

A bill for an act

relating to agriculture; requiring tree care and tree trimming company registration; regulating certain sale and distribution of firewood; amending Minnesota Statutes 2008, sections 18G.07; 239.092; 239.093.

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

Section 1. Minnesota Statutes 2008, section 18G.07, is amended to read:

**18G.07 TREE CARE AND TREE TRIMMING COMPANY ~~REGISTRY~~
REGISTRATION.**

Subdivision 1. **Creation of registry.** The commissioner shall maintain a list of all persons and companies that provide tree care or tree trimming services in Minnesota. All tree care providers, tree trimmers, and persons who remove trees, limbs, branches, brush, or shrubs for hire must ~~provide the following information to~~ be registered by the commissioner.

Subd. 1a. **Basic registration.** (a) Tree care or tree trimming companies must register annually by providing the following to the commissioner:

(1) accurate and up-to-date business name, address, and telephone number;

(2) a complete list of all Minnesota counties in which they work; and

(3) ~~a complete list of persons in the business who are certified by the International Society of Arborists~~ a nonrefundable fee of \$25 for initial application or renewing basic registration.

(b) Registration expires December 31, must be renewed annually, and the fee remitted by January 7 of the year for which it is issued. In addition, a penalty of ten percent of the fee due must be charged for each month, or portion of a month, that the fee

is delinquent up to a maximum of 30 percent for any application for renewal postmarked after December 31.

Subd. 1b. Professional registration. (a) Professional registration is provided to identify those companies with qualifications to treat trees for pests or diseases or prune, trim, or remove trees from above the ground. Tree care or tree trimming companies may obtain annual professional registration by providing the following to the commissioner:

(1) accurate and up-to-date business name, address, and telephone number;

(2) a complete list of all Minnesota counties in which they work;

(3) any one or more of the following: a complete list of persons in the business who have an associate's degree or higher in arboriculture, forestry, or horticulture; a complete list of persons in the business who are certified by the International Society of Arboriculture (ISA), and their ISA certification identification number; a complete list of persons in the business who are certified by the Minnesota Nursery and Landscape Association (MNLA); or as appropriate, evidence of accreditation of the company by the Tree Care Industry Association;

(4) a complete list of persons in the business who are licensed pesticide applicators in Minnesota if the company is applying restricted use pesticides;

(5) verification by the company that it maintains a Minnesota workers' compensation insurance certificate and that the company maintains a certificate of liability insurance and has a Minnesota sales tax identification number. Companies that prune or trim trees from above the ground must be covered by classification 0106 of the workers' compensation insurance codes; and

(6) a nonrefundable fee of \$250 for initial application or renewing a basic registration.

(b) Registration expires December 31, must be renewed annually, and the fee remitted by January 7 of the year for which it is issued. In addition, a penalty of ten percent of the fee due must be charged for each month, or portion of a month, that the fee is delinquent up to a maximum of 30 percent for any application for renewal not received by the due date.

Subd. 2. Information dissemination. The commissioner shall provide registered tree care companies with information and data regarding any existing or potential regulated forest pest infestations within the state.

Subd. 3. Violation. It is unlawful for a person to provide tree care or tree trimming services in Minnesota without being registered with the commissioner.

Sec. 2. Minnesota Statutes 2008, section 239.092, is amended to read:

239.092 SALE FROM BULK.

(a) Bulk sales of commodities, when the buyer and seller are not both present to witness the measurement, must be accompanied by a delivery ticket containing the following information:

(1) the name and address of the person who weighed or measured the commodity;

(2) the date delivered;

(3) the quantity delivered;

(4) the count of individually wrapped packages delivered, if more than one is included in the quantity delivered;

(5) the quantity on which the price is based, if different than the quantity delivered; and

(6) the identity of the commodity in the most descriptive terms commercially practicable, including representations of quality made in connection with the sale.

(b) This section is not intended to conflict with the bulk sale requirements of the Department of Agriculture. If a conflict occurs, the law and rules of the Department of Agriculture govern.

(c) Firewood sold or distributed across state boundaries or more than 100 miles from its origin must include delivery ticket information regarding the harvest locations of the wood by county and state.

(d) Paragraph (c) may be enforced using the authority granted in this chapter or section 18J.05 or 84D.13.

Sec. 3. Minnesota Statutes 2008, section 239.093, is amended to read:

239.093 INFORMATION REQUIRED WITH PACKAGE.

(a) A package offered, exposed, or held for sale must bear a clear and conspicuous declaration of:

(1) the identity of the commodity in the package, unless the commodity can be easily identified through the wrapper or container;

(2) the net quantity in terms of weight, measure, or count;

(3) the name and address of the manufacturer, packer, or distributor, if the packages were not produced on the premises where they are offered, exposed, or held for sale; and

(4) the unit price, if the packages are part of a lot containing random weight packages of the same commodity.

4.1 (b) This section is not intended to conflict with the packaging requirements of the
4.2 Department of Agriculture. If a conflict occurs, the laws and rules of the Department of
4.3 Agriculture govern.

4.4 (c) Firewood sold or distributed across state boundaries or more than 100 miles
4.5 from its origin must include information regarding the harvest locations of the wood by
4.6 county and state on each label or wrapper.

4.7 (d) Paragraph (c) may be enforced using the authority granted in this chapter or
4.8 section 18J.05 or 84D.13.