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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5390

04/15/2024 Authored by Lee, F., The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

1.1 A bill for an act
1.2 relating to agriculture; modifying the scope of certain local plant pest control
1.3 resolutions and ordinances; requiring the modification of certain existing
1.4 ordinances; amending Minnesota Statutes 2022, section 18G.13, subdivision 7.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 18G.13, subdivision 7, is amended to read:

1.7 Subd. 7. Regulations; scope. (a) A city council, board of county commissioners, or
1.8 town board may by resolution or ordinance adopt and enforce regulations to control and
1.9 prevent the spread of plant pests and diseases. The regulations may authorize appropriate
1.10 officers and employees to:

1.11 (1) enter and inspect any public or private place that might harbor plant pests;

1.12 (2) provide for the summary removal of diseased trees from public or private places if
1.13 necessary to prevent the spread of the disease;

1.14 (3) require the owner to destroy or treat plant pests, diseased or invasive plants, or other
1.15 infested material; and

1.16 (4) provide for the work at the expense of the owner.

1.17 The expense must be a lien upon the property and may be collected as a special assessment
1.18 as provided by section 429.101 or by charter. In this subdivision, "private place" means
1.19 every place except a private home.

1.20 (b) If a resolution or an ordinance adopted under this subdivision authorizes appropriate
1.21 officers and employees to enter and inspect private places that might harbor plant pests, the
1.22 resolution or ordinance must require that the officers and employees obtain prior approval

2.1 from and attempt to speak in person with an owner, a tenant, or in the case of a business or
 2.2 multifamily dwelling, an owner or a manager of each private place. When attempting to
 2.3 speak in person with any individual, an officer or employee must display proper credentials.

2.4 (c) If a resolution or an ordinance adopted under this subdivision authorizes appropriate
 2.5 officers and employees of a city, county, or town to take the actions specified in paragraph
 2.6 (a), clauses (3) and (4), the resolution or ordinance must require the officers or employees
 2.7 to:

2.8 (1) at least annually, prepare and share with affected residents a plant pest or disease
 2.9 control plan that includes but is not limited to actions that the city, county, or town will take
 2.10 to avoid or mitigate any anticipated inequitable racial impacts;

2.11 (2) provide notifications, deadlines, financing options and other forms of financial
 2.12 assistance, and all other relevant information in each language spoken by a substantial
 2.13 number of affected residents;

2.14 (3) provide affected owners at least 180 days from the date of notification to destroy or
 2.15 treat plant pests, diseased or invasive plants, or other infested material before providing for
 2.16 the work at the owner's expense; and

2.17 (4) when providing for the work at the owner's expense, upon the request of the owner,
 2.18 provide the owner with the itemized cost of the work, including but not limited to disclosing
 2.19 any bidding or proposal process.

2.20 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 2.21 applies to any resolution or ordinance adopted under this section on or after that date.

2.22 **Sec. 2. EXISTING ORDINANCE; DEADLINE.**

2.23 No later than September 1, 2024, any park and recreation board of a city of the first class
 2.24 must amend any existing ordinance adopted under Minnesota Statutes, section 18G.13, to
 2.25 comply with this act.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.