

CHAPTER 206—S. F. No. 384.

An Act providing for more effective inspection of nurseries and other premises and imported nursery stock to comply with the requirements of United States quarantine laws; requiring certificates for shipments within state, modifying inspector's fee, and providing additional funds for carrying out the provisions of this act.

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

Section 1. **State entomologist designated inspector of nurseries—Fees—Powers and duties.**—That the state entomologist is hereby designated as state inspector of nurseries and is authorized either himself or by deputies duly appointed by him to inspect all premises in Minnesota where nursery stock is grown or held for sale, and further to inspect all orchards or any premises whatsoever within the state, where he has reason to suspect the presence of injurious insects or injurious and contagious plant diseases. Nursery stock shall be regarded as including all field-grown plants (except herbaceous annuals) of any kind, also trees, field-grown shrubs, vines, cuttings, buds, grafts and scions. For this purpose he or his deputy or deputies shall have free access to any field, ground, packing ground, buildings, cellars and other places where the carrying out of the provisions of this act shall make necessary. The state inspector of nurseries is empowered and required to grant certificates upon request to such nurseries as he may find free from injurious insects and contagious plant diseases. Such certificates shall be good for one year unless revoked by him. This inspection of nurseries shall take place between May 1st and September 30th, and at such other times as may be necessary to comply with the provision of this act. Nurserymen or others having stock to inspect shall make application to the state nursery inspector for the inspection of stock as far as practicable on or before May 1st of each year. It shall be the duty of the inspector or his deputy to make the inspection as soon thereafter as possible.

For inspection of nurseries a fee of five dollars (\$5.00) per annum shall be paid at the time of application or before certificate is issued. If a dangerous insect, pest or plant disease is found by the inspector on the premises above described and if in his judgment such pest or disease can be eradicated he may direct the owner or his representative in writing what means shall be employed; in case any trees, shrubs or plants are so infested that treatment would be ineffectual he may direct the owner or his representative to have them destroyed. Said order shall be issued in writing. If the order be not obeyed within ten days after service thereof, the state inspector shall cause the work to be done and render to the owner or persons in charge an itemized bill of the cost; and if such cost shall not be paid

within sixty days thereafter the bill shall be reported to the county attorney who shall forthwith collect same in a civil action in the name of the state, and shall turn same over to the state treasurer to be credited to the inspection fund.

Sec. 2. Nursery stock brought into state must be certified to.—No person shall bring into the state for sale or use therein or re-shipment any trees, plants, vines, cuttings or buds or other "Nursery stock" unless it be accompanied by the certificate from the inspector or other proper official of the state from which it came, that it has been inspected and found free from any of the pests or diseases referred to. Such certificates shall be prima facie evidence of the facts therein stated but the entomologist may if deemed necessary, inspect such stock and proceed with respect thereto as provided for in Section 1.

Sec. 3. Copy of certificate to be filed with Minnesota inspector.—A copy of the state inspection certificate granted to any firm or firms in any other state, territory, or the District of Columbia, shall be on file with the Minnesota inspector before any such firm or firms shall make shipment of nursery stock to be sold or distributed in the state of Minnesota.

Sec. 4. Shipments to be accompanied by certificates of inspection.—All shipments from any point or points in the state of Minnesota to other points within the state must be accompanied by certificate of inspection on each package.

Sec. 5. Railroad and express companies not to transport unless tagged.—Railroad and express companies are hereby prohibited from accepting stock not tagged with certificate as above stated (and must promptly notify the shipper. If the shipper does not furnish a certificate, such companies shall report said fact with the name and address of party offering said stock for shipment to the state inspector.)

Sec. 6. Foreign grown stock must be inspected.—Foreign grown stock imported into Minnesota under the provision of the federal quarantine law is regarded as coming under the definition of nursery stock and must be inspected at points of destination. It shall be unlawful for any party or parties to open any package containing such stock from a foreign country unless the inspector or deputy is present. It shall be the duty of the inspector to be present in person or by deputy when notified at least forty-eight hours in advance of the opening of such package.

Sec. 7. Dealers and florists may obtain special certificate.—Dealers or florists not owning nurseries and shipping by post, freight, express or otherwise may obtain from the state entomologist a special certificate in order to comply with the federal and state laws. Such certificate will be granted only to stock purchased in Minnesota from an inspected nursery or to foreign stock inspected in Minnesota.

Sec. 8. **Penalties.**—Failure to comply with any of the provisions of this act shall be subject to the penalties provided in Section 2389, Chapter 38, Revised Laws of Minnesota, 1905.

Sec. 9. **Annual report required.**—The state inspector shall be required on or before December 1st of each year to submit a report and financial statement to the governor of the state, covering the year's work.

Sec. 10. **\$3,000 appropriated for expenses.**—For all expenses necessary to carry out the provisions of this act there is hereby appropriated from the state treasury from moneys not otherwise appropriated the sum of three thousand dollars (\$3,000.00), for the fiscal year ending July 31st, 1914, and the same amount for the fiscal year ending July 31st, 1915. All fees collected hereunder shall be paid into the treasury of the state of Minnesota and added to the state entomologist's appropriation for combating injurious insects.

Sec. 11. **Certain sections repealed.**—Sections 2383 and 2384 of Chapter 38, Revised Laws of Minnesota, 1905, are hereby repealed.

Sec. 12. **Existing emergency declared.**—In view of an existing emergency this act is to become a law immediately after its passage and signature by the governor.

Approved April 8, 1913.

CHAPTER 207—S. F. No. 682.

An Act to authorize counties having no railroad connection with the county seat, to aid in the construction of railroads.

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

Section 1. **Counties not having railroad connections with county seats may issue bonds for construction of same.**—Any county in this state wherein the county seat may have no railroad connection with any other part of the county is hereby authorized and empowered, in the manner herein provided, to aid in the construction of any railroad in such county to be constructed by any railroad company for public use and for such purpose by authority of any law of this state, in the manner hereinafter provided. But no bonds shall be issued by any county to any amount that shall exceed five per cent of the value of the taxable property therein, the amount of such taxable property to be ascertained and determined by the last assessment of said property made, for the purpose of state and county taxation, previous to the incurring of such indebtedness; nor shall such bonds be issued to an amount in excess of five per cent of the assessed valuation of the taxable property in such county.