

MINNESOTA STATUTES 1953 ANNOTATIONS

16.23 DEPARTMENT OF ADMINISTRATION

82

and accounting, has the power to prescribe classes of expenditures and revenues, but, in doing so, must act with the advice and assistance of the commissioner of administration and the public examiner. OAG Sept. 19, 1947 (24-A).

16.23 OFFICE SPACE ASSIGNED

The commissioner of administration has authority to provide office space for all state agencies, including the state board of examiners of nurses. Board members are entitled to mileage, compensation, and expenses in attending meetings outside of the city when necessary. OAG Mar. 7, 1949 (905-H).

16.25 COMMISSIONER TO MAKE RULES

In resolving the inconsistency between sections 6.21 and 16.25, the commissioner of administration does not have the power to prescribe classes of expenditures and revenues for the purpose of budget-making and accounting. The duty is imposed upon the state auditor acting with the advice and assistance of the commissioner of administration and the public examiner. OAG Sept. 19, 1947 (24-A).

16.37 INSURANCE OF STATE BUILDINGS; FUEL

Payment of insurance premiums for liability insurance for state employees operating state-owned motor vehicles is authorized by law but such payment for insurance covering motor vehicles owned by state employees is not permissible. OAG Apr. 28, 1953 (980-A-8).

16.531 Obsolete.

16.63 SALARY DEDUCTIONS, AUTHORIZATION

HISTORY. 1951 c 678 s 1.

AGRICULTURE

CHAPTER 17

DEPARTMENT OF AGRICULTURE, DAIRY AND FOOD

17.01 CREATION

HISTORY. 1919 c 444 s 1; 1921 c 78 s 1; 1921 c 495 s 6; 1923 c 261 s 1; 1925 c 426 art 6 s 1; 1925 c 426 art 7 s 1; MS 1927 s 3793, 6023; 1929 c 387; M Supp s 3132, 53.25, 53.26, 53.27½; 1949 c 739 s 6; 1951 c 713 s 4. (6023, 53-27½).

17.01 NOTE

The regulation of the manufacture and sale of dairy products originated with Laws 1885, Chapter 149. The department was headed by a state dairy commissioner. The department of dairy and food was created by Laws 1899, Chapter 295, headed by a state dairy and food commissioner. A department of agriculture, under a commissioner of agriculture, was created by Laws 1919, Chapter 444, with original powers, together with certain powers transferred from the railroad and warehouse commissioners. Under the general consolidation act, Laws 1925, Chapter 426, Article VI, Section 1, created a department of dairy and food headed by a commissioner, and Article VII created a department of agriculture also headed by a commissioner. The two departments were consolidated by Laws 1929, Chapter 387, into one department known as the department of agriculture, dairy, and food, under a single commissioner of agriculture, dairy, and food. The department as such was continued under

MINNESOTA STATUTES 1953 ANNOTATIONS

83

DEPARTMENT OF AGRICULTURE 17.15

the reorganization act of 1939, and the department for the most part controls all activities under Minnesota Statutes, Chapters 17 to 41.

17.02 TRANSFER OF POWERS, DUTIES, AND AUTHORITY

HISTORY. 1925 c 426 art 7 s 1; MS 1927 s 53.26; 1929 c 387; M Supp s 53.27½.

17.03 POWERS AND DUTIES

If, based upon the decision in the case of State ex rel v Chase, 175 M 259, 220 NW 951, the regents of the University do not accept the duties imposed under section 22.51, those duties so imposed may be performed by the department of agriculture, dairy, and food, under the provisions of section 17.03, subdivision 1. OAG Aug. 28, 1947 (618-A-2).

The commissioner of agriculture is required to furnish certain assistance and aid in the formation of cooperative companies. OAG Jan. 31, 1948 (136-B).

Money paid to the department of agriculture, dairy, and food by the federal government on account of services performed and expenses incurred should be credited to either of the appropriation accounts under Laws 1947, Chapter 634, Section 25. The commissioner may determine and specify the account to which the same shall be credited. OAG Sept. 13, 1948 (9-A-3).

The commissioner of agriculture has discretionary power to designate the appropriation fund into which federal funds received through cooperation with federal government shall be deposited. OAG July 7, 1950 (9-A-3).

17.04 ENFORCEMENT OF LAWS; APPOINTEES.

Implied warranty, liability of restaurateur for defective food. 34 MLR 156.

17.05 SALARIES

HISTORY. 1921 c 495 s 7; 1921 c 520 s 1; 1923 c 183 s 1; MS 1927 s 252, 3794.

17.06 EXPENSES

HISTORY. 1913 c 400 s 1; 1915 c 247; 1919 c 316 s 2; 1921 c 520 s 2; MS 1927 s 3795.

17.10 BIENNIAL REPORTS

HISTORY. 1919 c 444 s 8; 1921 c 78 s 7; 1921 c 495 s 6; 1923 c 261 s 6; MS 1927 s 3793, 6028.

17.11 INVESTIGATIONS

Privilege against incrimination. 34 MLR 1, 34.

17.14 DEFINITIONS

HISTORY. 1927 c 252 s 1, 2; 1935 c 100 s 1; 1937 c 420 s 1; M Supp s 6248-1, 6248-2, 10522-4.

17.15 DISCRIMINATION

The business of purchasing fats from slaughter houses and butcher shops is not within the purview of the anti-discrimination law. OAG May 12, 1950 (136-H).

When a nonresident purchases cream at a price differing from what resident creameries are required to pay, the resident creameries may meet the competitive price. OAG Nov. 19, 1952 (135-A-3).

17.202 DEPARTMENT OF AGRICULTURE

84

17.202 ADMINISTRATION

HISTORY. 1949 c 559 s 2.

17.203 DEFINITIONS

HISTORY. 1949 c 559 s 3.

If manure is processed by drying, dehydrating, sterilizing, or grinding, such fertilizer comes within the purview of Laws 1949, Chapter 559. Unmanipulated animal and vegetable manures in their natural state and not processed in any way do not come within said Chapter 559. OAG Oct. 30, 1953 (136).

17.204 BRANDS; REGISTRATION

HISTORY. 1949 c 559 s 4.

17.205 LABELS

HISTORY. 1949 c 559 s 5.

17.206 INSPECTION FEE

HISTORY. 1949 c 559 s 6.

17.207 COMMISSIONER, DUTIES

HISTORY. 1949 c 559 s 7.

17.208 PHOSPHORIC ACID, SOLUBLE POTASH

HISTORY. 1949 c 559 s 8.

17.209 HEARINGS

HISTORY. 1949 c 559 s 9.

17.211 MISBRANDED COMMERCIAL FERTILIZER

HISTORY. 1949 c 559 s 10.

17.212 SALES, REPORT

HISTORY. 1949 c 559 s 11.

17.213 INFORMATION, PUBLICATION

HISTORY. 1949 c 559 s 12.

17.214 RULES

HISTORY. 1949 c 559 s 13.

17.215 REFUSAL TO REGISTER

HISTORY. 1949 c 559 s 14.

17.216 ENFORCEMENT

HISTORY. 1949 c 559 s 15.

17.217 SEIZURE OF PROPERTY

HISTORY. 1949 c 559 s 16.

MINNESOTA STATUTES 1953 ANNOTATIONS

85

DEPARTMENT OF AGRICULTURE 17.37

17.218 EXCHANGES

HISTORY. 1949 c 559 s 18.

17.23 CONSERVATION OF CERTAIN WILD FLOWERS

HISTORY. 1925 c 409 s 1, 2, 3; MS 1927 s 10522-1, 10522-2, 10522-3; 1935 c 100 s 1, 2.

17.24 ENFORCEMENT

HISTORY. 1919 c 444 s 3; Ex1919 c 47 s 4; 1921 c 78 s 3; 1923 c 261 s 3; 1927 c 252 s 5; MS 1927 s 6025, 6244; M Supp s 6248-5.

17.27 ANNUAL REPORTS BY CERTAIN CORPORATIONS

HISTORY. 1907 c 293 s 2; MS 1927 s 7831; 1933 c 330 s 1.

17.29 VIOLATIONS; PENALTIES

HISTORY. 1915 c 251 s 4; 1927 c 252 s 7; 1941 c 371 s 6; 1949 c 559 s 17; 1949 c 559 s 20; (3899, 6248-7).

17.30 APPLES, STANDARD GRADES

HISTORY. 1941 c 371 s 1; 1953 c 94 s 1.

17.34 COMMON CARRIERS, SALE OF CIGARETTES ON CARS

The duties of the commissioner of agriculture, dairy, and food, under section 17.34 are not affected by the provisions of Laws 1947, Chapter 619. OAG Dec. 12, 1947 (829-C-6).

17.35 RAISING DOMESTIC FUR-BEARING ANIMALS

HISTORY. 1947 c 226 s 1-9.

Products of fur-bearing animals classed as agricultural products. 33 MLR 33.

It is among the duties of the commissioner of agriculture, dairy and food, to license mink, chinchilla, karakul, marten and fisher farms; all other fur farms are licensed by the commissioner of conservation. OAG Nov. 12, 1947 (210-B-6).

17.36 STANDARDS AND GRADES FOR HONEY

HISTORY. 1953 c 210 s 1-4.

17.37 DEPUTY COMMISSIONER; SALARY PROVISIONS

HISTORY. 1953 c 714 s 1.