

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved April 20, 1939.

CHAPTER 306—S. F. No. 844

An act relating to compensation for occupational diseases of firemen under the Workmen's Compensation Law; and to amend Mason's Minnesota Statutes of 1927, Section 4327, Subsection (9).

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

Section 1. **Occupational diseases of firemen.**—That Mason's Minnesota Statutes of 1927, Section 4327, Subsection (9), be and the same hereby is amended by adding thereto, under the respective columns, the following:

"24. The following occupational diseases due to the hazards of fire fighting, myocarditis, coronary sclerosis, and pneumonia or its sequelae in firemen.

24. Active duty with organized fire department."

Approved April 20, 1939.

CHAPTER 307—S. F. No. 939

An act relating to agricultural seeds and amending Mason's Minnesota Statutes of 1927, Section 3957-2 and 3957-3, as amended.

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 3957-2, is hereby amended so as to read as follows:

"3957-2. **Subdivision 1. Powers of commissioner of agriculture — rules and regulations — investigations — access to premises, etc.**—The commissioner of agriculture is hereby authorized and it shall be his duty to execute this law and to that

end he may make and enforce such rules and regulations as in his judgment shall be necessary. He shall investigate the subject of weed seeds and other matters pertaining to seeds and to that end may require information from county agents, dealers in agricultural seeds, transportation companies, local weed inspectors and experiment stations as to the presence of inert matter and of weed seeds or any other foul seeds and their control in the localities where such officials or persons reside or have jurisdiction. He or his agents or assistants may enter and have free access at all reasonable hours upon and into any premises or structure to make examination of any seeds, whether such seeds are upon the premises of the owner of such seeds or on other premises, or in the possession of any warehouse, elevator or railway or other transportation company and upon the tendering of payment therefor at the current value thereof, may take any sample or samples of such seed.

Subd. 2. Complaints of violations—hearings.—For the purpose of enforcing the provisions of this act, the commissioner shall have the authority either on his initiative or upon *complaint* being filed with him for any alleged violation of the provisions of this act or any rule or regulation issued thereunder, or upon information furnished by an inspector of the department of agriculture, to hold hearings and conduct such investigations as he may deem advisable. He shall have and is hereby granted full authority to issue subpoenas requiring the attendance of witnesses before him of books, papers and other documents, articles or instruments and to compel the disclosure by such witnesses of all facts known to them relative to the matter under investigation. He shall have full authority to administer oaths and to take testimony; and may make a report thereon, which report shall be prima facie evidence of the matters therein contained. All parties disobeying the orders or subpoenas issued hereunder by the commissioner shall be guilty of contempt as in proceedings in district courts of the state and may be punished in like manner.

Subd. 3. No action against commissioner.—No action or claim for damages shall be allowed or shall be sustainable against the commissioner or anyone acting for him or by his authority in respect to the enforcement of this section.

Subd. 4. State seed laboratory.—A state seed laboratory shall be maintained for the purpose of examining seeds for specific purity, kinds and amounts of inert matter and of weed seeds and for making germination tests and any other seed studies deemed by the commissioner as advisable.

Subd. 5. Samples for examination, etc.—Any person of this state may, in accordance with the rules and regulations of the commissioner and by prepaying the transportation charges and such fees as hereinafter mentioned, send a sample or samples of seed to the state seed laboratory or to the commissioner for examination, analysis and determination and receive a report of such examination, analysis or determination when completed. Said report shall constitute and be a certificate of the state seed laboratory giving results of such examination, analysis or determination of said seed sample and said certificate shall be presumptive evidence of the facts therein stated.

Subd. 6. Fees for tests.—The commissioner is authorized and it is hereby made his duty to collect a fee or fees as herein provided for making tests, analysis or determinations of seeds and the amount of such fee or fees shall be received by him before any report of seeds examined shall be given to the person sending the same. Except that any person may send as many as *five* such samples during any one year and receive report of same after examination has been made, without paying the required fee. All fees and moneys collected shall be deposited in the state treasury, as other departmental receipts are deposited, but shall constitute a separate account known as the "seed act account" which is hereby created, set aside and appropriated as a revolving fund to assist in meeting the expense of inspection, laboratory and other services rendered as herein provided.

Subd. 7. Schedule of fees.—The fee or fees to be paid as herein referred to for each and every germination test *shall be 25 cents for corn, peas, beans, cereals and all such larger seeds, and 30 cents for alfalfa, clover, timothy and similar seeds, and 40 cents for blue grass, fescues and similar smaller grass seeds.*

For pure-seed analysis and determination the fee or fees shall be:

(1) 25 cents each for wheat, oats, barley, rye, emmer, vetch and buckwheat.

(2) 50 cents each for *millet, sudan grass, alfalfa, red clover, sweet clover, rape, timothy, rye grass, slender wheat grass, alsike clover and all similar seeds and for mixtures of any seeds hereinbefore in subdivision 7 (2) named.*

(3) One dollar each for white clover, all mixtures of

clovers, orchard grass, and wheat grass, and all uncleaned seeds.

(4) Two dollars each for Kentucky blue grass, redtop, and bent grasses, and all lawn grass mixtures.

For the purpose of carrying out the provisions of this section, the commissioner shall designate the proper charge to be made for seeds not herein mentioned and sent him for test, analysis and determination.

Subd. 8. Violation of law — hearings — prosecutions. — When by analysis or otherwise it shall be made to appear that any person has violated any of the provisions of this act or any rule or regulation issued thereunder, it shall be the duty of the commissioner to notify said person in whose possession the seed in question was found or the owner thereof, if known, and designate a time and place for a hearing for receiving evidence as to such alleged violation. After such hearing or upon failure of said person to appear at the time and place fixed therefor, the commissioner may transmit the facts so found to the attorney general and it shall be the duty of the attorney general, or in the discretion of the commissioner, he may act through the county attorney of the county in which said violation was committed, whose duty it shall then be to forthwith institute proceedings and prosecute the same against the person charged with such violation. It is hereby made the duty of the county attorney to prosecute any and all such cases submitted to him by the commissioner or the attorney general.

Sec. 2. Law amended.—Mason's Minnesota Statutes of 1927, Section 3957-3, as amended by Laws 1929, Chapter 137, is hereby amended so as to read as follows:

"3957-3. Subdivision 1. Labels for packages—contents —weed seed tolerance.—The owner or person in possession of each and every package, parcel or lot of agricultural seed as herein defined, which contains one pound or more of such agricultural seed, whether in package or in bulk, shall affix thereto in a conspicuous place on the exterior of the container of such agricultural seed a written or printed label in the English language in legible type or copy not smaller than eight point heavy Gothic caps; such label shall contain a statement specifying:

(a) The commonly accepted name of the kind or kinds of such agricultural seed; if the name of a special variety or strain of such seed is used, it must be the true name of such special variety or strain.

(b) The approximate percentage germination test made of such agricultural seed together with the date of said test of germination.

(c) The approximate total percentage by weight of weed seeds of all species and the name and approximate number per pound of agricultural seeds of each of the kinds of weed seeds hereinafter specified, whenever the total number of any or all of such kinds exceeds ten per pound of agricultural seeds: Quack grass (*argropyron repens*), canada thistle (*carduus arvensis*), perennial sow thistle (*conchus arvensis*), dodders (*cuscuta* supp.), leafy spurge (*euphorbia esula*), ox eye daisy (*chrysanthemum leucanthemum*), and buckhorn plantain (*plantago lanceolata*); provided, that whenever such weed seeds are found in number not exceeding ten of all kinds in the aggregate per pound of agricultural seeds, the word "trace" together with the name of each and every kind of weed seeds so found shall appear on the label.

(d) The approximate percentage by weight of the agricultural seed exclusive of inert matter, weed seeds and of other agricultural seeds, which are distinguishable by their appearances.

(e) If such agricultural seed is grown in this state, the words "grown in Minnesota" and in the case of corn, the name of the county in which grown, and if not grown in this state, the name of the state or country in which such corn was grown, and in the case of clovers and alfalfa seeds, when any portions thereof are from countries other than the United States, the name of the country where grown, and such seeds shall bear the coloring designated by the "federal seed act" of 1912 as amended April 26, 1926.

(f) The full name and address of the seedsman, importer, dealer or agent or other person selling, offering or exposing for sale said agricultural seed. It shall be unlawful for any person to expose seed for sale or any sample representing seed for sale for which ownership or responsibility is not acknowledged.

Subd. 2. Violations.—It shall be unlawful for any person to sell, offer or expose for sale or distribution in this state or to have in possession with intent to sow, any agricultural seed or mixtures of agricultural seeds for seeding purposes when:

(1) Such agricultural seed contains any one or all of the noxious weed seeds named in *this* section, *subdivision 1 (c)*, in

excess of 25 such weed seeds per pound or such agricultural seed contains ten or more seeds of leafy spurge (*euphorbia esula*), perennial pepper grass (*lepidium draba*), horse nettle (*solanum carolinense*), or australian field cress (*roripa* or *radicula austriaca*).

(2) Such agricultural seed contains two or more per cent by weight of all other weed seeds.

(3) Such agricultural seed shall contain no seeds of creeping jennie (*convolvulus arvensis* L.).

(4) It shall be unlawful for any person to sell to the consumer, offer or expose for sale any screenings of any name or nature that have not been devitalized by grinding sufficiently fine to destroy all weed seeds, or otherwise devitalize them.

Subd. 3. Commissioner to fix percentage of weed seed allowable.—The commissioner may fix the weed seed content allowable in the case of any agricultural seeds, when in his judgment the character of such seeds preclude the removal of certain weed seeds to a two per cent basis as *herein* defined.

Approved April 20, 1939.

CHAPTER 308—S. F. No. 1134

An act relating to taxation of gasoline; and amending Mason's Minnesota Statutes of 1927, Section 2720-81.

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

Section 1. Taxation of gasoline.—Mason's Minnesota Statutes of 1927, Section 2720-81, is hereby amended so as to read as follows:

"2720-81. Neither this act nor any of the provisions hereof shall apply to or be construed to apply to foreign or interstate commerce, except in so far as the same may be permitted under the Constitution and the laws of the United States.

No tax shall become due hereunder on account of gasoline until the same shall have come to rest in this state and is held for sale, distribution or use therein, or on account of gasoline exported from this state; *provided, however, that no tax shall become due hereunder on account of gasoline brought into the state by boat or barge or other like form of transportation and delivered at a marine terminal in this state for storage, or*