

CHAPTER 21

AGRICULTURE; 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 shall, for the purposes of this chapter, be given the meaning subjoined to it; the terms defined in subdivision 3 shall, for the purposes of sections 21.02 to 21.10, be given the meaning subjoined; the words, terms, and phrases defined in subdivisions 4 to 11 shall, for the purposes of sections 21.02 to 21.10, 21.101, and 21.102, be given the meanings subjoined to them; the words, terms, and phrases defined in subdivisions 12 to 16 shall, for the purposes of sections 21.11 to 21.20, be given the meanings subjoined to them; the term defined in subdivision 17 shall, for the purposes of sections 21.21 to 21.23, be given the meaning subjoined; and the words, terms, and phrases defined in subdivisions 18 to 22 shall, for the purposes of sections 21.101 and 21.102, be given the meanings subjoined to them.

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

Subdivision 3. **Agricultural seeds or agricultural seed.** The term "agricultural seeds" or "agricultural seed" includes the seeds of corn, wheat, oats, barley, rye, emmer, flax, sudan grass, sorghum, buckwheat, sweet clover, medium and mammoth red clover, alsike clover, white clover, alfalfa, soybeans, field peas, beans, vetches, rape, timothy, bromus, redtop, Kentucky blue grass, Canada blue grass, rye grass, sweet fernal grass, fescue, millet, oat grass, orchard grass, wheat grass, and all other seeds used for planting or sowing for agricultural and lawn purposes, and shall be construed to mean such seed when sold, offered or exposed for sale, or had in possession with intent to sell or as a sample representing any lot of seed elsewhere stored and for sale within this state for purposes of sowing or planting.

Subdivision 4. **Kind.** The word "kind" means variety, sort, or species, indicating the commonly accepted name of such seed.

Subdivision 5. **Approximately.** The word "approximately" when referring to amounts relating to purity of agricultural seeds or percentages means within the range of tolerance of inert matter and of other agricultural seeds and of all weed seeds contained with the agricultural seed in question and obtained on the basis of a 0.2 per cent fixed figure plus 20 per cent of the lesser part.

Subdivision 6. **Weed seed.** The words "weed seed" mean the seeds and the bulblets of any and all weeds designated in section 20.06 and such other annual, biennial, and perennial plants that grow with crops raised in the field, the garden, the lawn, and in waste areas throughout the state, causing either damage to crops or interference with travel or other public inconvenience or injurious to public health.

Subdivision 7. **Sell.** The word "sell" includes the offering or exposing for sale or exchange of the prohibited article, the having of any such article in possession with intent to sell or exchange the same, and the storing, carrying, or handling thereof in aid of traffic therein, whether done or permitted in person or through others.

Subdivision 8. **Germination.** The word "germination" means a seed showing growth of 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.

Subdivision 9. **Gothic caps.** The words "Gothic caps" mean the type of copy with letters the size and character as the following: "TYPE."

Subdivision 10. **Pure seed.** The words "pure seed" mean agricultural seed exclusive of inert matter and all other seeds not of the kind of seed being considered.

Subdivision 11. **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.

Subdivision 12. **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.

Subdivision 13. **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.

Subdivision 14. **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.

Subdivision 15. **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.

Subdivision 16. **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.

Subdivision 17. **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.

Subdivision 18. **Agricultural seed or agricultural seeds.** The term "agricultural seed" or "agricultural seeds" includes and means any and all kinds and varieties of seeds planted and grown in the state for the production of root crops, grains, seeds, forage, hay, for green manure crops and lawns, whether such seeds are regarded singly or as mixtures of the same.

Subdivision 19. **Vendor.** The word "vendor" means any person who sells, offers or exposes agricultural seeds for sale not grown on his own farm.

Subdivision 20. **Cereals.** The word "cereals" means and includes seeds of wheat, oats, barley, speltz or emmer, and buckwheat.

Subdivision 21. **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.

Subdivision 22. **Wholesale.** The word "wholesale" means and refers to the sale of agricultural seeds in large quantities to vendors for re-sale or 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:

[1927 c. 387 s. 1; 1927 c. 115 s. 1; 1939 c. 106 s. 1; 1941 c. 472 s. 1] (3957-1) (3957-21) (6139-1)

21.02 POWERS OF COMMISSIONER. Subdivision 1. **Rules and regulations; investigations.** The commissioner is hereby authorized, and it shall be his duty,

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to execute sections 21.02 to 21.10, and to that end he may make and enforce such rules and regulations as in his judgment shall be necessary. He shall investigate 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, or railway or other transportation company, and upon the tendering of payment therefor at the current value thereof, may take any sample or samples of such seed.

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 Subdivision 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 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 report 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.

Subdivision 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.

Subdivision 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.

Subdivision 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.

Subdivision 6. **Fees for tests.** The commissioner is authorized, and it is hereby made his duty, to collect a fee or fees, as herein provided, for making tests, analyses, or determinations of seeds, and the amount of such fee or fees shall be received by him before 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.

Subdivision 7. **Schedule of fees.** The fee or fees to be paid as herein referred to for each and every germination test shall be 25 cents for corn, peas, beans, cereals, and all such larger seeds; 30 cents for alfalfa, clover, timothy, and similar seeds; and 40 cents for blue grass, fescues, and similar smaller grass seeds.

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

- (1) 25 cents each for wheat, oats, barley, rye, emmer, vetch, and buckwheat;
- (2) 50 cents each for millet, sudan grass, alfalfa, red clover, sweet clover, rape, timothy, rye grass, slender wheat grass, alsike clover, and all similar seeds and for mixtures of any seeds hereinbefore named;

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(3) \$1.00 each for white clover, all mixtures of clovers, orchard grass, and wheat grass, and all uncleaned seeds;

(4) \$2.00 each for Kentucky blue grass, redtop, and bent grasses, and all lawn grass 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.

Subdivision 8. **Hearings; prosecutions for violations.** When by analysis or otherwise it shall be made to appear that any person has violated any of the provisions of sections 21.02 to 21.10, or any rule or regulation issued thereunder, it shall be the duty of the commissioner to notify the person in whose possession the seed in question was found or the owner thereof, if known, and designate a time and place for a hearing for receiving evidence as to such alleged violation. After such hearing or upon failure of the person to appear at the time and place fixed therefor, the commissioner may transmit the facts so found to the attorney general and it shall be the duty of the attorney general, or in the discretion of the commissioner, he may act through the county attorney of the county in which the violation was committed, whose duty it shall then be, to forthwith institute proceedings and prosecute the same against the person charged with such violation. It is hereby made the duty of the county attorney to prosecute any and all such cases submitted to him by the commissioner or the attorney general.

[1927 c. 387 s. 2; 1939 c. 307 s. 1] (3957-2)

21.03 LABELS FOR PACKAGES; CONTENTS; WEED SEED TOLERANCE.

The owner or person in possession of each and every package, parcel, or lot of agricultural seed, 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 the 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 (*argropyron repenes*), Canada thistle (*carduus arvensis*), perennial sow thistle (*conchus arvensis*), dodders (*cuscuta supp.*), leafy spurge (*euphorbia esula*), oxeye daisy (*chrysanthemum leucanthemum*), and buckhorn plantain (*plantago lanceolata*); provided, when 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) If such agricultural seed is grown in this state, the words "grown in Minnesota," and in the case of corn, the name of the county in which grown, and if not grown in this state, the name of the state or country in which such corn was grown, and in the case of clovers and alfalfa seeds, when any portions thereof are from countries other than the United States, the name of the country where grown, and such seeds shall bear the coloring designated by the federal seed act of 1912, as amended April 26, 1926;

(6) The full name and address of the seedsman, importer, dealer, agent, or other person selling, offering or exposing for sale the 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.

It shall be unlawful for any person to sell, offer or expose for sale or distribution in this state, or to have in possession with intent to sow, any agricultural seed or mixtures of agricultural seeds for seeding purposes when:

(1) Such agricultural seed contains any one or all of the noxious weed seeds named in this section in excess of 25 such weed seeds per pound or such agricultural seed contains ten or more seeds of perennial pepper grass (*lepidium draba*), horse nettle (*solanum carolinense*), or Austrian field cress (*roripa* or *radicule austriaca*);

(2) Such agricultural seed contains two or more per cent by weight of all other weed seeds;

(3) Such agricultural seed shall contain any seeds of creeping jenny (*convolvulus arvensis* L.), or leafy spurge (*euphorbia esula*).

It shall be unlawful for any person to sell to the consumer, offer or expose for sale, any screenings of any name or nature that have not been devitalized by grinding sufficiently fine to destroy all weed seeds, or otherwise devitalize them.

Any person engaged in the purchase and sale of agricultural seeds who comes into possession of seeds or samples of seeds containing seeds of creeping jenny or leafy spurge 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.

The commissioner may fix the weed seed content allowable in the case of any agricultural seeds when, in his judgment, the character of such seeds precludes the removal of certain weed seeds to a two per cent basis.

[1927 c. 387 s. 3; 1929 c. 137; 1939 c. 307 s. 2; 1941 c. 75 s. 1] (3957-3) *Subd. 1*

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

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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 is authorized, and it is hereby made his duty, to 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 provisions of sections 21.02 to 21.10, 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 sections 21.02 to 21.10, and no action or claim for damage shall be allowed or shall be sustainable against the commissioner or any one acting under his direction or authority in respect thereto.

[1927 c. 387 s. 8] (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 sections 21.02 to 21.09, 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 sections 21.02 to 21.09, together with any other information regarding any agricultural seed that he may deem advisable.

[1927 c. 387 s. 11] (3957-11)

21.101 TAGS AND LABELS. Subdivision 1. **Furnished.** For the purposes of defraying the costs of inspection of agricultural seeds in this state, the commissioner shall furnish tags or labels in form and character as shall be adequate for the purposes and in the manner hereinafter described.

Subdivision 2. **Kinds and colors of tags.** It shall be the duty of every vendor or person selling, offering or exposing agricultural seed, except cereals, for sale at retail in Minnesota to have attached to the containers a tag or label prescribed and prepared by the commissioner and sold to the vendor at the prices described in subdivision 3.

The following described tags shall be used for pure or unmixed seeds other than cereals:

Yellow Tags for seeds of alfalfa, sweet clover, red clover, alsike clover, white clover, lespedeza and other legume seeds of similar size, timothy, bromus, rye grass, orchard grass, reed canary grass, blue grasses, fescues, redtop, rape, bent grass, and wheat grass.

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Green Tags for flax, millets, proso, sorghum or cane, kafir corn, milo maize, mangold, hemp, sudan grass, and vetches.

Brown Tags for field and canning peas, navy and/or white beans, and sunflowers.

The following described tags shall be used for mixtures and special mixtures of seeds other than cereals:

White Tags for any and all mixtures of seeds of the foregoing groups in this section when two or more kinds, and/or varieties are intermingled in proportions of five per cent or more by weight of each.

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

100 to 150 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
1 to 14 pound containers.....	1 cent each

Subdivision 4. **Tags attached to containers.** Vendors of agricultural seeds shall be required to attach one tag or label herein designated to each container described herein for seed sold, offered or exposed for sale.

Subdivision 5. **Enforcement.** The commissioner is hereby authorized and it shall be his duty to administer and enforce this act and to that end he may promulgate and enforce such regulations as in his judgment shall be necessary; he shall investigate the sale, transportation, distribution, and adaptation of agricultural seeds in Minnesota, as provided by sections 21.02 to 21.10, and as hereinafter provided. He shall employ such agents and assistants as are necessary to execute the requirements of sections 21.101 and 21.102, none of whom, except those who are employed on a regular or 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. He shall have the authority to publish information, records, etc., relative to the administration and records pertaining to the work performed under sections 21.101 and 21.102.

Subdivision 6. **Fees put in seed act account.** All fees and moneys collected from the sale of tags or labels 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 Laws 1927, Chapter 387, Section 2, for the purpose of defraying the expenses of administrating and enforcement of sections 21.101 and 21.102.

[1941 c. 472 s. 2]

21.102 **Application.** Nothing in section 21.101 shall in any manner affect, change, modify, or amend the purpose, meaning, and enforcement of sections 21.02 to 21.10, but shall be in addition thereto.

[1941 c. 472 s. 4]

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. He shall provide such forms as are necessary and keep a record of the work performed, and appoint, designate, or employ such officers; inspectors, and employees as may be deemed necessary and fix their compensation.

[1927 c. 115 s. 3; 1941 c. 197 s. 2] (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

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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, 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] (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 thereunder.

[1927 c. 115 s. 8] (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, offer or expose for sale, within the state of Minnesota, any seed corn as "hybrid" unless the seed corn answers to and complies with the definition of hybrid seed corn contained in section 21.01, and unless there is attached to each sack, bag, or other container of such seed corn a label specifying that the seed corn contained therein is the product of either a single cross, a three-way cross, or a double

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cross, as the case may be; and the label shall state the year, county, and state in which the hybrid seed corn was raised and state approximately the number of days of growing season required from emergence of the corn plant above the ground to maturity in the section in Minnesota where the seed corn is intended to be grown, as provided in sections 21.22 and 21.23. In determining such number of days the findings of the Minnesota experimental station shall govern.

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

Am 1943-313-2
21.22 DEAN OF AGRICULTURAL COLLEGE TO ESTABLISH CORN-GROWING SECTIONS. It shall be the duty of the dean and director of the department of agriculture of the University of Minnesota to determine, establish, and number, or otherwise identify, corn-growing sections of the state and to determine and publish for each section so established the approximate number of days of growing season required for corn from emergence of the corn plants above ground after planting to maturity.

[1939 c. 106 s. 3] (3957-23)

Am 1943-313-3
21.225 RECORD OF HYBRID SEED CORN VARIETIES. A record of each hybrid seed corn variety shall be filed by the originator or owner thereof with the commissioner and, for each such filing, he shall collect a fee of \$2.00. Annually thereafter he shall issue a renewal of such filing for a fee of \$1.00. These fees shall be deposited with the state treasury as other departmental receipts are deposited and shall constitute and be a part of a separate account known as the seed act account created by sections 21.02 to 21.10.

[1941 c. 280 s. 2]

Am 1943-313-3
21.23 ENFORCEMENT. The commissioner is hereby charged with the duty and responsibility of enforcing the provisions of sections 21.21 and 21.22.

[1939 c. 106 s. 4; 1941 c. 280 s. 2] (3957-24)

Am 1943-313-3
21.24 VIOLATIONS; PENALTIES. Subdivision 1. Any person violating any of the provisions of sections 21.21 to 21.23 shall be guilty of a misdemeanor.

Subdivision 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 \$25.00, nor more than \$100.00, 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 \$50.00, nor more than \$500.00, or by imprisonment for not less than 30 days, nor more than six months.

Subdivision 3. Any person who sells, offers or exposes for sale or distribution in this state any agricultural seeds for sowing or planting purposes without complying with the provisions of sections 21.02 to 21.10 shall be guilty of a misdemeanor for the first offense; and, upon conviction, shall be fined not less than \$10.00 and the costs of such prosecution, nor more than \$100.00 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 \$25.00 and the costs of such prosecution, nor more than \$500.00 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.

[1927 c. 115 s. 11; 1927 c. 387 s. 10; 1939 c. 106 s. 5] (6139-11) (3957-10) (3957-25)