

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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be appointed by the governor for the term of four years. Before entering upon the duties of his office, he shall take and subscribe the oath required of state officials and give his bond to the State of Minnesota, to be approved by, and filed with, the secretary of state, for the sum of \$5,000, conditioned for the faithful performance of his duties. He ~~shall be provided with a suitable office and equipment at the seat of government, and have authority to~~ *may* appoint a deputy *who shall be in the unclassified service*, and such other assistants, clerks, and employees as occasion may require, ~~and fix their compensation.~~

Sec. 2. Minnesota Statutes 1957, Section 17.04, is amended to read:

17.04 **Enforcement of food laws.** The commissioner shall cause to be enforced all the provisions of all laws designed to prevent fraud and deception in the manufacture and sale of food and the several ingredients thereof, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food products. ~~All appointees shall be qualified electors of this state. The commissioner shall be a practical dairyman; the assistant commissioner, chief chemist, chemists, inspectors, and all agents and other persons appointed or employed by him shall be practical men and specially trained and equipped for their particular lines of work.~~

Sec. 3. Minnesota Statutes 1957, Chapter 18, is amended by adding a section to read:

[18.011] **Definition.** *Subdivision 1. Except where the context otherwise indicates, for the purposes of Minnesota Statutes, Chapter 18, the terms defined in this section have the meanings given them.*

Subd. 2. "Commissioner" means the commissioner of the department of agriculture, dairy, and food.

Sec. 4. Minnesota Statutes 1957, Chapter 21, is amended by adding a section to read:

[21.001] **Definition.** *Subdivision 1. Except where the context otherwise indicates, for the purposes of Minnesota Statutes, Chapter 21, the terms defined in this section have the meanings given them.*

Subd. 2. "Commissioner" means the commissioner of the department of agriculture, dairy, and food.

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Sec. 5. Minnesota Statutes 1957, Section 22.02, Subdivision 1, is amended to read:

22.02 Definitions. Subdivision 1. **Terms.** For the purposes of ~~this chapter~~ *Minnesota Statutes, Sections 22.02 to 22.35*, the terms defined in this section have the meanings ~~ascribed~~ *given* to them.

Sec. 6. Minnesota Statutes 1957, Section 22.02, is amended by adding a subdivision to read:

Subd. 8. The term "Commissioner" means the commissioner of the department of agriculture, dairy, and food.

Sec. 7. **[308.901] Commissioner defined.** *For the purposes of Minnesota Statutes, Sections 22.36 to 22.39, "Commissioner" means the commissioner of the department of agriculture, dairy, and food.*

Sec. 8. Minnesota Statutes 1957, Chapter 24, is amended by adding a section to read:

[24.001] Definition. *Subdivision 1. Except where the context otherwise indicates, for the purposes of Minnesota Statutes, Chapter 24, the terms defined in this section have the meanings given them.*

Subd. 2. "Commissioner" means the commissioner of the department of agriculture, dairy, and food.

Sec. 9. Minnesota Statutes 1957, Section 27.01, is amended by adding a subdivision to read:

Subd. 7. "Commissioner" means the commissioner of the department of agriculture, dairy, and food.

Sec. 10. Minnesota Statutes 1957, Section 28.01, is amended by adding a subdivision to read:

Subd. 5. "Commissioner" means the commissioner of the department of agriculture, dairy, and food.

Sec. 11. Minnesota Statutes 1957, Section 28.13, is amended to read:

28.13 Rules and Regulations. *In the manner provided by law, the commissioner shall have power, and it shall be his duty, from time to time, to make and publish uniform rules and regulations, not inconsistent with law, to carry out and enforce the provisions of this chapter, ~~which rules and regulations shall be filed in the office of the commissioner,~~*

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and published twice in a legal newspaper of general circulation published at the capitol of the state; and, from and after the tenth day succeeding the date of the last such publication, the rules and regulations shall have the force and effect of law. An affidavit of the publication shall be kept on file in the office of the commissioner. A copy of the rules and regulations, certified by the commissioner, shall be prima facie evidence of the facts therein contained and of the due making and publication of the rules and regulations.

Sec. 12. Minnesota Statutes 1957, Chapter 29, is amended by adding a section to read:

[29.001] Definition. *Subdivision 1. Except where the context otherwise indicates, for the purposes of Minnesota Statutes, Chapter 29, the terms defined in this section have the meanings given them.*

Subd. 2. Commissioner means the commissioner of the department of agriculture, dairy, and food.

Sec. 13. Minnesota Statutes 1957, Chapter 30, is amended by adding a section to read:

[30.001] Definition. *Subdivision 1. Except where the context otherwise indicates, for the purposes of Minnesota Statutes, Chapter 30, the terms defined in this section have the meanings given them.*

Subd. 2. "Commissioner" means the commissioner of the department of Agriculture, dairy, and food.

Sec. 14. Minnesota Statutes 1957, Section 31.01, is amended by adding a subdivision to read:

[Subd. 18] Commissioner. *"Commissioner" means the commissioner of the department of agriculture, dairy, and food.*

Sec. 15. Minnesota Statutes 1957, Chapter 33, is amended by adding a section to read:

[33.001] Definition. *Subdivision 1. Except where the context otherwise indicates, for the purposes of Minnesota Statutes, Chapter 33, the terms defined in this section have the meanings given them.*

Subd. 2. "Commissioner" means the commissioner of the department of agriculture, dairy, and food.

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Sec. 16. Minnesota Statutes 1957, Section 33.21, Subdivision 1, is amended to read:

33.21 Penalty. Subdivision 1. Any person violating any of the provisions of sections ~~33.01 to 33.15~~, 33.02, or 33.03 shall be guilty of a misdemeanor.

Sec. 17. Minnesota Statutes 1957, Chapter 34, is amended by adding a section to read:

[34.001] Definition. *Subdivision 1. Except where the context otherwise indicates, for the purposes of Minnesota Statutes, Chapter 34, the terms defined in this section have the meanings given them.*

Subd. 2. "Commissioner" means the commissioner of the department of agriculture, dairy, and food.

Sec. 18. Minnesota Statutes 1957, Section 34.01, Subdivision 1, is amended to read:

34.01 Definitions. Subdivision 1. **Terms.** Unless the language or context clearly indicates that a different meaning is intended, the terms defined in subdivisions 2 and 3, for the purposes of sections 34.02 to 34.11, shall be given ~~the meanings ascribed to given them; and the term defined in subdivision 4, for the purposes of section 34.12, shall be given the meaning ascribed to it.~~

Sec. 19. Minnesota Statutes 1957, Section 34.01, Subdivision 4, is amended to read:

Subd. 4. [Fermented malt beverages defined.] *For the purposes of Minnesota Statutes, Section 34.12, "fermented malt beverages" means any liquor or liquid capable of being used for beverage purposes, made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar, containing one-half of one percent or more of alcohol by volume.*

Sec. 20. *Minnesota Statutes 1957, Sections 17.02, 17.08, 17.24, Subdivision 3, 17.37, and Laws 1959, Chapter 19, Section 5, are repealed.*

Approved March 20, 1961.

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