

CHAPTER 21

SEEDS AND POTATOES

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21.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the context or language clearly indicates that a different meaning is intended, the word defined in subdivision 2, for the purposes of this chapter, shall be given the meaning subjoined to it; the terms defined in subdivision 3, for the purposes of sections 21.02 to 21.10, shall be given the meaning subjoined; the words, terms, and phrases defined in subdivisions 4 to 13, for the purposes of sections 21.02 to 21.10, 21.101, and 21.102, shall be given the meanings subjoined; the words, terms, and phrases defined in subdivisions 14 to 18, for the purposes of sections 21.11 to 21.20, shall be given the meanings subjoined; the term defined in subdivision 19, for the purposes of sections 21.21 to 21.23, shall be given the meaning subjoined; and the words, terms, and phrases defined in subdivisions 20 to 25, for the purposes of sections 21.101 and 21.102, shall be given the meanings subjoined.

Subd. 2. **Person.** The word "person" includes corporations, copartnerships, companies, societies, firms, and associations.

Subd. 3. **Agricultural seeds or agricultural seed.** The term "agricultural seeds" or "agricultural seed" includes the seeds of field corn, wheat, oats, barley, rye, emmer, flax, hemp, sudan grass, sorghum, buckwheat, sweet clover, medium and mammoth red clover, alsike clover, white clover, alfalfa, soybeans, field peas, field beans, vetches, rape, lespedeza, mangel, sugar beet, timothy, bromus, redtop, blue grass, rye grass, sweet vernal grass, fescue, millet, oat grass, orchard grass, wheat grass, reed canary grass, bent grass, and all other seeds used for planting or sowing for agricultural and lawn purposes.

Subd. 4. **Kind.** The word "kind" means variety, sort, or species, indicating the commonly accepted name of such seed, and all percentages of agricultural seed or purity on the seed labels shall include only those kinds named and in the proportion in which each is present; provided that if the word "type" is used in connection with the kind of seed, all of the pure seed shall be of that type, not less than 90 per cent of which shall be of the particular kind or variety designating the type. Names, terms or descriptions, that create a misleading impression as to the origin, history, botany, quality, performance or any other characteristic of the seed shall not be used on any seed label or in any oral, written or printed statement or advertising of such seed.

Subd. 5. **Approximate.** The word "approximate" when referring to amounts or percentages of pure seeds, weed seeds, noxious weed seeds, inert matter and germination means within the range of tolerance as hereinafter shown under tolerance.

Subd. 6. **Commissioner.** The word "Commissioner" means the Commissioner of Agriculture, Dairy and Food of the state or any of his agents or assistants, authorized to act for him.

Subd. 7. **Weed seed.** The words "weed seed" shall be construed to mean the seeds and the bulblets of any and all weeds designated in Laws 1925, Chapter 377, Section 2, as amended, and such other annual, biennial and perennial plants that grow with crops raised in the field, the garden, the lawn and waste areas through-

out this state, causing either damage to crops or interference with travel or other public inconvenience or injurious to public health.

Subd. 8. **Sell.** The word "sell" shall be construed when applying to agricultural seed and screenings or samples thereof as including (a) the act of selling or transferring ownership, (b) the offering or exposing for sale, exchange, distribution, giving away or transportation in this state, (c) the having in possession with intent to sell, exchange, distribute or give away the same, (d) the storing, carrying or handling in aid of traffic therein, whether done in person or through an agent, employee or others, and (e) receiving, accepting or holding on consignment for sale.

To sell seed or screenings in original or unopened containers fully, partially or not labeled shall in no manner except any such articles from necessity of full compliance with the provisions of sections 21.02 to 21.10, 21.101 and 21.102.

Subd. 9. **Germination.** The word "germination" means a seed showing growth of a plumule (stem) or a radicle (root) or both these growths which are commonly accepted as evidence that under normal environment would produce a mature plant.

Subd. 10. **Gothic caps.** The word "Gothic caps" means the type of copy with letters the size and character as the following "TYPE."

Subd. 11. **Pure seed.** The word "pure seed" means agricultural seed exclusive of inert matter and all other seeds not of the kind of seed being considered.

Subd. 12. **Mixture or mixtures.** The word "mixture" or "mixtures" means two or more agricultural seeds intermingled in the same container, when each is in excess of five per cent by weight of the whole. Except that in the case of lawn grass the exact percentage by weight of each shall be given.

Subd. 13. **Screenings.** The word "screenings" means chaff, sterile florets, immature seeds, weed seeds, inert matter and any other material removed in any way from any seeds in any kind of cleaning or processing, from weedy fields or obtained from any other source which contains less than 25 per cent of live agricultural seeds.

Subd. 14. **Inspected.** The term "inspected" means that the potato plants are examined in the field and that the harvested potatoes produced by such plants are examined by the commissioner, or under his authority.

Subd. 15. **Certified.** The word "certified" means that the potatoes were inspected while growing in the field and again after being harvested, and were thereafter duly certified by the commissioner, or under his authority, as provided in sections 21.11 to 21.20, and as provided by rules or regulations adopted and published by the commissioner.

Subd. 16. **Registered.** The word "registered" means that the potatoes are of an approved and known variety which is the progeny of a seed potato and which is not more than the third generation from such seed potato selected on a basis of plant and tuber characters, such characters being designated and prescribed by the commissioner. Otherwise "registered" potatoes shall conform to the requirements of "certified" seed potatoes, as herein provided.

Subd. 17. **Seed potatoes.** The words "seed potatoes" mean potatoes used, sold, offered or exposed for sale, or held with intent to sell or as a sample representing any lot or stock of potatoes offered or exposed for sale or held with intent to sell within this state, for the purpose of planting.

Subd. 18. **Label.** The word "label" includes any tags, labels, or devices attached to or written, stamped, or printed on any container of seed potatoes, purporting to set forth the kind of seed potatoes therein contained, or any other information in relation thereto.

Subd. 19. **Hybrid seed corn.** Unless otherwise specified in sections 21.21 to 21.23, "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. 20. **Vendor.** The word "vendor" means any person who sells, offers or exposes agricultural seeds for sale not grown on his own farm.

Subd. 21. **Cereals.** The word "cereals" means and includes seeds of wheat, rye, oats, barley, speltz or emmer and buckwheat.

Subd. 22. **Retail.** The word "retail" means and refers to the sale of agricultural seeds in small quantities and when sold to a farmer or person who shall use such seed for sowing or planting.

Subd. 23. **Wholesale.** The word "wholesale" means and refers to the sale of agricultural seeds in large quantities to vendors for resale and to persons for the purpose of cleaning, grading and processing, but not to a farmer or person who uses or causes such seed to be used for sowing and planting.

Subd. 24. **Reference to certain definitions.** The word "sell," "person," "approximate," "germination," "kinds," "pure seeds," "mixtures," "screenings," etc., shall refer to and mean such definitions as given in section 1, chapter 387, session laws of 1927, commonly known and referred to as the Pure Seeds Act.

[1927 c. 387 s. 1; 1927 c. 115 s. 1; 1939 c. 106 s. 1; 1941 c. 472 s. 1; 1943 c. 352 s. 1; 1943 c. 576 s. 1; 1945 c. 543 ss. 1, 12] (3957-1, 3957-21, 6139-1)

21.02 POWERS OF COMMISSIONER. Subdivision 1. **Rules and regulations; investigations.** The commissioner shall execute the agricultural seed sections of this chapter, and to that end he may make and enforce such rules and regulations as in his judgment shall be necessary; such rules and regulations shall be promulgated by writing or printing them separately or in connection with the printed seed laws for distribution to seed dealers and others who are interested. He shall investigate the sale, transportation, distribution and adaptation of agricultural seeds; 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, seed house, or railway or other transportation company, or any other place where seeds are stored or sold, and upon the tendering of payment therefor at the current value thereof, may take any sample or samples of such seed by sampling methods approved by the commissioner. He shall employ such agents and assistants as are necessary to execute the requirements of the agricultural seed sections of this chapter, none of whom, except those who are employed on a regular full-time basis, shall come within or be governed by the provisions of the act creating the department of civil service or any amendments thereof, and fix their compensation.

Subd. 2. **Complaints of violations; hearings.** For the purpose of enforcing the provisions of sections 21.02 to 21.10, 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 sections 21.02 to 21.10 or any rule or regulation issued thereunder, or upon information furnished by an inspector of the department of agriculture, dairy, and food, to hold hearings and conduct such investigations as he may deem advisable. He shall have, and he is hereby granted, full authority to issue subpoenas requiring the attendance of witnesses before him and the production 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 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.

Neither the commissioner, the state, nor any subdivision thereof shall be responsible in any manner for any costs, expenses or fees incurred in any manner by any person appearing at any such hearing except members of the commissioner's staff and others specifically authorized by the commissioner to collect such costs, expenses, or fees.

Subd. 3. **No action against commissioner.** No action or claim for damages shall be allowed or shall be sustainable against the commissioner or any one 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 and analysis.** 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 herein 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. The report shall constitute and be a certificate of the state seed laboratory giving results of such examination, analysis, or determination of the seed sample, and the certificate shall be presumptive evidence of the facts therein stated.

Subd. 6. **Fees for tests.** The commissioner shall collect a fee or fees, as herein provided for making tests, analyses, or determination of seeds, and the amounts of such fee or fees shall at his discretion be received by him before or after 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 50 cents.

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

- (1) 50 cents each for wheat, oats, barley, rye, emmer, vetch, beans, cane, corn, flax, peas, sudan grass, buckwheat, cereal mixtures and noxious weed seeds examinations;
- (2) 75 cents each for millet, alfalfa, red clover, sweet clover, rape, timothy, rye grass, alsike clover and reed canary grass;
- (3) \$1.00 each for white clover, all mixtures of clovers, orchard grass, fescues, wheat grasses, and timothy and clover mixtures;
- (4) \$2.00 each for blue grasses, redtop and bent grasses;
- (5) \$3.00 each for lawn 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 to him for test, analysis, and determination.

[1927 c. 387 s. 2; 1939 c. 307 s. 1; 1943 c. 576 ss. 2, 3; 1945 c. 543 ss. 2, 3, 4] (3957-2)

21.03 PACKAGES OF AGRICULTURAL SEED. Subdivision 1. **Labels; contents of package.** 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:

(1) 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.

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

(3) 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 (*Agropyron repens*), Canada Thistle (*Carduus arvensis*), Perennial Sow Thistle (*Sonchus arvensis*), Dodders (*cuscuta* spp.), Ox Eye Daisy (*Chrysanthemum leucanthemum*), Buckhorn Plantain (*Plantago lanceolata*), Frenchweed (*thlaspi arvense*) and Hoary Alyssum (*Berteroa incana*); 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.

(4) 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.

(5) The name of the state and in the case of corn, except hybrid corn, the name of the county, or the country in which the seed was grown, and in the case of clovers and alfalfa seeds such seeds shall bear the coloring designated by the "federal seed act" and rules and regulations thereunder.

(6) 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. **Weed seed tolerance.** It shall be unlawful for any person to sell, or to plant in this state any agricultural seed when such agricultural seed contains or the label thereon shows a weed seed content in excess of the following limits per pound of such agricultural seeds:

(1) Ten seeds of Quack Grass (*Agropyron repens*), Canada Thistle (*Carduus arvensis*), Perennial Sow Thistle (*Sonchus arvensis*), singly or collectively or 25 seeds of Dodders (*Cuscuta* spp.), Ox Eye Daisy (*Chrysanthemum leucanthemum*), Buckhorn Plantain (*Plantago lanceolata*), Frenchweed (*Thalaspia arvensis*) and Hoary Asysson (*Berteroa incana*), singly or collectively.

(2) Two per cent by weight of all weed seeds.

(3) No seeds of Creeping Jennie (*Convolvulus arvensis* L.) or Leafy Spurge (*Euphorbia esula*), Perennial Pepper Grass (*Lepidium draba*), Horse Nettle (*Solanum carolinense*), or Austrian Field Cress (*Roripa* or *Radicula austriaca*).

(4) Any person engaged in the purchase and sale of agricultural seeds who comes into possession of seeds or samples of seeds containing seeds of weeds named in paragraph 3 of this section shall report to the State Department of Agriculture, Dairy and Food the name and address of the person from whom such seeds or seed samples were received.

Subd. 3. **Commissioner to fix weed seed content allowance.** The commissioner may fix by permit in writing the weed seed content allowable for each individual case of any agricultural seeds, when in his judgment the character of such seeds preclude the removal of certain weed seeds to be named by the commissioner, by reasonably well equipped and properly operated seed cleaning machinery to the weed seed limits as herein defined.

Whenever such permit is issued by the commissioner the label of any such seed shall bear in addition to the actual amount of weed seed contained therein, a statement in eight point Gothic or larger type that such seed contains weed seed in excess of the legal limit by special permit of the commissioner of agriculture, dairy, and food giving the date thereof.

[1927 c. 387 s. 3; 1929 c. 137; 1939 c. 307 s. 2; 1941 c. 75 s. 1; 1943 c. 576 ss. 4, 5, 8] (3957-3)

21.031 TOLERANCES. The following tolerances as provided by the Federal Seed Act shall be allowed between the percentages or rates of occurrence found by analysis, test or examination of the seed, and percentages or rates of occurrence allowed by this act. Purity Tolerance—To determine the tolerance of percentage of pure seed, weed seeds and inert matter, the sample shall be considered as made up of two parts (a) the percentage of the component (Pure Seed, weed seeds or inert matter) being considered, and (b) the difference between that percentage and 100. The number represented by (a) is then multiplied by the number represented by (b) and the product is divided by 100.

The resulting number is then multiplied by 0.2 (2/10) and the result—product added to 0.2 or 0.6 as follows:

$$\text{Pure seed tolerance} = 0.6 + (0.2 \times \frac{a \times b}{100})$$

$$\text{Weed seed and inert matter tolerance} = 0.2 + (0.2 \times \frac{a \times b}{100})$$

Grasses of *Poa*, *Agrostis* and *Festuca* species shall be allowed additional tolerances as provided by the Federal Seed Act. Germination and germination plus hard seed tolerances shall be:

5% for seed testing 96% or more	8% for seed testing 70 to 79%
6% for seed testing 90 to 95%	9% for seed testing 60 to 69%
7% for seed testing 80 to 89%	10% for seed testing less than 60%

Tolerances of noxious weed seeds shall be as given in the Federal Seed Act except no tolerance shall be allowed for Creeping Jennie and Leafy Spurge.

[1943 c. 576 s. 6]

21.032 SALE OF SCREENINGS UNLAWFUL; EXCEPTIONS. It shall be unlawful for any person to sell to the consumer or to feed any screenings of any name or nature from threshing machines, hullers, seed cleaners, weedy fields or from any other source that have not been devitalized by grinding sufficiently fine to destroy all weed seeds or otherwise devitalize them or scatter on the ground any such screenings, except that dealers who are not equipped with the necessary machinery and facilities to thoroughly devitalize screenings, may sell screenings to consumers unground and undeitalized for feeding purposes upon written permit from the Commissioner of Agriculture, Dairy and Food, provided the consumer has the necessary machinery and facilities to thoroughly devitalize said screenings before feeding.

[1943 c. 576 s. 7]

21.04 MIXTURES; LABELS; SPECIAL MIXTURES. When mixtures of seeds of timothy with alsike clover, with medium red or mammoth clover, with redtop or mixtures of other agricultural seeds, are sold, offered or exposed for sale in quantities of one pound or more, such seeds shall be subject to the requirements of sections 21.02 to 21.10 and the rules and regulations of the commissioner governing, unless otherwise provided, and shall, in addition thereto, have printed or copied on the label, in eight-point Gothic caps, in the English language, stating:

- (1) That such seed is a mixture;
- (2) The name and approximate percentage by weight of each kind of agricultural seed in such mixture;
- (3) The per cent of germination of each kind of agricultural seed, together with the date of such germinations.

Special mixtures of agricultural seed, except as specified in this section, when sold, offered or exposed for sale as mixtures, in bulk, packages, or other containers of eight ounces or more, shall have affixed thereto, in a conspicuous place on the exterior of the container of such mixture, a plainly printed or written tag or label, in the English language, in legible type or copy not smaller than eight-point Gothic caps, stating:

- (1) That such seed is a mixture;
- (2) The name of each kind of agricultural seed contained therein and the approximate percentage of germination;
- (3) The approximate total percentage by weight of all weed seeds and, except in lawn mixtures, the approximate number of seeds per pound of the noxious weed seeds listed in section 21.03, subdivision 1, clause (3);
- (4) The approximate percentage by weight of inert matter; and
- (5) The full name and address of the vendor or agent of such seed.

[1927 c. 387 s. 4] (3957-4)

21.05 EXCEPTIONS. Except as otherwise provided in section 21.03, subdivision 2, the provisions of sections 21.02 to 21.10 shall not apply:

- (1) To any person selling, offering or exposing for sale or in possession of agricultural seeds for the purpose of seeding, except to the ultimate user, when such seed is plainly marked on the label or outside of the container "not cleaned seed" or "uncleaned seed";
- (2) To agricultural seeds marked plainly on the label or outside of the container, "not cleaned" and held or sold for shipment for re-cleaning and for shipment outside the state only; or
- (3) To agricultural seeds when possessed or exposed for sale, as provided by sections 21.02 to 21.10, for food purposes only.

[1927 c. 387 s. 5] (3957-5)

21.06 IMPORTED SEEDS; LABELS. Except as otherwise provided in sections 21.02 to 21.10, it shall be unlawful for any person to import or bring into this state

or transport within this state any agricultural seeds unless each and every container of such seeds shall bear a label, attached in a conspicuous place on the containers and having written or printed thereon, in the English language, in legible type or copy not smaller than eight-point Gothic caps, specifying: the kind and varietal name of the seed; the per cent of pure seed; the per cent and date of germination; the state from which the seed is shipped and, in the case of corn, the county in which the seed was grown; the full name and address of the person shipping such seed. In all other respects such agricultural seed shall conform to the provisions of sections 21.02 to 21.10 and the rules and regulations of the commissioner.

[1927 c. 387 s. 6] (3957-6)

21.07 TRANSPORTATION COMPANIES; DUTIES. In any case of a violation of section 21.06 the transportation company, bus company, moving company, corporation or agent thereof, or public carrier of any name or nature shall at once notify the commissioner of such violation, citing the circumstances and full particulars thereof, and shall unload or hold at the first station within the borders of this state where adequate storage facilities may be had and hold the same subject to the instructions of the commissioner.

[1927 c. 387 s. 7] (3957-7)

21.08 SEIZURES. The commissioner shall seize or cause to be seized and held any lot, parcel, package, or bulk of agricultural seeds or mixtures of same found in violation of any of the agricultural seed provisions of this chapter, or any rule or regulation thereunder, until the law or such rules and regulations have been complied with or the violation otherwise disposed of, as otherwise provided in this chapter, and no action or claim for damage shall be allowed or shall be sustainable against the commissioner or anyone acting under his direction or authority in respect thereto.

[1927 c. 387 s. 8; 1945 c. 543 s. 5] (3957-8)

21.09 DISPOSITION OF SEIZED SEEDS. The commissioner, upon seizing agricultural seeds as provided and authorized in sections 21.02 to 21.10, shall at once notify the person who was in possession of such seeds or the owner thereof or his agent in charge thereof, of such fact and return the seed to the consignor upon receipt of the expenses, as set forth in sections 21.02 to 21.10, and presented to him. The consignor shall be responsible for all transportation charges and other necessary expenses in handling, storing, or caring for the seed, and shall return to the purchaser the value of the seed if the purchaser has advanced the payment therefor; provided, the commissioner shall receive all such costs before the seed is billed for return shipment or delivery thereof. After a period of ten days from the date of notice by the commissioner, as provided in sections 21.02 to 21.10, if the costs are not paid, the commissioner may confiscate the seed and destroy or otherwise dispose of it to prevent its use for seeding purposes within this state, and the net proceeds, if any, from the sale of such seeds by the commissioner shall be transmitted to the state treasurer to the credit of the state seed act fund.

[1927 c. 387 s. 9] (3957-9)

21.10 REPORTS OF COMMISSIONER. The commissioner shall make a biennial report to the governor upon the work performed under the agricultural seed sections of this chapter, and shall publish, at least once each year, the results of the investigations and the examinations, analyses, and tests of any samples of agricultural seeds or mixtures of same which do not comply with the agricultural seed sections of this chapter, together with any other information regarding any agricultural seed that he may deem advisable.

[1927 c. 387 s. 11; 1945 c. 543 s. 6] (3957-11)

21.101 TAGS AND STAMPS. Subdivision 1. **Furnished.** 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. **Kinds and colors.** 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. The prices to be paid by vendors for the tags or stamps shall be the following rates:

- 100 to 160 pound containers—5 cents each
- 60 to 99 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

except samples of seven pounds or less in weight which are given free to consumers for trial planting, or given or sold to vendors for display or advertising purposes only.

Subd. 4. Rules and regulations. The commissioner is authorized, at his discretion and under such rules and regulations as may be promulgated, to issue permits on application therefor, to any person, firm or corporation, to ship, sell or expose for sale in Minnesota agricultural seeds which conform to and are labeled under Minnesota Statutes 1945, Chapter 21, without the use or attachment of tags or stamps purchased from the commissioner; provided such person, firm, or corporation reports quarterly under oath to the commissioner the tonnage of agricultural seeds shipped or sold for consumption in Minnesota, and pays the tonnage fee thereon at the same rate as the cost therefor would be for tags or stamps provided for in this section. Such tonnage fees must be paid on all agricultural seeds as defined in section 21.01, which are sold, offered for sale or exposed for sale in Minnesota. All tonnage fees shall be due and payable within 30 days of the quarters ending December 31, March 31, June 30, and September 30 of each year, and remittance therefor shall accompany and be attached to the tonnage report. Any person, firm or corporation 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 tonnage reports.

Subd. 5. Fees put in seed act account. All fees and moneys collected from the sale of tags or labels and tonnage fees herein referred to shall be deposited in the state treasury as other departmental receipts are deposited, and shall be credited to and become a part of the "Seed Act Account" created by section 21.02, subdivision 6, for the purpose of defraying the expenses of administering and enforcement of section 21.101, the Hybrid Seed Corn Act, and the Pure Seeds Act, as amended.

[1941 c. 479 s. 2; 1943 c. 352 s. 2; 1945 c. 543 s. 7, 8, 9, 12; 1949 c. 488 s. 1]

21.102 [Repealed, 1945 c. 543 s. 12]

21.11 INSPECTION AND CERTIFICATION OF SEED POTATOES. The inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes by or under the direction of the commissioner is hereby authorized.

[1927 c. 115 s. 2; 1941 c. 197 s. 1] (6139-2)

21.12 DUTIES OF COMMISSIONER; EMPLOYEES. The commissioner is hereby authorized and it is made his duty to provide the means and direct the work for the inspection, certification, promotion of quality, and creation of demand and sale of seed potatoes. The commissioner may enter into contracts and ground leases for planting and growing potatoes outside of the state for experimental and research purposes. He shall provide such forms as are necessary and keep a record of the work performed, and shall appoint, designate, or employ such officers, inspectors, and employees as may be deemed necessary and fix their compensation.

He shall appoint an advisory seed potato certification committee to consist of six members, each of whom shall be a grower in Minnesota of certified seed potatoes, and shall serve without compensation, except he shall receive his traveling expenses and other expenses necessary in attending committee meetings. The term of each committee member shall be three years from July 1 following his appointment, except that of the first committee to be appointed, two members shall serve one year, two members shall serve two years and two members shall serve three years. Vacancies shall be filled by the commissioner for the balance of the vacant term. Said committee shall hold at least one meeting each year and other meetings when deemed necessary by the commissioner.

[1927 c. 115 s. 3; 1941 c. 197 s. 2; 1945 c. 176 s. 1; 1947 c. 68 s. 1] (6139-3)

21.13 CERTIFICATES OF INSPECTION. The commissioner shall cause certificates of inspection to be issued only when seed potatoes have been inspected while growing in the field and again after being harvested. Such certificates shall

show the varietal purity and the freedom from disease and physical injury of such potatoes and shall contain such other information as may be prescribed by rules and regulations adopted and published under sections 21.11 to 21.20.

[1927 c. 115 s. 4] (6139-4)

21.14 BOND OF PERSON DESIGNATED TO RECEIVE FEES. The commissioner shall require a bond in the sum of \$5,000, to the state of Minnesota, to be given by the person appointed or designated by him to receive the fees herein provided for, the cost of such bond to be paid from the seed potato inspection fund.

[1927 c. 115 s. 5] (6139-5)

21.15 FEES; SEED POTATO INSPECTION FUND. The commissioner shall fix the fees for all inspections and certifications in such amounts as from time to time may be found necessary to pay the expenses of carrying out and enforcing the purposes of sections 21.11 to 21.20, with a reasonable reserve, and shall require the same to be paid before such inspections or certifications are made. All moneys collected as fees or as penalties for violations of any of the provisions of sections 21.11 to 21.20 shall be paid into the state treasury and therein credited to the seed potato inspection fund of the commissioner, which fund is hereby created and appropriated for carrying out the purposes of sections 21.11 to 21.20. Interest, if any, received on deposits of these moneys shall be credited to such fund, and there shall be paid into this fund any sum provided by the legislature for the purpose of carrying out the provisions of sections 21.11 to 21.20.

[1927 c. 115 s. 6] (6139-6)

21.16 EXPENSES. All necessary expenses incurred in carrying out the provisions of sections 21.11 to 21.20 and the compensation of officers, inspectors, and employees appointed, designated, or employed by the commissioner, as provided in sections 21.11 to 21.20, together with their necessary traveling expenses, together with the traveling expenses of the members of the advisory seed potato certification committee, and other expenses necessary in attending committee meetings, shall be paid from, and only from, the seed potato inspection fund, on order of the commissioner and auditor's voucher warrant.

[1927 c. 115 s. 7; 1945 c. 176 s. 2] (6139-7)

21.17 INSPECTIONS; CERTIFICATIONS. Any person may make application to the commissioner for inspection or certification of his seed potatoes growing or to be grown. Upon receiving such application and the required fee and such other information as may be required, the commissioner shall cause such potatoes to be inspected or certified in accordance with the provisions of sections 21.11 to 21.20 and the rules and regulations adopted and published hereunder.

If a grower wishes to withdraw his field after having made application for inspection and such withdrawal is requested before the field inspection has been made, the fee which he has paid shall be refunded to said grower.

[1927 c. 115 s. 8; 1943 c. 205 s. 1; 1945 c. 43 s. 1] (6139-8)

21.18 RULES AND REGULATIONS. It shall be the duty of the commissioner, from time to time, to adopt, amend, and publish uniform rules and regulations, not inconsistent with law, for carrying out the purposes and enforcing the provisions of sections 21.11 to 21.20, which rules, regulations, and amendments thereto shall be published once in a legal newspaper of general circulation published at the capital, and from and after the tenth day following the date of such publication, these rules, regulations, and amendments shall have the force and effect of law. An affidavit of publication, setting forth the rules, regulations, or amendments thereto, shall be made by the publisher thereof and filed in the office of the commissioner. Copies thereof, as so published, certified by the commissioner, shall be prima facie evidence in all courts of the matters therein contained and of the due adoption and publication of such rules, regulations, or amendments.

[1927 c. 115 s. 9] (6139-9)

21.19 CERTAIN TERMS NOT TO BE USED. It shall be unlawful to use or employ the term "certified" or the term "inspected" or the term "registered," or any term or terms conveying a meaning substantially equivalent to the meaning of any of these terms, either orally or in writing, printing, marking or otherwise in reference to or in connection with, or in advertising or characterizing or labeling seed potatoes or the containers thereof, unless such potatoes shall have been duly inspected, registered, and certified pursuant to the provisions of sections 21.11 to 21.20.

[1927 c. 115 s. 10] (6139-10)

21.20 PROSECUTIONS. It shall be the duty of every prosecuting officer, to whom the commissioner shall report any violation of sections 21.11 to 21.20, 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 in section 21.24.

[1927 c. 115 s. 12] (6139-12)

21.21 SALE OF HYBRID SEED CORN; LABEL. It shall be unlawful for any person to sell, within the state, as the word "sell" is defined in the Pure Seeds Act, any seed corn as "hybrid" unless the said seed answers to and complies with the definition of hybrid seed corn contained in section 21.01, subdivision 19; and unless there is attached to each sack, bag, or other container of such corn a label specifying that the corn contained therein is the product of either a single cross, a three-way cross or a double cross, or a blend of these, as the case may be; and said label shall give the state in which said hybrid seed corn was grown, and the variety and state approximately the number of days, as determined by the Minnesota Experiment Station, as hereinafter provided, of growing season necessary from emergence of the corn plant of said variety above the ground to maturity in the zone or zones in Minnesota to which said variety is adapted.

[1939 c. 106 s. 2; 1941 c. 280 s. 1; 1943 c. 313 s. 1] (3957-22)

21.22 AGRICULTURAL EXPERIMENT STATION TO ESTABLISH CORN GROWING ZONES. 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.

[1939 c. 106 s. 3; 1943 c. 313 s. 2] (3957-23)

21.225 RECORD OF HYBRID SEED CORN VARIETIES. Subdivision 1. **Filing of record; fee; seed act account.** 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 to which it is adapted shall be filed by February 1 of each year by the originator or owner thereof with the commissioner, and for each such filing the commissioner shall collect a fee of \$15. Annually thereafter the originator or owner shall by February 1 apply for and receive from the commissioner a renewal of such filing for a fee of \$15 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. Such fees shall be deposited with the state treasurer, as other departmental receipts are deposited and shall constitute and be a part of the separate account known as the "seed act account" created by section 21.02, subdivision 6. 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. 2. **Tests.** After the filing of any variety, the director, with the assistance of the commissioner, 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 of the University of Minnesota the sum of \$9,000.

[1941 c. 280 s. 2; 1943 c. 313 s. 3; 1945 c. 543 s. 10; 1947 c. 544 s. 1, 2]

21.23 [Repealed, 1945 c. 543 s. 12]

21.24 VIOLATIONS; PENALTIES. Subdivision 1. Any person violating any of the provisions of the agricultural seed sections of this chapter shall be guilty of a misdemeanor for the first offense; and, upon conviction, shall be fined not less than \$10 and the costs of such prosecution, not more than \$100 and the costs of such prosecution or in default in payment thereof shall be imprisoned in the county jail for not less than ten nor more than 90 days. Upon the second or any subsequent conviction, such person shall be guilty of a gross misdemeanor and shall be fined not less than \$25 and the costs of such prosecution nor more than \$500 and the costs of such prosecution or in default in payment thereof shall be imprisoned in the county jail for a period of not less than 30 nor more than 150 days.

Subd. 2. Any person violating any of the provisions of sections 21.11 to 21.20, or any rule or regulation adopted or published by the commissioner thereunder, shall be guilty of a misdemeanor; and upon conviction for a first offense shall be punished by a fine of not less than \$25 nor more than \$100 or by imprisonment for not less than ten nor more than 90 days; and for each second and subsequent offense by a fine of not less than \$50 nor more than \$500 or by imprisonment for not less than 30 days nor more than six months.

Upon conviction for such second offense the commissioner shall refuse the violator the privilege of handling certified seed potatoes in any way, shape or form during the season in which such second offense was committed.

[1927 c. 115 s. 11; 1939 c. 106 s. 5; 1943 c. 205 s. 2; 1945 c. 543 ss. 11, 12] (6139-11, 3957-25)