

agreement must be entered into and executed prior to the day of solemnization of marriage.

Subd. 3. An antenuptial contract or settlement which by its terms conveys or determines what rights each has in the other's real property and sets forth the legal description of the real estate granted or affected by the agreement may be filed or recorded in every county where any real estate so described is situated, in the office of the county recorder for the county or in any public office authorized to receive a deed, assignment or other instrument affecting the real estate, for filing or recording.

Subd. 4. Any antenuptial contract or settlement not recorded in the office of the county recorder or other public office authorized to receive the document, where the real property is located, shall be void as against any subsequent purchaser in good faith and for a valuable consideration of the same real property, or any part thereof, whose conveyance is first duly recorded, and as against any attachment levied thereon or any judgment lawfully obtained at the suit of any party against the person in whose name the title to the property appears of record prior to recording of the conveyance.

Subd. 5. An antenuptial contract or settlement duly acknowledged and attested shall be prima facie proof of the matters acknowledged therein and as to those matters, the burden of proof shall be and rest upon the person contesting the same.

Subd. 6. This act shall apply to all antenuptial contracts and settlements executed on or after August 1, 1979.

Subd. 7. Nothing in Minnesota Statutes, Sections 519.01 to 519.101, shall be construed to affect antenuptial contracts or settlements.

Sec. 2. **REPEALER.** Minnesota Statutes 1978, Section 519.08, is repealed.

Approved May 3, 1979.

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#### CHAPTER 68—H.F.No.768

*An act relating to agriculture; changing certain fees and expenses; eliminating certain bonding requirements; revising antifreeze registration procedures; adopting certain federal food regulations; amending Minnesota Statutes 1978, Sections 17B.13, Subdivision 1; 21.54, Subdivisions 2 and 3; 24.25, Subdivision 2; and 31.101, Subdivision 8; repealing Minnesota Statutes 1978, Sections 17B.08; 17B.09; and 21.114.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 17B.13, Subdivision 1, is amended to read:

17B.13 **WEIGHERS, RESTRICTIONS, BONDING.** Subdivision 1. The  
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commissioner shall appoint at each designated export terminal point weighers as may be necessary to control the weighing of all grain received at or shipped from each designated export terminal point, except when the shipment is specifically exempted by the administrator of the federal grain inspection service. ~~Said~~ These weighers shall have the supervision or control of the other weighing of grain at other terminal points when requested by the operator of the facility desiring the service. ~~Every weigher shall give bond to the state in the sum of \$5,000 conditioned for the faithful discharge of his duty.~~

Sec. 2. Minnesota Statutes 1978, Section 21.54, Subdivision 2, is amended to read:

Subd. 2. **FIELD CORN VARIETIES; REGISTRATION FEE.** A record of each hybrid seed field corn grain variety to be sold in Minnesota shall be registered by February 1 of each year by the originator or owner thereof with the commissioner. The annual fee for ~~such~~ registration shall be ~~\$45~~ \$22.50 per variety. The record shall include the permanent designation of the hybrid as well as the day classification and zone of adaptation, as determined under subdivision 1, which the originator or owner declares to be the zone in which ~~said~~ the variety is adapted. In addition, at the time of the first registration of a hybrid seed field corn grain variety, the originator or owner shall include a sworn statement that his declaration as to the zone of adaptation was based on actual field trials in ~~said~~ that zone and that ~~such~~ field trials substantiate ~~his~~ the declaration as to the day and zone classifications to which the variety is adapted. The number or name used to designate any hybrid seed field corn grain variety in the registration thereof shall be the only variety name of all seed corn covered by or sold under ~~such~~ that registration.

Sec. 3. Minnesota Statutes 1978, Section 21.54, Subdivision 3, is amended to read:

Subd. 3. **FIELD CORN, TESTS OF VARIETIES.** If the commissioner needs to verify that a hybrid seed field corn grain variety is adapted to the corn growing zone declared by the originator or owner, it must, when grown in several official comparative trials by the director of the Minnesota agricultural experiment station in the declared zone of adaptation, have an average kernel moisture at normal harvest time which does not differ from the average kernel moisture content of three or more selected standard varieties adapted for grain production in that particular growing zone by more than four percentage points. If a new variety when tested has more than six percentage points of moisture over the standard variety, it must have the maturity increased by five days in the correct zone of adaptation before it can be sold the second year. If it does not exceed the standard varieties by more than five percentage points of moisture the second year tested it can be sold the third year with the same maturity. If upon being tested the third year the moisture percentage points are found to be over the four percentage points allowed, the variety then must have the maturity increased by five days in the correct zone. The varieties to be used as standard varieties for determining adaptability to a zone shall be selected for each zone by the director of the Minnesota agricultural experiment station with the advice and consent of the commissioner of agriculture. Should a person, firm, originator, or owner of a hybrid seed field corn grain variety wish to offer his hybrid seed for sale or distribution in this state, ~~such~~ a ~~the~~ person, firm, originator, or owner not having distributed any of his products in Minnesota during the past 10 years, or not having any record of testing by an agency acceptable to the commissioner, then after registration of ~~such~~ the variety the commissioner is required to have ~~such~~ the variety

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tested for one year by the director of the Minnesota experiment station before it may be distributed in Minnesota. Should any person, firm, originator, or owner of a seed field corn grain variety be convicted of two successive violations of Extra Session Laws 1961, Chapter 6, with respect to the declaration of maturity date and zone number, then ~~such~~ the violator must commence a program of pretesting for varieties as determined by the commissioner. The list of varieties to be used as standards in each growing zone shall be sent by the commissioner not later than February 1 of each year to each seed firm registering hybrid varieties with the commissioner as of the previous April 1. To assist in defraying the expenses of the Minnesota agricultural experiment station in carrying out the provisions of this section, there shall be transferred annually from the seed act account to the agricultural experiment station the sum of ~~\$25,000~~ \$35,000.

Sec. 4. Minnesota Statutes 1978, Section 24.25, Subdivision 2, is amended to read:

Subd. 2. Each application for registration shall be accompanied by an inspection fee of \$30 for each product for which registration is requested. All such registration fees collected by the commissioner shall be paid into the state treasury and be credited to the general fund. There shall also be attached to each application for registration the label or labels which are to be used upon the antifreeze ~~and each application shall be accompanied by a properly labeled sample of the antifreeze which shall not be less than one gallon. The commissioner after examination of the label, may require submission of a properly labeled sample which shall not be less than one gallon.~~ If after examination the commissioner finds that the sample is not adulterated or misbranded, and if it meets with the standards required by sections 24.24 to 24.31 and the rules and regulations promulgated in relation thereto, the commissioner shall issue a certificate of registration for the product. If the application is denied, the product shall not be offered for sale in this state.

Sec. 5. Minnesota Statutes 1978, Section 31.101, Subdivision 8, is amended to read:

Subd. 8. Applicable federal regulations including recodification contained in Code of Federal Regulations, Title 21, Chapter 1, Parts 0-1299, Food and Drugs, in effect April 1, 1975 1978, and not otherwise adopted herein, also are adopted as food regulations of this state. Such regulations may be amended by the commissioner in accordance with the administrative procedure act.

Sec. 6. **REPEALER.** Minnesota Statutes 1978, Sections 17B.08, 17B.09 and 21.114 are repealed.

Approved May 3, 1979.

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#### CHAPTER 69—H.F.No.1158

*An act relating to Independent School District No. 275; providing for the consolidation of Independent School District No. 275.*

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