

parties to any divorce or annulment action where such divorce or annulment is denied.

[518.67] **Sec. 14. Application.** This act shall not apply to any case in which there has heretofore been entered a judgment of divorce or annulment.

Section 15. Minnesota Statutes 1949, Sections 518.19 to 518.23 [,] inclusive [,] are hereby repealed.

Approved April 20, 1951.

CHAPTER 552—S. F. No. 756

[Coded as Sections 21.47 to 21.58]

An act to regulate the sale, offering or exposing for sale agricultural seeds; providing for labeling of same; providing penalties for the violation thereof; appropriating money therefor, and repealing Minnesota Statutes 1949, Section 21.01, Subdivisions 1 to 13 inclusive, and Subdivisions 19 to 24 inclusive, Sections 21.02 to 21.101 inclusive, and 21.21 to 21.24 inclusive.

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

Section 1. Minnesota Statutes 1949, Section 21.01, Subdivisions 1 to 13 inclusive and subdivisions 19 to 24 inclusive, Sections 21.02 to 21.101 inclusive, and 21.21 to 21.24 inclusive, are repealed.

[21.47] **Sec. 2. Definitions.** Subdivision 1. **Terms.** When used in this act the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Person.** "Person" includes an individual, partnership, corporation, company, society, association, and firm.

Subd. 3. **Sell.** "Sell", when applying to agricultural seed and screenings and samples thereof, shall be construed as including:

- (a) the act of selling, transferring ownership;
- (b) the offering and exposing for sale, exchange, distribution, giving away, and transportation in, and into, this state;
- (c) the having in possession with intent to sell, exchange, distribute, give away or transport in, and into, this state;
- (d) the storing, carrying and handling in aid of traffic therein, whether done in person or through an agent, employee or others, and
- (e) receiving, accepting and holding on consignment for sale.

Subd. 4. **Label.** "Label" includes tag or other device attached to or written, stamped, or printed on any container or lot of bulk seeds purporting to set forth the kind of seeds therein contained, or any other information in relation thereto, and includes invoices under which any seed is imported into the state.

Subd. 5. **Agricultural seeds.** "Agricultural seeds" includes the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, and mixtures of such seeds.

Subd. 6. **Weed seeds.** "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious-weed seeds.

Subd. 7. **Noxious-weed seeds.** "Noxious-weed seeds" includes prohibited noxious-weed seeds and restricted noxious-weed seeds as they are defined in subdivisions 8 and 9.

Subd. 8. **Prohibited weed seeds.** "Prohibited weed seeds" are those weed seeds which are prohibited from being present in any agricultural seed. They are the seeds of perennial weeds such as not only reproduce by seed, but also spread by underground reproductive parts such as roots and rootstocks, and above ground reproductive parts such as runners and stolons. The prohibited weed seeds are seeds of

Canada thistle (*Cirsium arvense* Scop.), field bindweed (*Convolvulus arvensis* L.), leafy spurge (*Suphorbia esula* L.), perennial pepper grass (*Lepidium draba* L.), perennial sow thistle (*Sonchus arvensis* L.), Russian knapweed (*Centaurea repens* L.) and quack grass (*Agropyron repens* L.), which are highly destructive and difficult to control in this state by ordinary cultural practices.

Subd. 9. Restricted weed seeds. "Restricted weed seeds" are those weed seeds which, if present in agricultural seed, shall be named on the label together with the number per ounce or pound of seed specified and which shall not exceed the legal limit. They are seeds of such weeds as are objectionable in fields, lawns and gardens of this state, and can be controlled by good cultural practice and use of herbicides. Restricted weed seeds are seeds of buckhorn plantain (*Plantago lanceolata* L.), dodder (*Cuscuta* spp.), Frenchweed (*Thlaspi arvense* L.), hoary alyssum, (*Berterea incana* DC.), horse nettle (*Solanum carolinense* L.), and wild mustard (*Brassica arvensis* L.).

Subd. 10. Additions, subtractions. The commissioner may by regulation add to or subtract from the list of seeds included under the definition set forth in subdivision 8 or in subdivision 9 whenever he finds that such additions or subtractions are within the respective definitions.

Subd. 11. Kind. "Kind" means one or more related species or subspecies, which singly or collectively is known by one common name, for example, wheat, oats, sweet clover.

Subd. 12. Advertisement. "Advertisement" means any representation, other than on a label, disseminated in any manner or by any means, relating to seed within the scope of this act.

Subd. 13. Purity. "Purity" means agricultural seed exclusive of inert matter and all other seeds not of the kind of seed being considered.

Subd. 14. Germination. "Germination" means a seed showing growth of a plumule (stem) and radicle (root) which are commonly accepted as evidence that under normal environment would produce a mature plant.

Subd. 15. **Screenings.** The word "screenings" means chaff, florets, immature seed, weed seeds, inert matter and other foreign material removed in any way from any seeds or grains in any kind of cleaning or processing, or obtained from weedy fields or from any other source, which contains less than 50 per cent agricultural seeds or grains.

Subd. 16. **Hybrid seed corn.** "Hybrid seed corn" shall be seed of the first generation of a cross involving two, three, or four different inbred lines of corn or their combinations, and shall be restricted to seed of single crosses, three-way crosses, and double crosses, these in turn being defined as follows:

(1) **Single cross.** The first generation of a hybrid between two inbred lines.

(2) **Three-way cross.** The first generation of a hybrid between a single cross and an inbred line.

(3) **Double cross.** The first generation of a hybrid between two single crosses.

Subd. 17. **Vendor.** The word "vendor" means any person who sells agricultural seed not grown on his own farm.

Subd. 18. **Cereals.** The word "cereals" means and includes seeds of wheat, rye, oats, barley, spelts or emmer, and buckwheat.

[21.48] **Sec. 3. Containers of agricultural seed, labels.** Each container of agricultural seed which is sold for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label in the English language, giving the following information:

(1) Commonly accepted name of (A) kind, or (B) kind and variety, of each agricultural seed component in excess of five per cent of the whole, and the percentage by weight of each in the order of its predominance.

(2) Lot number or other lot identification.

(3) Origin, if known, of alfalfa, red clover, and field corn. If the origin is unknown, that fact shall be stated.

(4) Percentage by weight of all weed seeds, which shall not exceed one per cent.

(5) The name and number of each kind of restricted noxious-weed seeds. (A) Per ounce in *Agrostis* species (red top and bent grass), *Agropyron* species (wheat grass), alfalfa, Bermuda grass, brome grass, clovers (Alsike, crimson, red, sweet, ladino, birdsfoot trefoil, and white), Dallis grass, fescues, flax, foxtail, millet, lespedezas, orchard grass, *Poa* species (blue grass), reed canary grass, Rhodes grass, rye grass and other agricultural seeds of similar size and weight, or mixtures within this group and (B) per pound in barley, buckwheat, oats, proso, rye, sorghum, sudan grass, vetches, wheat and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group or between members of this group and members of any other group.

(6) Percentage by weight of agricultural seeds (which may be designated as "other crop seeds") other than those required to be named on the label.

(7) Percentage by weight of inert matter.

(8) For each named agricultural seed:

(A) Percentage of germination, exclusive of hard seed.

(B) Percentage of hard seed, if present.

(C) The calendar month and year the test was completed to determine such percentages.

(9) Name and address of the person who labeled the seed, or who sells the seed within this state or in lieu thereof a code number which has been registered with the commissioner.

(10) A hybrid seed corn label shall also state:

(A) Whether the corn is the product of a single cross, a three-way cross, or a double cross, or a blend of these.

- (B) The state in which it was grown.
- (C) The variety name.
- (D) The number of days as determined by the Minnesota Experiment Station of growing season necessary from emergence of the corn plant of said variety above ground to maturity in the zone or zones in Minnesota to which said variety is adapted.

[21.49] Sec. 4. **Unlawful acts.** Subdivision 1. **Sale of agricultural seed in certain cases.** It is unlawful for any person to sell agricultural seed within this state if

(a) The test to determine the percentage of germination required by section 3 shall not have been completed within a nine-month period, immediately prior to such sale, exclusive of the calendar month in which the test was completed;

(b) It is not labeled in accordance with the provisions of this act, or contains a false or misleading label;

(c) False or misleading advertisement has been used in respect to its sale;

(d) It contains prohibited noxious-weed seeds;

(e) It contains restricted noxious-weed seeds in excess of two seeds per ounce, or 25 seeds per pound in those agricultural seeds as set out in section 3, clause (5);

(f) It contains more than one per cent by weight of all weed seeds.

Subd. 2. It is unlawful for any person:

(a) To detach, alter, deface, or destroy any label provided for in this act or in the rules and regulations of the commissioner made pursuant to this act, or to alter or substitute seed, in a manner that may defeat the purposes of this act;

(b) To disseminate any false or misleading advertisement concerning agricultural seed in any manner or by any means;

(c) To hinder or obstruct any authorized person in the performance of his duties under this act;

(d) To fail to comply with a "stop-sale" order;

(e) To use on any label, advertisement or literature in connection with the name or description of any seed the word "type";

(f) To plant any agricultural seed which the person knows contains weed seeds and noxious-weed seeds in excess of the limits given in this act for such seed;

(g) To sell to the consumer, or to feed any screenings of any name or nature from threshing machines, seed hullers, seed cleaners, weedy fields, or from any other source which have not been devitalized by grinding sufficiently fine or otherwise devitalized to destroy the weed seeds in excess of allowable limits, except that dealers who are not equipped with the necessary machinery or other facilities to devitalize the screenings as required, may sell whole screenings to consumers for feeding purposes, upon written permit from the commissioner, which shall be issued by the commissioner only if the consumer has the necessary machinery and facilities to devitalize said screenings, and the consumer shall so devitalize such screenings before using them for feed.

[21.50] Sec. 5. Sections 21.48 and 21.49, when not to apply. Subdivision 1. Certain seeds. The provisions of sections 3 and 4 do not apply

(a) to seed or grain not intended for sowing purposes;

(b) to seed in storage in or consigned to a seed cleaning or processing establishment for cleaning or processing, but any labeling or representation made with respect to the uncleaned or unprocessed seed is subject to the provisions of this act.

Subd. 2. Penalties not to apply. No person is subject to the penalties of this act by reason of having sold or offered or exposed for sale in this state any agricultural seeds which were incorrectly labeled or represented as to kind, variety, or origin, if such seeds cannot be identified by examination, and if he has obtained an invoice or grower's declaration giving kind,

or kind and variety, and origin, if required, and has taken normal precautions to determine the identity of the seed to be as represented.

[21.51] **Sec. 6. Commissioner; powers, duties.** Subdivision 1. **Enforcement.** The commissioner shall enforce and carry out the provisions of this act.

Subd. 2. **Test seeds.** The commissioner and his assistants, and county weed and seed inspectors, as directed by him shall sample, inspect, make analysis of and test agricultural weeds sold within this state for sowing purposes at such time and place and to such extent as he deems necessary to determine whether such seeds and screenings comply with the provisions of this act. He shall promptly notify the person, firm, or corporation who transported, sold or offered or exposed such seed or screenings for sale of any violation of the provisions of this act, or any rule or regulation promulgated thereunder.

Subd. 3. **Rules.** The commissioner shall adopt rules and regulations governing the methods to be used in sampling, inspecting, analyzing, testing, and examining agricultural seed and screenings, and the weed seed tolerances to be followed in the administration of this act, which shall be in general accord with officially prescribed practice in interstate commerce, and such other rules and regulations as are necessary to secure the efficient enforcement of this act.

Subd. 4. **Entry upon premises.** For the purpose of carrying out the provisions of this act, the commissioner and his assistants, and the county weed and seed inspectors under his direction, may enter upon any public or private premises during regular business hours in order to have access to those seeds and screenings which are subject to this act and the rules and regulations promulgated thereunder.

Subd. 5. **Stop-sale orders.** The commissioner may issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural seed, which the commissioner finds to be in violation of any of the provisions of this act, which shall prohibit further sale of such seed until the commissioner has evidence that the law has been complied with. Such seed shall be removed from the place in which it is found only upon a release issued by the commissioner, which

release shall be issued by him upon a showing that the seed is being removed for the purpose of making it comply with the provisions of this act, or otherwise destroyed for seeding purposes.

In respect to seeds which have been denied sale, as provided in this subdivision, the owner or custodian of such seeds shall have the right to appeal from such order to a court of competent jurisdiction where the seeds are found, praying for judgment as to the justification of said order and for the discharge of such seed from the order prohibiting the sale in accordance with the findings of the court. The provisions of this clause shall not be construed as limiting the right of the commissioner to proceed as authorized by other sections of this act.

Subd. 6. **Seed laboratory.** The commissioner shall establish and maintain a seed laboratory for seed testing, employing qualified persons for such work.

Subd. 7. **Purity and germination tests.** The commissioner shall provide for purity and germination tests of seeds and identification of seeds and plants for farmers, dealers and others. He may prescribe rules and regulations governing such testing and identification; and may establish and collect suitable charges for testing and identification in excess of the number of free tests and identifications allowed. Every resident of this state shall be entitled to five free tests and identifications each year.

Subd. 8. **Cooperation with U.S. Department of Agriculture.** The commissioner shall cooperate with the United States Department of Agriculture in seed law enforcement.

[21.52] **Sec. 7. Court, jurisdiction to prevent use of seed for growing purposes.** Upon the recommendation of the commissioner any court of competent jurisdiction in the area in which the seed is located shall cause the seizure and subsequent denaturing, processing, or destruction to prevent the use for sowing purposes of any lot of agricultural seed found to be prohibited from sale under the provisions of this act, or under any rule or regulation adopted under this act; provided, that in no instance shall the denaturing, processing, or destruction be ordered without first having given the claimant of said seed an opportunity to apply to said court for the release of said seed.

[21.53] Sec. 8. **Stamps or tags; permits** Subdivision 1. **Furnishing stamps or tags.** For the purposes of defraying the costs of inspection of agricultural seeds in this state, the commissioner shall furnish tags or stamps in form and character as shall be adequate for the purposes and in the manner hereinafter described.

Subd. 2. **Attaching stamps or tags to seed containers.** It shall be the duty of every vendor selling, offering or exposing agricultural seed, except cereals, for sale in Minnesota to have attached to each original container thereof, except of uncleaned seed, a tag or stamp prescribed and prepared by the commissioner and sold to the vendor at the prices described in subdivision 3, provided that the cost of all such tags or stamps attached to containers of seed shall be added to the selling price of the seed by all wholesalers thereof. Provided, however, that seed sold by one wholesaler to another wholesaler need not have the sales tag attached.

Subd. 3. **Prices for stamps or tags.** The prices to be paid by vendors for the tags or stamps shall be at the following rates:

- 100 to 160 pound containers—5 cents each
- 60 to 90 pound containers—4 cents each
- 30 to 59 pound containers—3 cents each
- 15 to 29 pound containers—2 cents each
- ½ to 14 pound containers—1 cent each

Subd. 4. **Permits; issuance, revocation.** The commissioner is authorized, at his discretion and under such rules and regulations as he may promulgate, to issue permits on application therefor, to any person to sell in Minnesota agricultural seeds which conform to and are labeled under the provisions of this act, without the use or attachment of tags or stamps purchased from the commissioner; provided such person furnishes to the commissioner quarterly statements of all seeds sold in Minnesota, which statement shall be itemized to show the number of each class of containers referred to in subdivision 3 of this section, and such person shall pay the total fee due thereon at the same rate as the cost thereof would be for tags or stamps provided for in subdivision 3 of this section. Statements shall be furnished for the quarterly periods ending December 31, March 31, June 30 and September 30 of each

year. They shall be delivered to the commissioner not later than 30 days after the end of each of said quarterly periods, and the fees due shall be paid to the commissioner not later than 30 days following the end of each quarterly period. Any person to whom permits are granted shall show as part of their analysis labels on all agricultural seeds the permit number, and such additional information in connection therewith as the commissioner shall require. The commissioner or his authorized agents shall have the right at all reasonable times to examine the records of applicants to verify the correctness of their statements.

[21.54] **Sec. 9. Corn, growing zones.** Subdivision 1. **Established.** It shall be the duty of the director of the Agricultural Experiment Station of the University of Minnesota to determine, establish and number or otherwise identify, corn growing zones of the state and to determine and publish for each zone so established the approximate number of days growing season necessary for corn from emergence of the corn plants above ground after planting to maturity.

Subd. 2. Field corn varieties; registration, fee. A record of each hybrid seed field corn variety to be tested for days necessary for maturity, or to be sold, including the zone in Minnesota in which it is to be tested or to which it is adapted shall be registered by February 1 of each year by the originator or owner thereof with the commissioner, and for each such registration the commissioner shall collect a fee of \$15.00. Annually thereafter the originator or owner shall by February 1 apply for and receive from the commissioner a renewal of such registration for a fee of \$15.00 each for the first two years of renewal, and \$2.00 each for every year thereafter during which any hybrid seed corn of said varieties is to be sold in Minnesota. The number or name used to designate any hybrid seed field corn in the registration thereof shall be the only variety name of all seed corn covered by or sold under such registration and renewal thereof.

Subd. 3. Tests of field corn varieties. After the registration of any variety, the director of the Minnesota Experimental Station shall test the same for one year and annually thereafter at his discretion in the appropriate zones and determine the number of days necessary for maturity. To assist in defraying the expenses of the Experiment Station in making such tests, there shall be transferred annually from the seed act account to the Agricultural Experiment Station the sum of \$9,000.

Subd. 4. **Sale prohibited in.** No variety of hybrid seed corn shall be sold in Minnesota for which the number of days required for maturity has not been determined by the director of the Agricultural Experiment Station by not less than one year's test. The commissioner, with the approval of the director of the Agricultural Experiment Station, may waive for one growing season the requirement of state testing as to new varieties of hybrid seed corn not previously sold in the state, if satisfied as to the correctness of the rating placed thereon by the originator or owner. No variety shall be barred from sale for which one year's test has been conducted by the experiment station and which has been properly filed with the commissioner.

[21.55] Sec. 10. **Seed act account.** All fees collected in the seed laboratory under section 6, subdivision 7, from the sale of seed sale tags and stamps or from permits issued under section 8, and from hybrid seed corn registrations and renewals under section 9, subdivision 2, and any other fees and income received in the administration of this act 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 and set aside and appropriated for the purpose of defraying the expenses of administering and enforcing this act.

[21.56] Sec. 11. **Commissioner may alter requirements in emergencies.** In the event of acute shortages of any seed or seeds, or the happening of other conditions which, in the opinion of the commissioner, creates an emergency which would make impractical the enforcement of any requirement of this act relating to the percentage of purity and weed seed content of any seed or seeds, the commissioner is authorized and empowered to temporarily change and alter any requirement relating to percentage of purity and weed seed content for the duration of such emergency.

[21.57] Sec. 12. **Promulgation of rules.** The commissioner may promulgate all rules and regulations which he deems necessary for the proper enforcement of this act.

[21.58] Sec. 13. **Violations; penalties; reports.** Subdivision 1. **Violations, penalties.** Any person violating any of the provisions of this act or any of the rules or regulations promulgated by the commissioner under this act shall be guilty of a misdemeanor for the first offense; and, upon con-

viction, shall be fined not more than \$100 or by imprisonment for not more than 60 days; upon the second or any subsequent conviction such person shall be guilty of a gross misdemeanor and shall be fined not less than \$50.00 nor more than \$500 or by imprisonment for not more than six months.

Subd. 2. Reports of violations. It shall be the duty of every prosecuting officer to whom the commissioner shall report any violation of this act or of any of the rules and regulations promulgated thereunder to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case provided.

Sec. 14. This act shall be effective on and after July 1, 1951.

Approved April 20, 1951.

CHAPTER 553—S. F. No. 786

An act relating to the commitment of persons to the youth conservation commission; amending Minnesota Statutes 1949, Section 260.125, Subdivisions 13, 14.

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

Section 1. Minnesota Statutes 1949, Section 260.125, Subdivision 13, is amended to read:

260.125 Subd. 13. **Prisoner committed to commission, probation.** After a certificate has been filed with the clerk of the district court of any county, as provided in subdivision 11, and except as hereinafter provided, the district court of such county shall commit to the commission every person convicted of a felony or gross misdemeanor, who is found to be less than 21 years of age at the time of his apprehension and who is not sentenced to imprisonment for life, or in a county jail for 90 days or less, or to a fine only. This commitment shall be for the maximum term provided by law for the crime for which the person was convicted. *Such clerk of court shall deliver to the sheriff a certified commitment in duplicate*