

No. 111, S.]

[Published August 1, 1945.]

CHAPTER 516.

AN ACT to repeal 94.64 (2) and 94.65 (2); to renumber 94.64 (3) to be 94.64 (2) and 94.65 (1) to be 94.65; to amend 94.65 as renumbered and to create 20.60 (35) and 94.665 of the statutes, relating to the manufacture, sale and distribution of agricultural lime, providing penalties, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.60 (35) of the statutes is created to read:
20.60 (35) ADMINISTRATION OF SECTION 94.665. On January 1, 1946, for the fiscal year ending June 30, 1946, \$1,500, and annually beginning July 1, 1946, \$3,000 for the administration of its functions under section 94.665.

SECTION 2. 94.64 (2) of the statutes is repealed.

SECTION 3. 94.64 (3) of the statutes is renumbered 94.64 (2).

SECTION 4. 94.65 (2) of the statutes is repealed.

SECTION 5. 94.65 (1) of the statutes is renumbered 94.65 and amended to read:

94.65 The department shall analyze all such samples and publish the results of such analysis in a bulletin or report before the * * * next April 1. Every manufacturer, importer, agent or seller of any such fertilizer, or culture of micro-organisms or other material shall pay annually to said department for each brand thereof sold within this state the sum of \$25, and upon doing so and complying with the other provisions of law shall receive from it a certificate of such compliance which shall be a license for the sale of each brand thereof within the state for the calendar year for which such fee is paid. No person shall sell or expose for sale any commercial fertilizer * * * or culture of micro-organisms or material used for fertilizing purposes which is within the provisions of section 94.64 without complying with the foregoing provisions or which contains a substantially smaller percentage of fertilizing constituents than is indicated by the printed statement thereon.

SECTION 6. 94.665 of the statutes is created to read:

94.665 SALE OF AGRICULTURAL LIME; LICENSE; PENALTY. (1)
Unless the context requires otherwise:

(a) "Agricultural lime" for the purposes of this section, includes and means ground, crushed, or pulverized limestone used for liming soils, which limestone contains all of the finer material produced in the grinding process. Quick lime, hydrated lime, marl, wood ashes, paper mill sludge, beet sugar factory waste, mine tailings, limestone screenings, gypsum and other industrial by-products are not included in the definition of "agricultural lime."

(b) "Person" means an individual, firm, association, corporation, or county.

(2) No person shall engage in the business of selling or distributing agricultural lime in this state without first obtaining a license therefor from the department of agriculture unless he is engaged in the business of selling or distributing such product produced by another already licensed to do business under this section.

(3) Application for license shall be made upon blanks furnished upon request by the department and shall state the applicant's name and business address, the exact location of places of manufacture of his products, a description of the products which are to be sold, and such other information as the department may require. An application may be amended upon written notice from the applicant.

(4) Each application shall be accompanied by a fee of \$10.

(5) Licenses to engage in the selling or distribution of agricultural lime shall expire on December 31 next following date of issue.

(6) (a) Every person engaged in the business of selling or distributing agricultural lime, shall furnish each purchaser on final delivery of a lot or order of agricultural lime a written statement showing total amount delivered in tons and the grade thereof as defined in paragraph (b). Each vehicle transporting agricultural lime not sold on a scale weight basis shall have plainly marked thereon the ton weight capacity when level full, assuming for the purpose of this provision that a ton of agricultural lime occupies 20 cubic feet. A written statement setting forth the grade of the agricultural lime being transported shall accompany each vehicle when making delivery.

(b) "Grade A agricultural lime" designates a product of which at least 90 per cent passes a standard 8 mesh sieve and either at least 50 per cent passes a standard 60 mesh sieve or at

least 30 per cent passes a standard 100 mesh sieve and has a minimum neutralizing value of 85 per cent. "Standard grade agricultural lime" designates a product of which at least 80 per cent passes a standard 8 mesh sieve and either at least 35 per cent passes a standard 60 mesh sieve or at least 20 per cent passes a standard 100 mesh sieve and has a minimum neutralizing value of 80 per cent and gives a figure equal to or in excess of 0.72 when the percentage neutralizing value expressed decimally is multiplied by the percentage, expressed decimally, passing an 8 mesh sieve. "Substandard grade agricultural lime" designates a product which does not meet the minimum specifications of "standard grade agricultural lime."

(c) All weights as called for under paragraph (a) shall be expressed on the basis of not more than 8 per cent of moisture. For the purposes of the specifications in paragraph (b), neutralizing value means the percentage calcium carbonate equivalent expressed on the oven dry basis. In addition to the grade designation, the actual screen analysis and neutralizing value may be given. Any misleading representation on the written statement of guarantee is unlawful.

(7) The department shall enforce the provisions of this section by inspectors, chemical analyses, and other appropriate methods, but all samples shall be taken from the operating mill, and for such purposes employes and agents of the department shall have free access during business hours to all places of business, buildings, and vehicles used in the manufacture, transportation, sale or storage of agricultural lime.

(8) The department may revoke a license, after reasonable notice, only for willful failure to comply with any of the provisions of this section and in the event the license is revoked the licensee may have the order of revocation reviewed by the circuit court of the county wherein the producing plant is located and the review by the court shall be of all questions therein whether of fact or law; any such appeal must be taken within 20 days of the date of the service of the order of revocation upon the licensee.

(9) Any person that shall sell, offer or expose for sale, or have in his possession with intent to sell any agricultural lime in violation of any of the provisions of this section shall forfeit to the state an amount not to exceed \$50 for the first violation and not

to exceed \$200 for any subsequent violation.

SECTION 7. This act shall take effect January 1, 1946.

Approved July 30, 1945.

No. 240, S.]

[Published August 1, 1945.

CHAPTER 517.

AN ACT to renumber 208.14 to be 208.14 (1) and 208.33 to be 208.33 (1); to amend 208.01 (1), 208.12 and 208.14 (1), as renumbered, and to create 201.24 (5), 208.14 (2), 208.27 and 208.33 (2) of the statutes, relating to mutual benefit societies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 201.24 (5) of the statutes is created to read:

201.24 (5) This section shall apply to mutual benefit societies.

SECTION 2. 208.01 (1) of the statutes is amended to read:

208.01 (1) Any corporation, society, order or association, without capital stock, organized and carried on solely for the mutual benefit of its members or their beneficiaries and having a lodge system with ritualistic form of work and representative form of government, and which makes provision for the payment of death, * * * disability, *annuity or endowment* benefits, or *any combination of such benefits*, * * * is hereby declared to be a "Mutual Benefit Society," which shall be held to be synonymous with a "Fraternal Benefit Society." Domestic societies licensed to do business in this state as mutual benefit societies on May 1, 1911, shall be considered within this subsection.

SECTION 3. 208.12 of the statutes is amended to read:

208.12 Every mutual benefit society shall invest its funds only in securities permitted for the investment of the assets of life insurance companies *subject to all of the conditions and restrictions of the statutes applicable thereto, including section 201.24*; but any such foreign society may invest its funds in accordance with the laws of the state in which it is incorporated; provided that not exceeding 20 per cent of * * * *the assets of any society* may be invested in a building for use * * * as its home office.

SECTION 4. 208.14 of the statutes is renumbered 208.14 (1) and amended to read: