Mr. F. W. Quackenbush,
State Chemist and Seed,
Commissioner,
Purdue University Agriculture,
Experiment Station,
Lafayette, Indiana.

Dear Sir:

Your letter of July 22, 1949, has been received and reads as follows:

"I request your official opinion as to whether, under the Indiana Seed Law (Acts of 1921, Ch. 28, p. 83; Acts of 1937, Ch. 137, p. 789; Acts of 1941, Ch. 210, p. 636), labels or tags which have been sold to seedsmen by the State Seed Commissioner and which have not been used but which have become obsolete and require correction(s) before they can be used can legally be exchanged for new tags by the Commissioner, provided the seedman pays the costs of printing and handling on such labels or tags.

"In explanation of this request, it should be stated that there are several reasons why labels or tags become obsolete and require corrections. Some of these are as follows:

"1. Changes in the law or in rules under the law which alter the list of noxious weed seeds printed on the back of the tag or label.

"2. Changes in percentage germination of the seed after tags are filled out and before seed is sold. Since the percentage germination diminishes during storage, it is sometimes necessary to retest it and place a new date and percentage on the label or tag. Since tags are filled out by seedsmen in advance of the 'spring rush' and the volume of sales is sometimes overestimated, substantial numbers of tags carried over are
found to be improperly labeled for the next year’s crops.

"3. Typographical errors made by the seedsman or members of his staff.

"Such changes as become necessary in the above-mentioned cases can be made by erasing or striking out incorrect information on the tag and writing in additional or corrected information. However, such alterations are usually evident to the prospective buyer and naturally arouse suspicion in his mind. It is the view of this office that for the ‘efficient administration of this act’ the obsolete tags should be returned to the Commissioner in exchange for new tags which will bear the correct information as an original entry."

The above referred to law is Section 15-801 et seq., Burns’ 1933, as amended. In general it requires the use of tags on agriculture seeds specifically identifying their contents and the percentage of noxious weeds. Section 7, Chapter 28, Acts of 1921, same being Section 15-807, Burns’ 1933, provides in part as follows:

"The duty of administering this act and carrying out its provisions and requirements shall be vested in the director of Purdue University agricultural experiment station, who shall appoint the state chemist as state seed commissioner. The said state seed commissioner, upon notice to the seed trade of this state, shall be empowered to adopt such reasonable ‘rules and regulations’ as may be deemed necessary in order to secure the efficient administration of this act: * * *

From the foregoing it is clear the legislature has expressly indicated its intent to give the State Seed Commissioner the authority to make reasonable rules and regulations compatible with the provisions of said statutes in order to secure the “efficient administration” of said act. In other words the legislative intent is clear that the purpose of said provision was to allow the commissioner reasonable authority to adopt such rules and regulations necessary to make such act workable from a practical standpoint.
It has been held that courts will look to the general purpose and scope of a statute to determine the legislative intent.

City of Indianapolis v. Evans (1940), 216 Ind. 555, 567;

From the foregoing I am of the opinion the State Seed Commissioner has authority to adopt rules and regulations authorizing the legal exchange of the above referred to obsolete tags, where such exchange does not involve any additional expense to the state.

OFFICIAL OPINION NO. 77

August 11, 1949.

Mr. Noble W. Hollar, Chairman,
State Board of Tax Commissioners,
State House, Room 301,
Indianapolis 4, Indiana.

Dear Sir:

Your request of July 12, 1949, for an official opinion is as follows:

"In connection with requests for approval for additional appropriations, a question has arisen as to the proper construction to be placed upon certain provisions contained in Chapter 36, being House Enrolled Act No. 292. Your official opinion is requested in connection therewith.

"Said Chapter provides for the establishing of a fund to be known as the General Ditch Improvement Fund, of not to exceed $100,000, which shall be used as a fund to pay for the construction of ditches and their maintenance.

"The Act further provides that, 'such funds shall consist of all funds in any ditch fund not otherwise