

board to transfer proceeds from the sale of the county tuberculosis sanatorium to the county general fund.

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

Section 1. Lincoln county, proceeds from sale of sanatorium. Notwithstanding the provisions of Minnesota Statutes 1957, Section 376.54, Subdivision 2, to the contrary, the board of county commissioners of Lincoln county may deposit in the county general fund Lincoln county's proportionate share of the proceeds from the sale of the jointly owned county tuberculosis sanatorium.

Sec. 2. This act takes effect when approved by a majority of the board of county commissioners of Lincoln county and upon compliance with Laws 1959, Chapter 368.

Approved March 17, 1961.

CHAPTER 126—H. F. No. 933

[Not Coded]

An act relating to the county of Cottonwood, tax levy for road and bridge fund.

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

Section 1. County of Cottonwood, road and bridge tax levy. The board of commissioners of the county of Cottonwood may levy a tax not to exceed 25 mills on the dollar of the taxable valuation of the county for the road and bridge fund.

Sec. 2. Effective date. This act shall become effective only after its approval by a majority of the members of the board of commissioners of the county of Cottonwood, and upon compliance with Laws 1959, Chapter 368.

Approved March 17, 1961.

CHAPTER 127—H. F. No. 59

[Coded in Part]

An act relating to agriculture; correcting references, obsolete language, and conflicts in the weed, seed, screenings,

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and feed laws; providing penalties; amending Minnesota Statutes 1957, Sections 20.12, Subdivision 2; 20.28, Subdivision 1; 20.40, Subdivision 3; 21.47, Subdivision 15; 21.49, Subdivision 2; and Laws 1959, Chapter 170, Section 3, Subdivision 5; and Section 9; Laws 1959, Chapter 172, Section 2, Subdivision 15; Section 3, Subdivision 1; Section 4; and Section 5, Subdivision 1; repealing Minnesota Statutes 1957, Sections 18.13; 20.01, Subdivisions 1 and 7; and 20.36.

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

ARTICLE I

Section 1. [18.171] Noxious weed definitions. Subdivision 1. *For the purposes of Minnesota Statutes, Sections 20.06 to 20.15 and 20.19 to 20.22 the terms defined in Minnesota Statutes, Section 20.01, Subdivisions 2, 3, 4, 5, 6, and 8, have the meanings given to them.*

Sec. 2. Minnesota Statutes 1957, Section 20.28, Subdivision 1, is amended to read:

20.28 Subdivision 1. Penalty. ~~(a) Any person violating any of the provisions of sections 20.02 to 20.05 or sections 20.23 to 20.27 shall be guilty of a misdemeanor.~~

~~(b)~~ Any person who violates any of the provisions of sections 20.06 to 20.15 or who violates any duly adopted regulation of the commissioner or who neglects, fails, or refuses to comply with any notice duly issued thereunder by the commissioner, or a local weed inspector, and duly served upon him, or who fails, refuses, or neglects to perform any duty imposed upon him by sections 20.06 to 20.15, shall be guilty of a misdemeanor; and, upon conviction, punished accordingly.

Sec. 3. [18.323] Penalty. *Any person violating any of the provisions of Minnesota Statutes, Sections 20.26 and 20.27 is guilty of a misdemeanor.*

Sec. 4. [18.335] Penalty. *Any person violating any of the provisions of Minnesota Statutes, Sections 20.02 to 20.05 is guilty of a misdemeanor.*

Sec. 5. [18.431] White Pine Blister Rust Definitions. Subdivision 1. *For the purposes of Minnesota Statutes, Sections 20.37 to 20.40, the terms defined in Minnesota Statutes, Section 20.01, Subdivisions 9 to 13, have the meanings given them.*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 6. Minnesota Statutes 1957, Section 20.40, Subdivision 3, is amended to read:

Subd. 3. **Importation and movement of certain plants.** The commissioner is hereby authorized and empowered to prohibit and prevent or regulate the entry into or movement within the state, from any part thereof to any other part, of any white pines or any plants of the genera *Ribes* or *Grossularia* when such plants are to be shipped into blister-rust control areas, and may be enforced in like manner to that prescribed in ~~section 18.02~~ *Laws 1959, Chapter 35, Section 5.*

Sec. 7. Laws 1959, Chapter 172, Section 5, Subdivision 1, is amended to read:

Sec. 5. [21.75] **Powers and duties of commissioner of agriculture.** Subdivision 1. The duty of enforcing sections 1 to 8 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 1 to 8, 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 1 to 8. Such rules and regulations are to be adopted in accordance with the provisions of ~~Minnesota Statutes, Section 15.042~~ *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.

Sec. 8. *Minnesota Statutes 1957, Sections 18.13, 20.01, Subdivisions 1 and 7, and 20.36, are repealed.*

ARTICLE II

Section 1. Minnesota Statutes 1957, Section 20.12, Subdivision 2, is amended to read:

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Subd. 2. **Regulations regarding transportation.** *Except as provided in Laws 1959, Chapter 172, Section 4,* when any person desires to transport along a public highway materials containing seeds or other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, sow thistle, Canada thistle, hoary alyssum, or any other noxious weed designated by the commissioner, he shall secure from a local, county or state weed inspector, a written permit for the transportation of such material. All duly constituted weed inspectors may issue such permits to persons residing or operating within their respective weed jurisdictions to regulate the transportation of such material and to require proper treatment, cleaning, sterilization or destruction of any such material which has been or is about to be transported or deposited to prevent the growing or scattering of any weed seeds or other propagating parts contained therein. Copies of all permits issued under this section shall be immediately sent to the commissioner.

Except as provided in Laws 1959, Chapter 172, Section 4, no grain seed, screenings, hay forage, straw, soil, gravel, sand, or refuse and other materials containing seeds and others propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, sow thistle, Canada thistle, hoary alyssum or any other noxious weeds designated by the commissioner shall be transported upon any public highway unless it be in sacks, *bales*, boxes or other containers sufficiently tight and closed or covered with canvas or otherwise to prevent seeds and other propagating parts of such weeds from blowing or scattering along the highway or on other lands or water.

Scattering and dumping on land or in water of grain, seed, and screenings containing seeds and other propagating parts of noxious weeds in excess of legal limits of weed seeds per pound in agricultural seed, and of soil, gravel, rubbish, trash, and other materials containing seeds or other propagating parts of noxious weeds in harmful amounts as determined by regulation of the commissioner is prohibited unless such material is processed, treated, or buried sufficiently deep to destroy viable seeds and other propagating parts which they contain down to the limits provided by this section.

Sec. 2. Minnesota Statutes 1957, Section 21.47, Subdivision 15, is amended to read:

Subd. 15. **Screenings.** The word "screenings" means

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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 weedy fields or from any other source, which contains less than 50 percent agricultural seeds or grains.

Sec. 3. Minnesota Statutes 1957, Section 21.49, Subdivision 2, is amended to read:

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 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;

~~(g) To sell to the consumer, or to feed any screenings of any name or nature from threshing machines, seed hullers, seed cleaners, weedy fields, or from any other source which have not been devitalized by grinding sufficiently fine or otherwise devitalized to destroy the weed seeds in excess of allowable limits, except that dealers who are not equipped with the necessary machinery or other facilities to devitalize the screenings as required, may sell whole screenings to consumers for feeding purposes, upon written permit from the commissioner, which shall be issued by the commissioner only if the consumer has the necessary machinery and facilities to devitalize said screenings; and the consumer shall so devitalize such screenings before using them for feed.~~

Sec. 4. Laws 1959, Chapter 172, Section 2, Subdivision 15, is amended to read:

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[21.72] 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*).

Sec. 5. Laws 1959, Chapter 172, Section 3, Subdivision 1, is amended to read:

Sec. 3. [21.73] 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, ~~or feed 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.

Sec. 6. Laws 1959, Chapter 172, Section 4, is amended to read:

Sec. 4. [21.74] **Exceptions.** The provisions of section 3 shall not apply to:

(1) Agricultural seeds and grains, or screenings, not intended for feeding ~~or seeding~~ 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

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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; ~~and~~

(5) The sale of weed-seed infested agricultural seeds and grains, or screenings, by any vendor to a consumer, provided that ~~the sale is accompanied by a waiver signed by the consumer to the extent that he will comply with the law in regard to the uses of the material sold to him by the vendor~~ *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; 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.

Sec. 7. Laws 1959, Chapter 170, Section 3, Subdivision 5, is amended to read:

[25.17] Subd. 5. "Commercial feed" means all materials which are distributed for use as feed for animals other than man except:

(1) ~~Unmixed~~ Whole seeds and *unmixed* meals made directly from the entire seeds.

(2) Unground hay.

(3) Whole or ground straw, stover, silage, cobs, and hulls when not mixed with other materials.

Sec. 8. Laws 1959, Chapter 170, Section 9, is amended to read:

Sec. 9. [25.23] Weed seeds. ~~Subdivision 1.~~ It

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shall be unlawful for any person to distribute a commercial feed which shall contain any weed seeds in ~~illegal amounts in which the germ and life have not been destroyed amounts exceeding the limits which the commissioner shall establish by rule and regulation. The limits so established by the commissioner shall not exceed the limits set forth in Laws 1959, Chapter 172, Section 3, Subdivision 1, and acts amendatory thereof.~~ This section shall not be deemed to make unlawful any sale by a retail distributor who has not been able, by reasonable diligence, to ascertain, before such sale, the presence in any such concentrated commercial feeding stuff sold of such noxious seeds.

Subd. 2. It shall be unlawful for any person to distribute any screenings taken from any grain or seeds which contain any prohibited or primary noxious or poisonous weed seeds in ~~illegal amounts the viability of which has not been destroyed. Nothing in this section shall be construed to restrict or prohibit the sale of screenings to each other by persons who mix or grind concentrated commercial feeding stuff for sale.~~

Approved March 20, 1961.

CHAPTER 128—H. F. No. 64

[Coded in Part]

An act relating to the department of agriculture, dairy and food; amending Minnesota Statutes 1957, Sections 17.01; 17.04; 22.02; 27.01; 28.01; 28.13; 31.01; 33.21, Subdivision 1; 34.01, Subdivisions 1 and 4; Chapters 18; 21; 24; 29; 30; 33; and 34; repealing Minnesota Statutes 1957, Sections 17.02; 17.08; 17.24, Subdivision 3; 17.37; and Laws 1959, Chapter 19, Section 5.

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

Section 1. Minnesota Statutes 1957, Section 17.01, is amended to read:

17.01 **Creation of department; commissioner; deputy.** There is hereby created a department of agriculture, dairy, and food, which shall be in charge of a commissioner to be known as the commissioner of agriculture, dairy, and food, in ~~chapters~~ *chapter 17 to 41* called the commissioner, who shall

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