constitute the official sample.

Subd. 3. The methods of analysis shall be those adopted by the commissioner from published sources such as those of the association of official analytical chemists.

Sec. 10. [17.72] **FERTILIZER OR SOIL CONDITIONER-PESTICIDE MIXTURE.** Each distributor who blends, mixes, or otherwise adds pesticides to commercial fertilizer materials or soil conditioners, shall be licensed in accordance with section 5, and shall register such mixture in accordance with the provisions of Minnesota Statutes, Sections 24.069 to 24.077. For reasons of this section, if registrant meets the provisions of Minnesota Statutes, Section 24.069 to 24.077, they shall be exempt from registration provision for custom blending with the use of pesticides.

Sec. 11. [17.721] **PLANT FOOD CONTENT.** Subdivision 1. While the "guaranteed analysis" is as defined in section 3, subdivision 8, paragraph (1), no nitrogen product containing less than 18 percent total nitrogen, no superphosphate containing less than 18 percent available phosphoric acid, nor any mixed dry fertilizer in which the sum of guarantees for the nitrogen, available phosphoric acid, and soluble potash totals less than 24 percent shall be offered for sale, sold or distributed in this state. For all mixed fertilizers containing one fourth or more of their nitrogen in water-insoluble form of plant or animal origin, the total nitrogen, available phosphoric acid and soluble potash shall not total less than 18 percent. If guarantees are as provided in section 3, subdivision 8, paragraph (2), the appropriate conversions shall be made to available phosphorus and soluble potassium.

Subd. 2. The provisions of subdivision 1 shall not apply to specialty fertilizer which is clearly labeled for noncommercial use.

Sec. 12. [17.722] **FALSE OR MISLEADING STATEMENTS.** The commercial fertilizer or soil conditioner is misbranded if it carries a false or misleading statement on the container, on the label

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attached to the container, or if false or misleading statements concerning the fertilizer or soil conditioner are disseminated in any manner or by any means. It is unlawful to distribute a misbranded fertilizer or soil conditioner.

Sec. 13. [17.723] **ADULTERATION.** No person shall distribute an adulterated fertilizer or soil conditioner product. A commercial fertilizer or soil conditioner shall be deemed to be adulterated: (a) If it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to plant life when applied in accordance with directions for use on the label; or (b) If its composition falls below or differs from that which it is purported to possess by its labeling; or (c) If it contains unwanted crop seed or weed seed.

Sec. 14. [17.724] **PUBLICATIONS.** The commissioner shall publish at least annually and in such forms as he may deem proper information concerning the production and distribution of commercial fertilizers and soil conditioners. No disclosure shall be made of the operations of any person.

Sec. 15. [17.725] **RULES AND REGULATIONS.** Subdivision 1. The commissioner is authorized to prescribe and, after public hearing following due public notice, adopt such rules and regulations relating to the manufacture, sale, distribution, tonnage, reporting, labeling, and handling of commercial fertilizers and soil conditioners or other soil additives or amendments as he may deem necessary to carry into effect the full intent and meaning of this act.

Subd. 2. The commissioner may make and publish regulations governing the labeling and distribution of liming materials as are sold for agricultural purposes, including: limestone (carbonates), sulfates, slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products shall not, however, be deemed fertilizers subject to the registration and tonnage fees stated in this act.

Subd. 3. The commissioner may adopt regulations establishing procedures and requirements for certification of soil and plant food testing laboratories operating in or outside of the state for the benefit of state residents. Such regulations shall include but not be limited to standardization of procedures and recommendations relating to application of plant food materials. Basic data and reference material for establishment of such regulations will include but not be limited to findings of the University of Minnesota soil testing laboratory.

Sec. 16. [17.726] **"STOP SALE" ORDERS.** The commissioner shall issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer or soil conditioner when the commissioner finds the commercial fertilizer or soil conditioner is being offered or exposed for

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sale in violation of any of the provisions of this act or any regulation issued hereunder. The owner or custodian to whom the order is addressed shall hold the commercial fertilizer or soil conditioner until the law has been complied with and the commercial fertilizer or soil conditioner is released in writing by the commissioner or the violation has been otherwise legally disposed of by written authority.

Sec. 17. [17.727] SEIZURE, CONDEMNATION, AND SALE. Any lot of commercial fertilizer or soil conditioner 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 the commercial fertilizer or soil conditioner is located. In the event the court finds the commercial fertilizer or soil conditioner to be in violation of this act and orders the condemnation of the commercial fertilizer or soil conditioner, it shall be disposed of in any manner consistent with the character of the commercial fertilizer or soil conditioner and the laws of this state. In no instance, however, shall the disposition of this commercial fertilizer or soil conditioner be ordered by the court without first giving the claimant an opportunity to apply to the court for release of the commercial fertilizer or soil conditioner under supervision of the commissioner to bring it into compliance with this act.

Sec. 18. [17.728] VIOLATIONS. Subdivision 1. The commissioner may cancel the registration of any commercial fertilizer or soil conditioner or refuse to register any brand of commercial fertilizer or soil conditioner as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasion or attempted evasion of the provisions of this act or any rules and regulations promulgated thereunder. No registration shall be revoked until the registrant has been given opportunity for a hearing by the commissioner.

Subd. 2. The commissioner may cancel the license as herein provided upon satisfactory evidence that the licensee has used fraudulent and deceptive practices in the evasion or attempted evasion of the provisions of this section. No license shall be revoked until the licensee has been given opportunity for a hearing by the commissioner.

Subd. 3. Nothing in this act shall be construed as requiring the commissioner or his representative to (1) report for prosecution or (2) institute seizure proceedings or (3) issue a withdrawal from distribution (stop sale) order, as a result of minor violations of this act or when he believes the public interest will be best served by a suitable notice of warning in writing.

Subd. 4. Any person convicted of violating any of the provisions of this act or any rule or regulation issued hereunder, is guilty of a misdemeanor.

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Subd. 5. Each county attorney to whom any violation is reported shall cause appropriate proceedings to be instituted and prosecuted in the district court or other court of competent jurisdiction without delay.

Sec. 19. [17.729] **EXCHANGE BETWEEN MANUFACTURERS.** Nothing in this act shall be construed to restrict or avoid sales or exchanges of commercial fertilizers or soil conditioners to each other by importers, manufacturers, or manipulators who mix fertilizer materials or soil conditioners for sale or as preventing the free and unrestricted shipments of commercial fertilizers or soil conditioners to manufacturers or manipulators who are licensed or have registered their brands as required by the provisions of this act.

Sec. 20. **REPEAL.** Minnesota Statutes 1969, Sections 17.201, 17.202, 17.203, 17.204, 17.205, 17.206, 17.207, 17.208, 17.209, 17.211, 17.212, 17.213, 17.214, 17.215, 17.216, 17.217, 17.218, and 17.219, are repealed.

Sec. 21. **EFFECTIVE DATE.** This act is effective July 1, 1971.

Approved June 1, 1971.

CHAPTER 639—H.F.No.1075

[Coded]

An act adding a new route to the trunk highway system.

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

Section 1. [161.115] **TRUNK HIGHWAYS; ROUTE NO.330.** There is hereby added to the trunk highway system a new route described as follows:

Beginning at a point on Route No. 7 westerly of Lamberton; thence extending into and through the grounds of the Southwest Experiment Station of the University of Minnesota; thence back to a point on Route No. 7.

Approved June 1, 1971.

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