

CHAPTER 464—S. F. No. 703

An act relating to police pensions and benefits in cities of the second class; amending Minnesota Statutes 1949, Section 423.201.

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

Section 1. Minnesota Statutes 1949, Section 423.201, is amended to read as follows:

423.201. **Pensions and benefits, payment.** *All service, disability and dependency pensions and benefits heretofore allowed by any such relief association shall hereafter be paid in amounts provided for in sections 423.13 and 423.155.*

Sec. 2. This act shall be effective on the first day of the month next following the date of its enactment.

Approved April 18, 1951.

CHAPTER 465—S. F. No. 758

[Sections 2 to 12 Coded as Sections 21.111 to 21.122]

An act relating to the inspection and certification of seed potatoes; providing penalties.

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

Section 1. Minnesota Statutes 1949, Section 21.01, Subdivisions 14, 15, 16, 17; Sections 21.11 to 21.20, inclusive, are repealed.

[21.111] Sec. 2. **Definitions.** Subdivision 1. **Terms.** When used in this act the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Inspected.** "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.** "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 this act, and as provided by rules or regulations adopted and published by the commissioner.

Subd. 4. **Registered.** "Registered" means that the potatoes are of an approved and known variety which is the progeny of a seed potato and which is not more than the third generation from such seed potato selected on a basis of plant and tuber characters, such characters being designated and prescribed by the commissioner. Otherwise "registered" potatoes shall conform to the requirements of "certified" seed potatoes, as herein provided.

Subd. 5. **Seed potatoes.** "Seed potatoes" mean [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.** "Persons" includes an individual, partnership, corporation, company, society, association, and firms.

[21.112] **Sec. 3. Commissioner, duties.** 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.

[21.113] **Sec. 4. 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 this act.

[21.114] **Sec. 5. 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.

[21.115] **Sec. 6. 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 this act, 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 this act 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 this act. 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 this act.

[21.116] **Sec. 7. Expenses.** All necessary expenses incurred in carrying out the provisions of this act and the compensation of officers, inspectors, and employees appointed, designated, or employed by the commissioner, as provided in this act, together with their necessary traveling expenses, together with the traveling expenses of the members of the

advisory seed potato certification committee, and other expenses necessary in attending committee meetings, shall be paid from, and only from, the seed potato inspection fund, on order of the commissioner and auditor's voucher warrant.

[21.117] Sec. 8. **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 this act and the rules and regulations adopted and published hereunder.

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

[21.118] Sec. 9. **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 this act.

[21.119] Sec. 10. **Use of certain terms forbidden.** 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 this act.

[21.121] Sec. 11. **Violations; reports, prosecutions.** It shall be the duty of every prosecuting officer, to whom the commissioner shall report any violation of this act, 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 as provided in this act.

[21.122] Sec. 12. **Penalties.** Any person violating any provisions of this act 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.

Sec. 13. This act shall become effective July 1, 1951.

Approved April 18, 1951.

CHAPTER 466—S. F. No. 845

An act relating to noxious weeds and bushes, and amending Minnesota Statutes 1949, Section 20.01, Subdivision 2; Section 20.07; Section 20.09; Section 20.11, Subdivision 3; Section 20.12, Subdivisions 1, 2 and 3; Section 20.13 and Section 20.15, Subdivisions 1 and 3.

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

Section 1. Minnesota Statutes 1949, Section 20.01, Subdivision 2, is amended to read:

20.01 Subd. 2. **Municipality.** "Municipality" means a city, village, *township*, or borough.

Sec. 2. Minnesota Statutes 1949, Section 20.07, is amended to read:

20.07. **Destruction of noxious weeds.** Except as otherwise specifically provided in sections 20.06 to 20.27, it shall be the duty of every occupant of land or, if the land is unoccupied, the owner thereof, or his agent, or the public official in charge thereof, to cut down, otherwise destroy, or eradicate all noxious weeds as defined in section 20.01, subd. [subdivision] 5, standing; being, or growing upon such land, or in such manner and