

in the county in which the mother had a legal settlement at the time she was committed to such institution. Every minor not emancipated and settled in his own right and living apart from his parents and not supported by his parents shall, after receiving aid and support from others uninterruptedly for a period of *one year*, acquire the settlement of the person with whom he has resided for a period of not less than *one year*, provided that a married woman abandoned or deserted by her husband for a period of one year continuously shall thereafter have the same right to acquire a new settlement as a single person.

Subd. 4. The legal settlement of persons under commitment as *mentally ill, mentally retarded*, epileptic, or inebriate, insofar as such persons are subject to the provisions of reciprocity agreements between the state and other states, shall be gained upon a residence *equal in time to that* required for the gaining of legal settlement for poor relief purposes but shall otherwise be subject to the same conditions and exceptions.

Subd. 5. A settlement in this state shall be terminated and lost by:

- (1) Acquiring a new one in another state;
- (2) Voluntary and uninterrupted absence from this state for a period of one year with intent to abandon his residence in the state. The time during which a person has been committed to a public institution or hospital in a foreign state shall be excluded in determining the period of absence from the state. Such commitment shall not constitute an interruption of absence from the state.

Sec. 2. This act shall be effective on July 1, 1959, but the provisions of this act shall not apply in determining the legal settlement of any person who has received relief at any time between July 1, 1958, and July 1, 1959, until six continuous months shall have elapsed after July 1, 1959, during which he has received no relief, and during such time the provisions of law as they existed before this act shall apply in determining legal settlement of such person.

Approved April 3, 1959.

CHAPTER 172—H. F. No. 792

[Coded]

An act relating to the sale, or offering for sale, and transportation of screenings and weed-seed infested agricul-

tural seed and grains, other than agricultural seeds covered by existing laws, and providing penalties for violation thereof.

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

Section 1. [21.71] Title. Sections 1 to 8 may be cited as the Minnesota Screenings Act.

Sec. 2. [21.72] Definitions. Subdivision 1. As used in sections 3 to 8, the terms defined in this section have the meanings given them.

Subd. 2. "Person" means any individual, partnership, corporation, company, society, or association.

Subd. 3. "Vendor" means any person who sells any weed-seed infested agricultural seeds and grains, or screenings.

Subd. 4. "Sell" when applying to weed-seed infested agricultural seeds and grains, or screenings, and samples thereof, shall be construed as including:

- (1) the act of selling, transferring ownership;
- (2) the offering and exposing for sale, exchange, distribution, giving away, and transportation in, and into, this state;
- (3) the having in possession with intent to sell, exchange, distribute, give away, or transport in, and into, this state;
- (4) the storing, carrying, and handling in aid of traffic therein, whether done in person or through an agent, employee, or others; and
- (5) receiving, accepting, and holding on consignment for sale.

Subd. 5. "Advertisement" means all representation disseminated in any manner or by any means relating to weed-seed infested agricultural seeds and grains, or screenings, within the scope of sections 1 to 8.

Subd. 6. "Consumer" refers to any person that uses for the purpose of feeding any weed-seed infested agricultural seeds and grains, or screenings.

Subd. 7. "Record" includes all information relating to the shipment, or shipments, involved in a lot of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 8. "Lot" means a definite quantity of weed-seed

infested agricultural seeds and grains, or screenings, which can be definitely identified.

Subd. 9. "Seizure" means a legal process carried out by court order against a definite amount of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 10. "Stop-sale" means an administrative order provided by law restraining the sale, use, disposition, and movement of a definite amount of weed-seed infested agricultural seeds and grains, or screenings.

Subd. 11. "Screenings" means 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 and processing, or obtained from any other source.

Subd. 12. "Agricultural seeds and grains" includes the seeds of grass, forage, cereal, and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, and mixtures of such seeds.

Subd. 13. "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

Subd. 14. "Noxious weed seeds" includes restricted noxious weed seeds as defined in subdivision 15.

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 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 (*Bertea 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. 3. [21.73] **Prohibited acts.** Subdivision 1. It is unlawful for any person to sell, offer for sale, or expose for sale, or transport, to the consumer, or feed, 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.

Subd. 2. It is unlawful for any person :

(1) to disseminate any false or misleading advertisement concerning weed-seed infested agricultural seeds and grains, or screenings, in any manner or by any means;

(2) to hinder or obstruct in any way any authorized person in the performance of his duties under sections 1 to 8; and

(3) to fail to comply with a stop-sale order.

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 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.

(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. 5. [21.15] **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; 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.

Subd. 2. The commissioner of agriculture individually, or through his authorized agents, is further authorized to:

(1) enter upon any public or private premises, excluding the home, during regular business hours in order to have access to weed-seed infested agricultural seeds and grains, or screenings, subject to sections 1 to 8, and the rules and regulations thereunder;

(2) issue and enforce a written or printed stop-sale order to the owner or custodian of any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, which the commissioner finds is in violation of any of the provisions of sections 1 to 8, which order shall prohibit further sale of such weed-seed infested agricultural seeds and grains, or screenings, until such officer has evidence that the law has been complied with; provided, that no stop-sale order shall be issued or attached to any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, without first giving the owner or custodian of such weed-seed infested agricultural seeds and grains, or screenings, an opportunity to comply with the law; provided, further, that in respect to weed-seed infested agricultural seeds and grains, or screenings, which have been denied sale as provided in this paragraph, the owner or custodian of such weed-seed infested

agricultural seeds and grains, or screenings, shall have the right to appeal from such order to a court of competent jurisdiction in the locality in which the weed-seed infested agricultural seeds and grains, or screenings, are found, praying for a judgment as to the justification of said order and for the discharge of such weed-seed infested agricultural seeds and grains, or screenings, from the order prohibiting the sale in accordance with the findings of the court; and provided, further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other sections of this act;

(3) test weed-seed infested agricultural seeds and grains, or screenings, under presently existing facilities; and

(4) make or provide for making tests of weed-seed infested agricultural seeds and grains, or screenings, for farmers and dealers on request; to prescribe rules and regulations governing such testing; and to fix and collect charges for the tests made.

Sec. 6. [21.76] Injunction; bond. When in the performance of his duties the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of sections 1 to 8, or any rules and regulations thereunder, said injunction, if any be granted, shall be issued without bond.

Sec. 7. [21.77] Seizure. Any lot or amount of weed-seed infested agricultural seeds and grains, or screenings, not in compliance with the provisions of sections 1 to 8, is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality in which the weed-seed infested agricultural seeds and grains, or screenings, are located. In the event that the court finds the weed-seed infested agricultural seeds and grains, or screenings, to be in violation of said sections and orders the condemnation of said weed-seed infested agricultural seeds and grains, or screenings, they shall be denatured, processed, destroyed, or otherwise disposed of in compliance with the laws of this state; provided, that in no instance shall the court order such disposition of said weed-seed infested agricultural seeds and grains, or screenings, without first having given the claimant any opportunity to apply to the court for the release of said weed-seed infested agricultural seeds and grains, or screenings, or permission to process them to bring them into compliance with these sections.

Sec. 8. [21.78] Violations; enforcement. Subdivi-

sion 1. Any person violating any of the provisions of sections 1 to 8, or any of the rules or regulations promulgated by the commissioner thereunder, is guilty of a misdemeanor.

Subd. 2. It is the duty of every prosecuting officer to whom the commissioner shall report any violation of sections 1 to 8, or of any of the rules and regulations promulgated thereunder, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case provided.

Sec. 9. This act shall be effective on and after July 1, 1959.

Approved April 3, 1959.

CHAPTER 173—H. F. No. 799

An act relating to county fairs; amending Minnesota Statutes 1957, Section 38.14.

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

Section 1. Minnesota Statutes 1957, Section 38.14, is amended to read:

38.14 County fairs; appropriations in certain counties. In any county in this state now or hereafter having a population of 150,000, the county board may annually appropriate not to exceed \$3,000, except that counties having more than 300,000 and less than 450,000 inhabitants may appropriate not to exceed \$5,000, to assist in maintaining a county fair, which fair shall be under the management and control of a county agricultural society. The appropriation shall be made either to the treasurer of the society or to some other suitable person, but before the money is paid to the treasurer or other person, he shall file with the county auditor a satisfactory bond in double the sum of the appropriation, conditioned upon the faithful disbursing and accounting for all of the funds so appropriated. The funds so appropriated shall be used solely for the purpose of obtaining, preparing, and arranging exhibits and paying premiums to exhibitors. The treasurer or other person to whom the appropriation is paid shall, within four months after the holding of any such aided annual fair, file with the county auditor his verified and detailed report showing the name and address of every person to whom any of the money was paid, together with the date of payment, and a full description of the purposes for which