

PURE SEED

CHAPTER 229.

[S. B. No. 31—McLean.]

PURE SEEDS.

AN ACT to Amend Section 3 of Chapter 209 of the Session Laws of 1909,
Relating to the Selling, Offering or Exposure of Seed for Sale.

PARTIAL VETO.

BISMARCK, N. D., March 21, 1913.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 31, An Act to amend Section 3 of Chapter 209 of the Session Laws of 1909, relating to the selling, offering or exposure of seed for sale, with my approval except as to the item in Section or Article 6, appropriating \$2,500.00 annually to the pure seed laboratory for furtherance of the work under this Act.

This item is vetoed for the reason that the revenues of the state have been largely exceeded by the appropriations.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

AMENDMENT.] Section 3 of Chapter 209 of the Session Laws of 1909, enacted by the eleventh legislative assembly of the state of North Dakota is hereby amended so as to read as follows:

§ 3. SEEDS, FEEDS AND FORAGE STUFFS, THE SALE OF WHICH ARE FORBIDDEN OR UNLAWFUL.] (1) Seeds Prohibited. No person, firm or corporation shall sell, offer or expose for sale or for distribution in the state any agricultural or garden seeds, excepting only garden seeds in a packet or package of one pound or less, which contain any of the seeds of couch or quack grass, canada thistle, sow thistle or dodder.

(2) SEEDS, UNLAWFUL.] The sale of agricultural or garden seeds under special or written guarantee, as pure seeds for sowing or planting purposes, containing seeds of

any kind or kinds, in greater numbers than a total of twenty (20) per pound in flax, cereals or other seeds of like size, or a total of one hundred (100) such foreign seeds per ounce in seeds of smaller type such as alfalfa, grasses or clovers is unlawful.

(3) SEEDS WHICH MUST BE LABELLED "UNCLEANED."] The sale or exposure for sale of agricultural or garden seeds containing more than a reasonable trace of any foreign seeds whether of other cultivated varieties or of noxious weeds such as greater ragweed, corn flower, marsh elder, russian pigweed, dandeloin, chicory, russian thistles, plantain, buck plantain, bracted plantain, white cockle, night-flowering catchfly, pink cockle, corn cockle, cow cockle, curled dock, sorrel, sheep-sorrel, purslane, bindwood, wild buckwheat, wild onion, wild oats, holy grass, cress, mustard, tumbling mustard, hare's ear mustard, pennycress, peper grass, shepherd's purse, false flax, bird's foot trefoil, yellow trefoil, bur clover, ergot or of the seeds of any other noxious weeds is unlawful, except such seeds be plainly labeled in English "Uncleaned Seeds" as further provided in Section 6 of Chapter 209 of the Session Laws of 1909.

(4) MINIMUM GERMINATION.] The minimum gemination of agricultural and garden seeds except only the seeds of parsnip, salsify, spinach, lettuce, parsley, medicinal herbs and the seeds of plants grown for flowers only, which may be sold and distributed in the state of North Dakota as seed for sowing or planting purposes shall be sixty per cent (60%) of actual viability. All seeds of lower viability than the minimum hereby established shall be classed as seeds for "food, forage or manufacturing purposes" as provided in Section six (6) of Chapter 209 of the Session Laws of 1909. Any grower or seedsmen may guarantee the approximate viability of any brand, bulk, bag or package of seed that he may place upon the market.

(5) SEEDS, CERTIFIED.] On and after July 1, 1913, the state seed commissioner shall cause to be examined the crop of stock of seed of all persons within the state of North Dakota who claim to be growers of pedigreed or improved seeds of any variety of agricultural or garden seeds. There shall also be kept in the office of the state seed commissioner a record of all growers of standard pedigreed seed and on or before March 1st of each year the state seed commissioner shall publish a list of all such growers and dealers who may have acquired by purchase any such properly certified seeds, which list shall be sent to any resident of the state of North Dakota upon application. He shall also, under such rules and regulations as he

may prescribe issue to each grower a certificate of the grade of purity and viability of the crops or seeds examined, and each certificate shall show the amount of seed which may be sold under said certificate. All such certified, pedigreed or improved seed if sold as seed for sowing or planting purposes shall be labelled so as to show the certificate number and conform to the requirements of the other Sections of the pure seed law. The state seed commissioner may, for cause, upon due notification, revoke any certificate so issued and no new certificate shall be issued to said holder during the period of one full year following the date of the cancellation of his certificate. For each certificate so issued there shall be paid to the treasurer of the agricultural college the sum of two (2) dollars, and at the end of each month shall be paid into the state treasury. All funds so collected shall be expended under requisition by the state seed commissioner for the aid and furtherance of the work of inspection and analysis necessary to the issuing of these certificates and keeping of the records specified in this clause.

“Pedigreed Seed” is hereby defined as seed of only one variety dating in history to a selected individual parent plant. “Improvd Seed” is hereby defined as seed of only one variety of sufficient purity and viability to meet the requirements of the state seed laws as seed for sowing or planting purposes.

(6) APPROPRIATION.] There is hereby annually appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$2,500.00 in addition to that already annually appropriated to the pure seed laboratory for the furtherance of the work authorized in the pure seed law and for the further equipment of the pure seed laboratory for field inspection, germination tests and analysis of seed and forage stuffs as specified in this Act, and for aid in publishing such reports and information as shall best further the culture and distribution of seeds of high grade and quality within the state, said payments to be made in four quarterly installments to the treasurer of the North Dakota Agricultural College Experiment Station at Fargo, on the first days of July, October, January and April, and the state auditor is hereby authorized and directed to draw his orders for such payments.

Approved March 21, 1913.