

## CHAPTER 21

## SEEDS

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**21.001 DEFINITION.** Subdivision 1. Except where the context otherwise indicates, for the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. "Commissioner" means the commissioner of the department of agriculture.

[ 1961 c 113 s 1; 1961 c 128 s 4 ]

## SEED POTATOES

**21.01** Subdivision 1. [ Repealed, 1951 c 552 s 1 ]

Subd. 2. [ Repealed, 1951 c 552 s 1 ]

Subd. 3. [ Repealed, 1951 c 552 s 1 ]

Subd. 4. [ Repealed, 1951 c 552 s 1 ]

Subd. 5. [ Repealed, 1951 c 552 s 1 ]

Subd. 6. [ Repealed, 1951 c 552 s 1 ]

Subd. 7. [ Repealed, 1951 c 552 s 1 ]

Subd. 8. [ Repealed, 1951 c 552 s 1 ]

Subd. 9. [ Repealed, 1951 c 552 s 1 ]

Subd. 10. [ Repealed, 1951 c 552 s 1 ]

Subd. 11. [ Repealed, 1951 c 552 s 1 ]

Subd. 12. [ Repealed, 1951 c 552 s 1 ]

Subd. 13. [ Repealed, 1951 c 552 s 1 ]

Subd. 14. [ Repealed, 1951 c 465 s 1 ]

Subd. 15. [ Repealed, 1951 c 465 s 1 ]

Subd. 16. [ Repealed, 1951 c 465 s 1 ]

Subd. 17. [ Repealed, 1951 c 465 s 1 ]

Subd. 18. MS 1941 [ Repealed, 1945 c 543 s 1 ]

Subd. 18. MS 1949 [ Superseded, 1951 c 552 s 2 subd 4 ]

Subd. 19. [ Repealed, 1951 c 552 s 1 ]

Subd. 20. [ Repealed, 1951 c 552 s 1 ]

Subd. 21. [ Repealed, 1951 c 552 s 1 ]

Subd. 22. [ Repealed, 1951 c 552 s 1 ]

Subd. 23. [ Repealed, 1951 c 552 s 1 ]

Subd. 24. [ Repealed, 1951 c 552 s 1 ]

**21.02** [ Repealed, 1951 c 552 s 1 ]

**21.03** [ Repealed, 1951 c 552 s 1 ]

**21.031** [ Repealed, 1951 c 552 s 1 ]

**21.032** [ Repealed, 1951 c 552 s 1 ]

**21.04** [ Repealed, 1951 c 552 s 1 ]

**21.05** [ Repealed, 1951 c 552 s 1 ]

**21.06** [ Repealed, 1951 c 552 s 1 ]

**21.07** [ Repealed, 1951 c 552 s 1 ]

**21.08** [ Repealed, 1951 c 552 s 1 ]

**21.09** [ Repealed, 1951 c 552 s 1 ]

**21.10** [ Repealed, 1951 c 552 s 1 ]

**21.101** [ Repealed, 1951 c 552 s 1 ]

**21.11** [ Repealed, 1951 c 465 s 1 ]

**21.111 DEFINITIONS.** Subdivision 1. When used in sections 21.111 to 21.122 the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. "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. 3. "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 21.111 to 21.122, and as provided by rules or regulations adopted and published by the commissioner.

Subd. 4. [ Repealed, 1955 c 287 s 1 ]

Subd. 5. "Seed potatoes" means 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. 6. "Person" includes an individual, partnership, corporation, company, society, association, and firms.

[ 1951 c 465 s 2 ]

**21.112 COMMISSIONER, DUTIES; SEED POTATOES.** Subdivision 1. **Duties, 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.

Subd. 2. **Advisory seed potato certification committee.** 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.

[ 1951 c 465 s 3 ]

**21.113 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 21.111 to 21.122.

[ 1951 c 465 s 4 ]

**21.114 BOND.** 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.

[ 1951 c 465 s 5 ]

**21.115 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 21.111 to 21.122, 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 such sections 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 such sections. 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 such sections.

[ 1951 c 465 s 6 ]

**21.116 EXPENSES.** All necessary expenses incurred in carrying out the provisions of sections 21.111 to 21.122 and the compensation of officers, inspectors, and employees appointed, designated, or employed by the commissioner, as provided in such sections, 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 commissioner of finance's voucher warrant.

[ 1951 c 465 s 7; 1973 c 492 s 14 ]

**21.117 APPLICATIONS FOR INSPECTIONS; WITHDRAWALS.** 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 21.111 to 21.122 and the rules and regulations adopted and published thereunder.

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.

[ 1951 c 465 s 8 ]

**21.118 RULES.** It shall be the duty of the commissioner to promulgate reasonable rules and regulations for carrying out the purposes and enforcing the provisions of sections 21.111 to 21.122.

[ 1951 c 465 s 9 ]

**21.119 USE OF CERTAIN TERMS FORBIDDEN; EXCEPTIONS.** It shall be unlawful to use or employ the term "certified" or the term "inspected," or any term or terms conveying a meaning substantially equivalent to the meaning of either 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 and certified pursuant to the provisions of sections 21.111 to 21.122.

[ 1951 c 465 s 10; 1955 c 287 s 2 ]

**21.12** [ Repealed, 1951 c 465 s 1 ]

**21.121 VIOLATIONS; REPORTS, PROSECUTIONS.** It shall be the duty of every prosecuting officer, to whom the commissioner shall report any violation of sections 21.111 to 21.122, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties in such case as provided in such sections.

[ 1951 c 465 s 11 ]

**21.122 PENALTIES.** Any person violating any provision of sections 21.111 to 21.121 or any rule or regulation promulgated 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 10 days nor more than 90 days; and for each second and subsequent offense such persons shall be guilty of a gross misdemeanor and shall be punished 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 in any way certified seed potatoes during the season in which such second offense was committed.

[ 1951 c 465 s 12 ]

**21.13** [ Repealed, 1951 c 465 s 1 ]

**21.14** [ Repealed, 1951 c 465 s 1 ]

**21.15** [ Repealed, 1951 c 465 s 1 ]

**21.16** [ Repealed, 1951 c 465 s 1 ]

**21.17** [ Repealed, 1951 c 465 s 1 ]

**21.18** [ Repealed, 1951 c 465 s 1 ]

**21.19** [ Repealed, 1951 c 465 s 1 ]

**21.20** [ Repealed, 1951 c 465 s 1 ]

**21.21** [ Repealed, 1951 c 552 s 1 ]

**21.22** [ Repealed, 1951 c 552 s 1 ]

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

**21.24** [ Repealed, 1951 c 552 s 1 ]

**21.31** [ Renumbered 30.31 ]

**21.32** [ Renumbered 30.32 ]

**21.33** [ Renumbered 30.33 ]

**21.34** [ Renumbered 30.34 ]

**21.35** [ Renumbered 30.35 ]

**21.36** [ Renumbered 30.36 ]

**21.37** [ Renumbered 30.37 ]

**21.38** [ Renumbered 30.38 ]

**21.39** [ Renumbered 30.39 ]

**21.40** [ Renumbered 30.40 ]

**21.41** [ Renumbered 30.41 ]

**21.42** [ Renumbered 30.42 ]

**21.43** [ Renumbered 30.43 ]

**21.44** [ Renumbered 30.44 ]

**21.45** [ Renumbered 30.45 ]

**21.46** [ Renumbered 30.46 ]

#### SEED LAW

**21.47 DEFINITIONS.** Subdivision 1. **Terms.** When used in sections 21.47 to 21.58 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, oil, 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.

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 (*Euphorbia esula* L.), perennial pepper grass (*Lepidium draba* L.), perennial sow thistle (*Sonchus arvensis* L.), and Russian knapweed (*Centaurea 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.), quack grass (*Agropyron repens* 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 sections 21.47 to 21.58.

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 any other

source.

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.

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.

Subd. 19. **Certified seed.** The term "certified seed" shall mean certified, registered, foundation, or any other term conveying a similar meaning when referring to seed that has been produced, processed, and labeled in accordance with the procedures and in compliance with the rules and regulations of an official or officially recognized seed certification agency.

Subd. 20. **Treated.** "Treated" means a process where any seed has received an application of a substance which is designed to reduce, control, or repel certain disease organisms, insects, or other pests attacking seeds or seedling growing therefrom.

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.

[ 1951 c 552 s 2; 1955 c 221 s 1; 1955 c 240 s 1; 1961 c 127 art 2 s 2; 1967 c 133 s 1-3; 1976 c 53 s 26,27 ]

**21.48 LABELS, AGRICULTURAL SEED CONTAINERS.** Subdivision 1. 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.

Subd. 2. 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.

Subd. 3. For agricultural seeds:

(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, 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) 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.

Subd. 4. 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 sections 21.47 to 21.58 shall keep for a period of two years 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 or his agents during customary business hours.

[ 1951 c 552 s 3; 1955 c 240 s 2; Ex1961 c 6 s 1; 1967 c 133 s 4; 1969 c 38 s 1 ]

**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, subdivision 3, 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;

(h) The sale violates the provisions of the Plant Variety Protection Act (U.S. Public Law 91-577; December 24, 1970) and rules and regulations issued pursuant thereto.

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;

(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.

[ 1951 c 552 s 4; 1955 c 221 s 2; 1961 c 127 art 2 s 3; 1967 c 133 s 5,6; 1971 c 24 s 4; 1976 c 53 s 28 ]

**21.50 SECTIONS 21.48 AND 21.49, WHEN NOT TO APPLY.** Subdivision 1. **Certain seeds.** The provisions of sections 21.48 and 21.49 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 such sections.

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.

[ 1951 c 552 s 5; 1967 c 133 s 7 ]

**21.502 SEED CERTIFICATION AGENCY, MINNESOTA.** The official seed cer-



tification agency for Minnesota shall be determined by the commissioner of agriculture, and the director of the Minnesota agricultural experiment station.

[ 1955 c 221 s 3; 1961 c 113 s 1 ]

**21.503 OTHER SEED CERTIFICATION AGENCIES.** The official seed certification agency for other jurisdictions shall be determined, and the identity thereof filed as a public record in the office of the commissioner of agriculture. Such determination shall be made by the commissioner of agriculture, and the director of the Minnesota agricultural experiment station.

[ 1955 c 221 s 4; 1955 c 877 s 1; 1961 c 113 s 1 ]

**21.51 COMMISSIONER; POWERS, DUTIES.** Subdivision 1. **Enforcement.** The commissioner shall enforce and carry out the provisions of sections 21.47 to 21.58.

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

Subd. 4. **Entry upon premises.** For the purpose of carrying out the provisions of such sections, the commissioner and his assistants, and the county agricultural 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 such sections 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 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.

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 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 personnel.

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 six free tests and identifications each year. However, no free tests and identifications shall be allowed between March 15 and June 30 of

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.

[ 1951 c 552 s 6; 1957 c 23 s 1; 1965 c 285 s 5; 1965 c 322 s 1; 1967 c 133 s 8-11; 1969 c 38 s 2; 1971 c 25 s 12; 1973 c 507 s 45 ]

**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.

[ 1951 c 552 s 7; 1967 c 133 s 12 ]

**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 section 28A.04.

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 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 fee to be paid by vendors shall be determined from the following schedule of fees:

(a) Fees for stamp or tags:

100 to 160 pound container .....	7 cents
60 to 99 pound container .....	6 cents
30 to 59 pound container .....	5 cents
15 to 29 pound container .....	4 cents
1/2 to 14 pound container .....	3 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:

Cereals: Each 100 pounds ..... 1 cent

Peas, flax and soybeans: Each 100 pounds ..... 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 such 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.

[ 1951 c 552 s 8; 1955 c 213 s 1; 1955 c 644 s 1; 1967 c 133 s 13; 1971 c 642 s 1; 1973 c 35 s 7 ]

**21.54 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 a list of day classifications for each zone so established which will approximate the 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 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 \$12.50 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 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 zone and that such field trials substantiate his 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 registration.

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 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 variety the commissioner is required to have such variety 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 violator must commence a program of pre-testing 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.

Subd. 4. [ Repealed, Ex1961 c 6 s 5 ]

[ 1951 c 552 s 9; 1955 c 231 s 1; Ex1961 c 6 s 2-4; 1969 c 827 s 1; 1971 c 642 s 2; 1975 c 412 s 6 ]

**21.55 SEED ACT ACCOUNT.** All fees collected in the seed laboratory under section 21.51, subdivision 7, from the sale of seed sale tags and stamps or from permits issued under section 21.53, and from hybrid seed corn registrations and renewals under section 21.54, subdivision 2, and any other fees and income received in the administration of sections 21.47 to 21.58 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 such sections.

[ 1951 c 552 s 10 ]

**21.56 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 sections 21.47 to 21.58 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.

[ 1951 c 552 s 11 ]

**21.57 RULES.** The commissioner may promulgate all rules and regulations which he deems necessary for the proper enforcement of sections 21.47 to 21.58.

[ 1951 c 552 s 12 ]

**21.58 VIOLATIONS, PENALTIES; REPORTS.** Subdivision 1. **Violations, penalties.** Any person violating any of the provisions of sections 21.47 to 21.57 or any of the rules or regulations promulgated by the commissioner thereunder shall be guilty of a misdemeanor for the first offense; and, upon conviction, 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 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 such sections 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.

[ 1951 c 552 s 13 ]

## MINNESOTA SCREENINGS ACT

**21.71 CITATION, MINNESOTA SCREENINGS ACT.** Sections 21.71 to 21.78 may be cited as the Minnesota screenings act.

[ 1959 c 172 s 1 ]

**21.72 DEFINITIONS.** Subdivision 1. As used in sections 21.73 to 21.78, the terms defined in this section have the meanings given them.

Subd. 2. "Person" means any individual, partnership, corporation, company, society, or association.

Subd. 3. "Vendor" means any person who sells any weed-seed infested agricultural seeds and grains, or screenings.

Subd. 4. "Sell" when applying to weed-seed infested agricultural seeds and grains, or screenings, and samples thereof, shall be construed as including:

- (1) the act of selling, transferring ownership;
- (2) the offering and exposing for sale, exchange, distribution, giving away, and transportation in, and into, this state;
- (3) the having in possession with intent to sell, exchange, distribute, give away, or transport in, and into, this state;
- (4) the storing, carrying, and handling in aid of traffic therein, whether done in person or through an agent, employee, or others; and

(5) receiving, accepting, and holding on consignment for sale.

Subd. 5. "Advertisement" means all representation disseminated in any manner or by any means relating to weed-seed infested agricultural seeds and grains, or screenings, within the scope of sections 21.71 to 21.78.

Subd. 6. "Consumer" refers to any person that uses for the purpose of feeding any weed-seed infested agricultural seeds and grains, or screenings.

Subd. 7. "Record" includes all information relating to the shipment, or shipments, involved in a lot of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 8. "Lot" means a definite quantity of weed-seed infested agricultural seeds and grains, or screenings, which can be definitely identified.

Subd. 9. "Seizure" means a legal process carried out by court order against a definite amount of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 10. "Stop-sale" means an administrative order provided by law restraining the sale, use, disposition, and movement of a definite amount of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 11. "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 and processing, or obtained from any other source.

Subd. 12. "Agricultural seeds and grains" 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. 13. "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

Subd. 14. "Noxious weed seeds" includes restricted noxious weed seeds as defined in subdivision 15.

Subd. 15. "Restricted weed seeds" are those weed seeds which, if present in weed-seed infested agricultural seeds and grains, or screenings, shall not be present singly or collectively in excess of the rate of 90 per pound. Restricted weed seeds are seeds of buckhorn plantain (*Plantago lanceolata*), dodder (*Cuscuta* spp.), Frenchweed (*Thlaspi arvense*), hoary alyssum (*Berteroa incana*), horse nettle (*Solanum carolinense*), wild mustard (*Brassica* spp.), quack grass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), field bindweed (*Convolvulus arvensis*), leafy spurge (*Euphorbia esula*), perennial peppergrass (*Cardaria draba*), perennial sow thistle (*Sonchus arvensis*), and Russian knapweed (*Centaurea repens*).

[ 1959 c 172 s 2; 1961 c 127 art 2 s 4 ]

**21.73 PROHIBITED ACTS.** Subdivision 1. It is unlawful for any person to feed or to sell, offer for sale, or expose for sale, or transport, to the consumer, for feeding purposes, any weed-seed infested agricultural seeds and grains, or screenings:

- (1) Containing restricted weed seeds in excess of the legal limit;
- (2) Containing more than ten percent total weed seeds by weight.

Subd. 2. It is unlawful for any person:

- (1) to disseminate any false or misleading advertisement concerning weed-seed infested agricultural seeds and grains, or screenings, in any manner or by any means;
- (2) to hinder or obstruct in any way any authorized person in the performance of his duties under sections 21.71 to 21.78; and
- (3) to fail to comply with a stop-sale order.

[ 1959 c 172 s 3; 1961 c 127 art 2 s 5 ]

**21.74 EXCEPTIONS.** The provisions of section 21.73 shall not apply to:

- (1) Agricultural seeds and grains, or screenings, not intended for feeding purposes;
- (2) Weed-seed infested agricultural seeds and grains, or screenings, being transported upon any public highway to or from a cleaning or processing establishment for cleaning or processing, which same are carried or transported in such vehicles or containers as will prevent the leaking or scattering thereof;

(3) Weed-seed infested agricultural seeds and grains, or screenings, which have first been devitalized by grinding, heating, chemical treatment, or any other suitable method;

(4) The sale of weed-seed infested agricultural seeds and grains, or screenings, to each other by jobbers, manufacturers, or processors who mix or grind concentrated commercial feeding stuff for sale; provided that the restrictions applying to this section, clause (2), are complied with;

(5) The sale of weed-seed infested agricultural seeds and grains, or screenings, by any vendor to a consumer, provided that the restrictions set forth in clauses (2) and (3) of this section are complied with. However, where the vendor is not equipped to devitalize weed seeds, the vendor may sell weed-seed infested agricultural seeds, grains, or screenings only to a consumer who holds a permit issued by the commissioner for such a purchase. The commissioner shall issue such a permit annually to a consumer only if the consumer has the necessary facilities for devitalization, as determined by the commissioner, or has access to such facilities. The consumer shall devitalize such weed-seed infested agricultural seeds, grains, or screenings. The commissioner may revoke a permit after due notice and a hearing if the consumer does not comply with the provisions of this clause. The provisions of this clause shall not apply to the sale at a farm auction of a vendors agricultural seeds or grains for feeding or processing purposes. "Farm auction" for the purpose of this clause means the final sale at auction of the personal property of the farmer to the highest bidder. However, if such agricultural seeds and grains are sold under variety names, and in such manner and at such prices as to indicate that it is intended to use the seeds and grains for seeding purposes, the seeds and grains are then subject to all laws relating to cleaning, testing, and labeling of agricultural seed as set forth in the agricultural seed laws and the agricultural weed laws of the state of Minnesota and such rules and regulations as have been promulgated by the commissioner of agriculture thereunder; and

(6) Weed-seed infested agricultural seed and grains or screenings, produced by the farmer and fed on his own farm, provided it does not contain restricted weed seeds in excess of the legal limit.

[ 1959 c 172 s 4; 1961 c 127 art 2 s 6; 1961 c 713 s 1; 1963 c 592 s 1 ]

**21.75 POWERS AND DUTIES OF COMMISSIONER OF AGRICULTURE.** Subdivision 1. The duty of enforcing sections 21.71 to 21.78 and carrying out the provisions and requirements thereof is vested in the commissioner of agriculture. It is the duty of such officer, or through his authorized agents, to:

(1) Sample, inspect, make analysis of, and test weed-seed infested agricultural seeds and grains, or screenings, transported, sold, or offered, or exposed for sale within this state for any purpose, at such time and place, and to such extent as he may deem necessary to determine whether such weed-seed infested agricultural seeds and grain, or screenings, is in compliance with the provisions of sections 21.71 to 21.78, and to notify promptly the person who transported, sold, offered, or exposed the weed-seed infested agricultural seeds and grains, or screenings, for sale of any violation;

(2) Prescribe and, after public hearing following due public notice, adopt such rules and regulations as may be necessary to secure the efficient enforcement of sections 21.71 to 21.78. Such rules and regulations are to be adopted in accordance with the law; and

(3) Prescribe and, after public hearing following due public notice, establish, add to, or subtract therefrom by regulations a restricted noxious weed-seed list.

Subd. 2. The commissioner of agriculture individually, or through his authorized agents, is further authorized to:

(1) enter upon any public or private premises, excluding the home, during regular business hours in order to have access to weed-seed infested agricultural seeds and grains, or screenings, subject to sections 21.71 to 21.78, and the rules and regulations thereunder;

(2) issue and enforce a written or printed stop-sale order to the owner or custodian of any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, which the commissioner finds is in violation of any of the provisions of sections 21.71 to 21.78, which order shall prohibit further sale of such weed-seed infested agricultural seeds and grains, or screenings, until such officer has evidence that

the law has been complied with; provided, that no stop-sale order shall be issued or attached to any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, without first giving the owner or custodian of such weed-seed infested agricultural seeds and grains, or screenings, an opportunity to comply with the law; provided, further, that in respect to weed-seed infested agricultural seeds and grains, or screenings, which have been denied sale as provided in this paragraph, the owner or custodian of such weed-seed infested agricultural seeds and grains, or screenings, shall have the right to appeal from such order to a court of competent jurisdiction in the locality in which the weed-seed infested agricultural seeds and grains, or screenings, are found, praying for a judgment as to the justification of said order and for the discharge of such weed-seed infested agricultural seeds and grains, or screenings, from the order prohibiting the sale in accordance with the findings of the court; and provided, further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of 21.71 to 21.78;

(3) test weed-seed infested agricultural seeds and grains, or screenings, under presently existing facilities; and

(4) make or provide for making tests of weed-seed infested agricultural seeds and grains, or screenings, for farmers and dealers on request; to prescribe rules and regulations governing such testing; and to fix and collect charges for the tests made.

[ 1959 c 172 s 5; 1961 c 127 art 1 s 7 ]

**21.76 INJUNCTION; BOND.** When in the performance of his duties the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of sections 21.71 to 21.78, or any rules and regulations thereunder, said injunction, if any be granted, shall be issued without bond.

[ 1959 c 172 s 6 ]

**21.77 SEIZURE.** Any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, not in compliance with the provisions of sections 21.71 to 21.78, is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality in which the weed-seed infested agricultural seeds and grains, or screenings, are located. In the event that the court finds the weed-seed infested agricultural seeds and grains, or screenings, to be in violation of said sections and orders the condemnation of said weed-seed infested agricultural seeds and grains, or screenings, they shall be denatured, processed, destroyed, or otherwise disposed of in compliance with the laws of this state; provided, that in no instance shall the court order such disposition of said weed-seed infested agricultural seeds and grains, or screenings, without first having given the claimant any opportunity to apply to the court for the release of said weed-seed infested agricultural seeds and grains, or screenings, or permission to process them to bring them into compliance with these sections.

[ 1959 c 172 s 7 ]

**21.78 VIOLATIONS; ENFORCEMENT.** Subdivision 1. Any person violating any of the provisions of sections 21.71 to 21.78, or any of the rules or regulations promulgated by the commissioner thereunder, is guilty of a misdemeanor.

Subd. 2. It is the duty of every prosecuting officer to whom the commissioner shall report any violation of sections 21.71 to 21.78, 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.

[ 1959 c 172 s 8 ]