

28 the existence of other remedies at law, said injunction to be issued
29 without bond.

30 5. Any person adversely affected by an act, order or ruling made
31 pursuant to the provisions of this Act may within forty-five days
32 thereafter bring action in the district court in and for Polk county for
33 new trial of the issues bearing upon such act, order or ruling, and upon
34 such trial the court may issue and enforce such orders, judgments or
35 decrees as the court may deem proper, just and equitable.

1 SEC. 14. The secretary shall publish at least annually, in such form
2 as determined after a public hearing to which all Iowa feed registrants
3 and other interested parties are invited, a resume of the analytical
4 results obtained including information concerning the sales of com-
5 mercial feeds, together with such data on their production and use as
6 he may consider advisable, and a resume of the results of the
7 analyses of official samples of commercial feeds sold within the state
8 as compared with the analyses guaranteed in the registration and on
9 the label; provided, however, that the information concerning produc-
10 tion and use of commercial feeds shall not disclose the operation of any
11 person.

1 SEC. 15. If any clause, sentence, paragraph, or part of this Act
2 shall for any reason be judged invalid by any court of competent juris-
3 diction, such judgment shall not affect, impair or invalidate the re-
4 mainder thereof but shall be confined in its operation to the clause,
5 sentence, paragraph or part thereof directly involved in the contro-
6 versy in which such judgment shall have been rendered.

1 SEC. 16. All other laws and parts of laws in conflict with or incon-
2 sistent with the provisions of this Act are hereby superseded by the
3 provisions of this Act for the purpose of this Act.

1 SEC. 17. This Act shall take effect and be in force from and after
2 the first day of January, 1964.

Approved May 2, 1963.

CHAPTER 138

AGRICULTURAL SEEDS

H. F. 317

AN ACT to amend chapter one hundred ninety-nine (199), Code 1962, relating to agri-
cultural seeds.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred ninety-nine point one (199.1),
2 Code 1962, is amended by striking all of subsection two (2) and insert-
3 ing in lieu thereof the following:
4 "The term 'agricultural seeds' shall mean the seeds of grass, forage,

5 cereal and fiber crops and any other kinds of seeds commonly recog-
6 nized within this state as agricultural seeds, lawn seeds and mixtures
7 of such seeds, and may include any additional seeds the secretary of
8 agriculture may list in the rules and regulations provided for in this
9 chapter."

10 Further amend said section by striking from subsection four (4),
11 paragraph "b", subparagraph six (6), the words "Brassica species"
12 and inserting in lieu thereof the following:

13 "Brassica juncea, B. kaber and B. nigra".

14 Further amend said section by striking all of subsection five (5) and
15 inserting in lieu thereof the following:

16 "Purity' shall mean the pure seed percentage by weight, exclusive
17 of inert matter and of other agricultural or weed seeds which are dis-
18 tinguishable by their appearance from the crop seed in question."

19 Further amend said section by adding the following new subsec-
20 tions:

21 1. "A 'permit holder' is a person who has obtained a permit number
22 from the Iowa department of agriculture as required under sections
23 one hundred ninety-nine point fifteen (199.15) and one hundred ninety-
24 nine point sixteen (199.16) of the Code."

25 2. "A 'registered seed technologist' is a seed technologist who has
26 attained registered membership in the Society of Commercial Seed
27 Technologists through qualifying tests and experience as required by
28 this society."

29 3. "The 'state botanist' is the head of the botany and plant pathol-
30 ogy section of the Iowa agricultural experiment station."

1 SEC. 2. Section one hundred ninety-nine point three (199.3), Code
2 1962, is amended by striking from line one (1) the words "Agricultural
3 seeds" and inserting in lieu thereof the words "All agricultural seeds
4 for sale in Iowa".

5 Further amend said section by striking all of subsection two (2) and
6 inserting in lieu thereof the following:

7 "The label for seed mixtures for lawn or turf purposes or both shall
8 bear thereon:

9 "a. The word 'mixed' or 'mixture'.

10 "b. The headings 'Fine-textured Grasses' and 'Coarse Kinds' in
11 eight-point or larger type on a contrasting background. Thereunder
12 in tabular form in uniform-size type no larger than the heading nor
13 smaller than eight point:

14 "(1) The commonly accepted name, in order of its predominance,
15 of the kind or kind and variety of each agricultural seed present in
16 excess of five percent of the whole and determined to be 'Fine-textured
17 Grass' or a 'Coarse Kind' in accordance with the rules and regulations
18 provided for in this chapter.

19 "(2) The word 'None' shall be printed under the appropriate head-
20 ing, 'Fine-textured Grasses' or 'Coarse Kinds' when no kind or kind
21 and variety is listed under either of these headings.

22 "(3) For each agricultural seed named: The percentage by weight
23 of pure seed; the percentage of germination, exclusive of hard seed;
24 the percentage of hard seed, if present; and the calendar month and
25 year the germination test was completed to determine such percentage.

26 One date of test may be given to represent all kinds or kinds and vari-
 27 eties, provided, all kinds or kinds and varieties were tested on or after
 28 the date given. Such information shall clearly indicate that it is appli-
 29 cable to all of the kinds or kinds and varieties listed.

30 "c. The heading 'Other Ingredients' and thereunder in conspicuous
 31 type no larger than the heading:

32 "(1) The percentage by weight of all weed seeds.

33 "(2) The percentage by weight of all agricultural seed other than
 34 those listed on the label as 'Fine-textured Grasses' or 'Coarse Kinds'.

35 "(3) The percentage by weight of inert matter.

36 "d. The lot number or other identification.

37 "e. The name and rate of occurrence per ounce or per pound of each
 38 kind of secondary noxious weed seed present.

39 "f. The name and address of the person who labeled said seed, or
 40 who sells, offers or exposes said seed for sale within the state."

41 Further amend said section by adding a new subsection as follows:

42 "Seeds sold on or from the farm, which are exempt from the permit
 43 requirement by section one hundred ninety-nine point fifteen (199.15),
 44 of the Code, shall be labeled on the basis of tests performed by the
 45 Iowa state university seed laboratory, Iowa department of agriculture
 46 seed laboratory, or a commercial seed laboratory personally supervised
 47 by a registered seed technologist. Tests for labeling shall be as pro-
 48 vided in section one hundred ninety-nine point ten (199.10) of the
 49 Code."

1 SEC. 3. Section one hundred ninety-nine point four (199.4), Code
 2 1962, is amended by striking all of the last paragraph.

1 SEC. 4. Section one hundred ninety-nine point eight (199.8), Code
 2 1962, is amended by striking from subsection one (1), paragraph "d",
 3 all of lines five (5) to sixteen (16), inclusive and inserting in lieu
 4 thereof the following:

5 "Determination of freedom from primary noxious weed seeds shall
 6 be based on an examination of not less than the amounts specified in
 7 the rules and regulations provided for in this chapter."

1 SEC. 5. Section one hundred ninety-nine point nine (199.9), Code
 2 1962, is amended by inserting in line one (1) of subsection one (1),
 3 paragraph "b" after the words "consigned to," the words "or for sale
 4 to,".

1 SEC. 6. Section one hundred ninety-nine point ten (199.10), Code
 2 1962, is hereby repealed and the following enacted in lieu thereof:

3 "1. Testing methods when seed is for sale. Seed lots of all kinds of
 4 agricultural seed, except seed corn, intended for sale in this state shall
 5 be tested in accordance with the Association of Official Seed Analysts
 6 rules for testing seed or the rules and regulations under the federal
 7 seed Act. The tests required shall be:

8 "a. Purity analysis.

9 "b. Noxious weed examination.

10 "c. Germination.

11 "2. Testing methods when seed is not for sale.

12 "a. Guidance tests employing nonofficial testing methods may be
13 used.

14 "b. All individuals or organizations making guidance tests shall:

15 "(1) Issue special report forms for guidance tests. These forms
16 shall carry a statement in bold-face type at the top of the report:
17 'This report not valid for the sale of seed.'

18 "(2) Report the name and address of the seed sender and submit
19 copies of all guidance tests reports to the Iowa department of agri-
20 culture.

21 "3. Charges for seed testing by the Iowa state university or depart-
22 ment of agriculture seed laboratory shall be determined by the Iowa
23 state university laboratory. Separate fee schedules shall be published
24 for:

25 "a. Guidance tests for farmers who do not plan to sell seed.

26 "b. Tests for seedsmen, permit holders and farmers who plan to sell
27 seed.

28 "c. Tests for out-of-state persons.

29 "4. Co-operation between the Iowa state university and the state
30 department of agriculture. To furnish farmers and seedsmen with
31 information as to seed quality and guide them in the proper labeling
32 of seed for sale, these organizations shall:

33 "a. Integrate seed testing so as to avoid unnecessary duplication of
34 personnel and equipment. The state department of agriculture seed
35 laboratory shall be primarily concerned with seed testing for seed law
36 enforcement purposes. The Iowa state university seed laboratory shall
37 promote seed education and research and shall conduct service testing
38 for farmers and seedsmen.

39 "b. Exchange information which will be mutually beneficial to both
40 agencies in matters pertaining to agricultural seed.

41 "c. Guide seed testing by all individuals, organizations or seedsmen
42 so as to promote uniformity of seed testing in Iowa."

1 SEC. 7. Section one hundred ninety-nine point fifteen (199.15),
2 Code 1962, is amended by adding after the first sentence the following:

3 "Permit numbers shall be listed on the label or container in such
4 manner that they do not obscure or confuse the other label informa-
5 tion."

Approved April 5, 1963.