

Became law without governor's signature.
Filed March 31, 1967.

CHAPTER 132—S. F. No. 12

[Not Coded]

An act making deficiency appropriations from the income tax school fund for school aids for certain purposes.

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

Section 1. **Education; school aids; deficiency appropriation.** There is appropriated from the income tax school fund in the state treasury the sum of \$12,998,548 for fiscal year 1967 to supplement the appropriation for aid to schools made by Laws 1965, Chapter 809, Section 12.

Sec. 2. This deficiency results from deficiencies chargeable to fiscal year 1964 in the amount of \$4,705,660 and fiscal year 1965 in the amount of \$8,292,888 which were paid from appropriations made for subsequent years.

Sec. 3. This act is in effect from and after its final enactment.

Approved March 31, 1967.

CHAPTER 133—S. F. No. 462

[Coded in Part]

An act relating to seeds; regulating the sale, offering, or exposing for sale of certain seeds; prescribing certain fees; amending Minnesota Statutes 1965, Sections 21.47, Subdivision 5, and by adding new subdivisions; 21.48; 21.49, Subdivisions 1 and 2; 21.50, Subdivision 2; 21.51, Subdivisions 2, 3, 5, and 6; 21.52; and 21.53.

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

Section 1. Minnesota Statutes 1965, Section 21.47, Subdivision 5, is amended to read:

Subd. 5. **Seeds; regulation of sale; agricultural seeds.** "Ag-

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gricultural seeds" includes the seeds of grass, forage, cereal, *oil*, and fiber crops, *seeds of vegetables grown for processing*, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, and mixtures of such seeds.

Sec. 2. Minnesota Statutes 1965, Section 21.47, is amended by adding a new subdivision to read:

Subd. 18a. Oil crops. Oil crops shall include but not be limited to flax and soybeans, except that corn shall not be considered an oil crop at any time.

Sec. 3. Minnesota Statutes 1965, Section 21.47, is amended by adding a new subdivision to read:

Subd. 21. Tree and shrub seeds. The term "tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this state.

Sec. 4. Minnesota Statutes 1965, Section 21.48, is amended to read:

21.48 **Labels, agricultural seed containers.** Each container of agricultural *and tree and shrub* seed which is sold, offered for sale, or exposed for sale, or transported within the state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information, which statement shall not be modified or denied in the labeling or on another label attached to the container:

(a) For all seeds named and treated, as defined in section 21.47, for which a separate label may be used:

(1) A word or statement indicating that the seed has been treated.

(2) The commonly accepted, coined, chemical or abbreviated chemical (generic) name of the applied substance.

(3) If the substance in the amount present with the seed is harmful to human or other vertebrate animals a caution statement such as "Do not use for food or feed or oil purposes." The caution for mercurials and similarly toxic substances shall be a poison statement or label.

(4) *The net weight of the seed, to appear either on the container or on the tag.*

(b) For agricultural seeds:

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(1) Commonly accepted name of (A) kind, or (B) kind and variety, of each agricultural seed component in excess of five percent 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 percent.

(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, lespe-dezas, 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.

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- (B) The state in which it was grown.
- (C) The variety name.

(D) For each grain variety of hybrid seed field corn, the zone and day classification as determined by the originator or owner. Said day classification shall approximate the number of days of growing season necessary from emergence of the corn plant of said variety above ground to maturity and shall conform to the day classification established by the director of the Minnesota agricultural experiment station for the designated zone. If recommended for other than grain production, the tag or label shall state "for forage" and carry the approximate zone classification. For the purposes of this section, silage blends shall be considered for grain production.

(c) *For tree and shrub seeds:*

(1) *The common name of the kind of seed.*

(2) *The scientific name of the genus and species to which the kind belongs, and, for those kinds which belong to subspecies, the name of the subspecies.*

(3) *The lot number or other lot identification.*

(4) *The specific locality, state and county in the United States or nearest equivalent political unit in case of foreign countries, in which seed was collected.*

(5) *The elevation in feet above sea level at which the seed was collected.*

(6) *The calendar year in which the seed was collected.*

(7) *The name and address of the person who labeled the seed or who sells, offers, or exposes the seed for sale within this state.*

(8) *For those kinds of seed for which standard testing procedures are prescribed:*

(A) *The percentage by weight of pure seed.*

(B) *The percentage of germination exclusive of hard seed.*

(C) *The percentage of hard seed, if present.*

(D) *The calendar month and year seed was tested to determine the above percentages.*

(E) *Each person whose name appears on the label as handling tree and shrub seeds subject to the provisions of Minnesota Statutes, Sections 21.47 to 21.58 shall keep for a period of two years*

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complete records of each lot of tree and shrub seeds handled and keep for one year a file sample of each lot of seed after final disposition of the lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the commissioner of the state department of agriculture and the director of the Minnesota agricultural experiment station or their agents during customary business hours.

Sec. 5. Minnesota Statutes 1965, Section 21.49, Subdivision 1, is amended to read:

21.49 Unlawful acts. Subdivision 1. **Agricultural seed, sale.** It is unlawful for any person to sell agricultural *or tree and shrub* seed within this state if

(a) The test to determine the percentage of germination required by section 21.48 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 sections 21.47 to 21.58, 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 21.48, clause (5);

(f) It contains more than one percent by weight of all weed seeds;

(g) It is represented to be certified seed unless it has been produced, processed and labeled in compliance with the rules and regulations of an official or officially recognized seed certification agency.

Sec. 6. Minnesota Statutes 1965, Section 21.49, Subdivision 2, is amended to read:

Subd. 2. **Miscellaneous violations.** It is unlawful for any person:

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

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

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

(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 such sections for such seed.

Sec. 7. *Minnesota Statutes 1965, Section 21.50, Subdivision 2*, is amended to read:

Subd. 2. **Penalties not to apply.** (a) No person is subject to the penalties of such sections 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.

(b) *No person shall be subject to the penalties of sections 21.47 to 21.58 for having sold or offered or exposed for sale tree or shrub seeds which were incorrectly labeled or represented as to subspecies, locality or collection, elevation at which collected, or year of collection, unless he has failed to obtain an invoice, genuine declaration, or other labeling information and to take such other precautions as may be reasonable to insure the accuracy of these statements as shown on the label.*

Sec. 8. *Minnesota Statutes 1965, Section 21.51, Subdivision 2*, is amended to read:

Subd. 2. **Test seeds.** The commissioner and his assistants, and county agricultural inspectors, as directed by him, shall sample, inspect, make analysis of and test agricultural *and tree and shrub* seeds 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 such sections. He shall promptly notify the person, firm, or corporation who transported, sold or offered or exposed such seed or screenings for

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sale of any violation of the provisions of such sections, or any rule or regulations promulgated thereunder.

Sec. 9. Minnesota Statutes 1965, Section 21.51, Subdivision 3, is amended to read:

Subd. 3. **Rules.** The commissioner shall adopt rules and regulations governing the methods to be used in sampling, inspecting, analyzing, testing, and examining agricultural *and tree and shrub* seed and screenings, and the weed seed tolerances to be followed in the administration of such sections, 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 such sections.

Sec. 10. Minnesota Statutes 1965, Section 21.51, Subdivision 5, is amended to read:

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 *and tree and shrub* seed, which the commissioner finds to be in violation of any of the provisions of such sections, 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 such sections, 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 otherwise authorized in sections 21.47 to 21.58.

Sec. 11. Minnesota Statutes 1965, Section 21.51, Subdivision 6, is amended to read:

Subd. 6. **Seed laboratory.** The commissioner shall establish and maintain a seed laboratory for seed testing, employing such agents and assistants as are necessary to execute the requirements of the agricultural *and tree and shrub* seed sections of this chapter, none of whom, except those who are employed on a regular full time

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basis, shall come within or be governed by the provisions of section 43.01 et seq. The compensation for the unclassified employees shall be paid on the basis of a rating and salary scale as determined by the director of civil service.

Sec. 12. Minnesota Statutes 1965, Section 21.52, is amended to read:

21.52 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 *and tree and shrub* seed found to be prohibited from sale under the provisions of sections 21.47 to 21.58, or under any rule or regulation adopted thereunder. 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.

Sec. 13. Minnesota Statutes 1965, Section 21.53, is amended to read:

21.53 Stamps or tags; permits. Subdivision 1. **Furnishing stamps or tags.** For the purposes of defraying the costs of inspection of agricultural *and tree and shrub* 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. *The provisions of this section do not apply to a person licensed under Minnesota Statutes, Section 31.33.*

Subd. 2. **Attaching stamps or tags to seed containers.** It shall be the duty of every vendor selling, offering or exposing agricultural *and tree and shrub* 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. Seed sold by one wholesaler to another wholesaler need not have the sales tag attached.

Subd. 3. **Fees.** ~~The price fee to be paid by vendors for the tags or stamps shall be determined from the following schedule of fees:~~

(a) *Fees for stamp or tags:*

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100 to 160 pound container7 cents
60 to 99 pound container6 cents
30 to 59 pound container5 cents
15 to 29 pound container4 cents
½ to 14 pound container3 cents

(b) *Fees on cereal grains and oil crops of flax and soybeans and seeds of vegetables grown for processing under the permit system shall be:*

<i>Cereals: Each 100 pounds</i> 1 cent
<i>Peas, flax and soybeans: Each 100 pounds</i> 3 cents

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 *and tree and shrub* seeds which conform to and are labeled under the provisions of sections 21.47 to 21.58, 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, 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. 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 *and tree and shrub* 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.

Sec. 14. *This act is effective on July 1, 1968.*

Approved March 31, 1967.

CHAPTER 134—S. F. No. 673

[Not Coded]

An act relating to St. Louis county; providing for appointment of special investigator and validating prior appointment and payment of compensation and expenses.

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