

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

Section 1. Minnesota Statutes 1941, Section 200.35, as amended by Laws of 1943, Chapter 555, is hereby amended to read as follows:

200.35. **Compensation for election services.** The compensation for services performed under this act shall be as follows:

1. To presidential electors, ten dollars for each day's attendance at the capitol, and five cents for each mile necessarily traveled in going to and returning from St. Paul.

2. The persons carrying ballots from, and returns to, county auditors' offices, one dollar for each trip necessarily made, and five cents for each mile of necessary travel.

3. To members of county canvassing boards, three dollars for each eight hours of service as members of such canvassing board, and five cents for each mile of necessary travel.

4. To regular, special and ballot judges and clerks of election, *not to exceed 60 cents* for each hour necessarily spent in receiving votes, and *not to exceed 60 cents* for each hour so spent in counting and canvassing ballots. *In the case of organized townships the compensation of judges and clerks shall be fixed at the annual meeting; in the case of unorganized territory by the county board; and in the case of municipalities, by the governing bodies thereof, all subject to the limitations hereof.* Provided, that such compensation to regular, special and ballot judges and clerks of election in cities of the first class operating under a home rule charter shall be fixed and determined by the council of such cities respectively.

5. To special peace officers, 40 cents for each hour of service rendered by direction of the judges.

Approved April 23, 1945.

CHAPTER 534—S. F. No. 792

An act relating to noxious weeds and bushes, amending Minnesota Statutes 1941, Sections 20.01, 20.07, 20.10, 20.11, 20.12, 20.13, 20.14 and 20.15, and repealing Sections 20.16 and 20.18.

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

Section 1. Minnesota Statutes 1941, Section 20.01 is amended to read as follows:

20.01. **Definitions.** Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2 or 6 shall, for the purposes of sections 20.06 to 20.15, be given the meanings subjoined to them; and the phrase defined in subdivision 7 shall, for the purposes of sections 20.19 to 20.22 be given the meaning subjoined to it.

Subdivision 2. "Municipality" means a city, village, or borough.

Subdivision 3. "Non-resident lands" refers to all lands which are unoccupied, and the owner of which does not reside within the county.

Subdivision 4. "Resident lands" refers to all lands which are occupied or which are owned by persons resident within the county.

Subdivision 5. "Noxious weeds" means the annual, biennial, and perennial plants herein named under Classes I and II and such other plants as are or may be injurious to public health, public roads, crops, *livestock and other property*.

CLASS I

COMMON NAME	BOTANICAL NAME
Perennial sow thistle	<i>Sonchus arvensis</i> L.
Leafy spurge	<i>Euphorbia esula</i> L.
Toad-flax (butter and eggs)	<i>Linaria vulgaris</i> Hill
Canada thistle	<i>Carduus arvensis</i> L.
Oxeye (White) daisy	<i>Chrysanthemum leucanthemum</i> L.
Dodders	<i>Cuscuta spp.</i>
Common barberry	<i>Berberis vulgaris</i> L.
Horse nettle	<i>Solanum carolinense</i> L.
Austrian field cress	<i>Roripa austriaca</i> (Crantz) Bess.
<i>Field bindweed (creeping Jenny)</i>	<i>Convolvulus arvensis</i> L.
Perennial pepper grass	<i>Lepidium draba</i> L.
Sheep sorrel	<i>Rumex acetosella</i> L.
Quack grass	<i>Agropyron repens</i> L.
<i>Russian knapweed</i>	<i>Centaurea repens</i> L.
<i>Hoary alyssum</i>	<i>Berteroa incana</i> DC.

CLASS II

COMMON NAME	BOTANICAL NAME
Blue lettuce	<i>Lactuca pulchella</i> P.
False flax	<i>Camelina sativa</i> L.
Wild (common) mustard	<i>Brassica arvensis</i> L.
Tumbling mustard	<i>Sisymbrium altissimum</i> L.
Hare's ear mustard	<i>Conringia orientalis</i> L.
French (stink) weed	<i>Thlaspi arvense</i> L.
Curled (yellow or sour) dock	<i>Rumex crispus</i> L.
Burdock	<i>Arctium minus</i> Schk.
Cockle bur	<i>Xanthium spp.</i>
Giant ragweed	<i>Ambrosia trifida</i> L.
Common ragweed	<i>Ambrosia artemisiifolia</i> L.
Wild (pea) vetch	<i>Vicia angustifolia</i> L.
Buckhorn (plantain)	<i>Plantago lanceolata</i> L.
Annual sow thistle	<i>Sonchus cleraceus</i> L.
Spiny sow thistle	<i>Sonchus asper</i> L.
Russian thistle	<i>Salsola Kali</i> L.
Prickly night shade	<i>Solanum rostratum</i> L.
Hedge buckwheat	<i>Polygonum scandens</i> L.
Wild Buckwheat	<i>Polygonum convolvulus</i> L.
Morning glory	<i>Convolvulus sepium</i> L.
Graveyard spurge	<i>Euphorbia cyparissias</i> L.
Lady's thumb	<i>Polygonum persicaria</i> L.
Wild barley	<i>Hordeum jubatum</i> L.
Darnel	<i>Lolium temulentum</i> L.
Cheat	<i>Bromus secalinus</i> L.
Sand bur	<i>Cenchrus tribuloides</i> L.
Purple cockle	<i>Agrostemma githago</i> L.
Sleepy catch fly	<i>Silene antirrhina</i> L.
Sticky cockle	<i>Silene noctiflora</i> L.
Forked catch fly	<i>Silene dichotoma</i> Ehrh.
Bull thistle	<i>Carduus spp.</i>
Bladder campion	<i>Silene latifolia</i> B. and R.
Smart weeds	<i>Polygonum spp.</i>
California puncture vine	<i>Tribulus terrestris</i> L.
Tansy	<i>Tanacetum vulgare</i> L.
Chicory	<i>Cichorium vulgare</i> Intybus
St. Johnswort	<i>Hypericum perforatum</i> L.
Dragonhead mint	<i>Dracocephalum parviflorum</i> Nutt.
Meadow buttercup	<i>Ranunculus acris</i> L.
Wild oats	<i>Avena spp.</i>
Wild hemp	<i>Cannabis sativa</i> L.

Subdivision 6. "Otherwise destroy" refers to killing of weed plants above the surface of the ground. "Eradicate" re-

fers to complete killing of weeds by use of cutting, chemicals, tillage, cropping system, pasturing, livestock or crops, or all of these in effective combination.

Subdivision 7. The term "primary noxious weeds" means and refers to field bindweed (*creeping Jenny*) (*Convolvulus arvensis*), leafy spurge (*Euphorbia esula*), horse nettle (*Solanum carolinense*), Austrian field cress (*Roripa austriaca*), perennial pepper grass (*Lepidium draba*), and other similar weeds propagated by seed and root stalk.

Subdivision 8. "Permanent pasture and meadow" means an area of native or seeded perennial grasses and other perennial plants used for hay or grazing which has been seeded for more than two years and does not include annuals or biennials planted for or to be used for hay or pasture not more than one or two years.

Section 2. Minnesota Statutes 1941, Section 20.07 is amended to read as follows:

20.07. **Occupants or owners of land to destroy noxious weeds.** Except as otherwise specifically provided in sections 20.06 to 20.27, it shall be the duty of every occupant of land or, if the land is unoccupied, the owner thereof, or his agent, or the public official in charge thereof, to cut down, otherwise destroy, or eradicate all noxious weeds of Class I and Class II, standing, being, or growing upon such land, or in such manner and at such times as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

Section 3. Minnesota Statutes 1941, Section 20.10 is amended to read as follows:

20.10. **Threshing outfits to be cleaned before moving.** It shall be the duty of every person owning or operating a threshing machine, combine, seed huller, hay baler or other equipment used in the harvesting of crops, immediately after completing the threshing of grain or seed at each and every point of threshing, to clean or cause the machine to be cleaned, together with all wagons and other outfits used in connection therewith, so that seeds of noxious weeds shall not be carried to, or on the way to, the next place of threshing by the threshing outfit.

A printed copy of this section, in form provided by the commissioner, shall be affixed by the owner to and remain affixed to every threshing machine, combine, seed huller, hay baler or other equipment used in the harvesting of crops during all the time the same is operated in the state.

Any person failing to comply with the provisions of this section shall be liable to a fine of not less than \$10.00, nor more than \$25.00, for each failure.

Section 4. Minnesota Statutes 1941, Section 20.11 is amended to read as follows:

20.11. Inspectors. Subdivision 1. **County weed inspectors.** The board of county commissioners, when requested by the commissioner, *shall appoint one or more county weed and seed inspectors, who shall meet qualifications prescribed by the commissioner, whose duties shall be to see that the provisions of sections 20.06 to 20.27 and the regulations of the commissioner are carried out as prescribed in subdivisions 1, 2, and 3, of section 20.12, and to cooperate and supervise the work of the local weed and seed inspector.* Such appointment shall be for full time employment; or for such period of time as the commissioners may prescribe, and the resolution appointing such inspectors shall fix the compensation to be paid to the person or persons so appointed. The resolution shall also provide for manner of reimbursement for necessary traveling expenses in addition thereto.

The members of the several town boards of the county are authorized, and it is hereby made their duty to act as local weed inspectors within their respective towns, *throughout the year, in accordance with the provisions of sections 20.06 to 20.27 relative to local weed inspectors.*

Subd. 2. Town weed inspectors. Any town board may appoint a person to act as assistant weed inspector, and such assistant inspector shall have all the powers and authority as the town board members in the capacity of weed inspector. *The compensation shall be the same as received for other town work executed by them. Such appointment may be for full time or part time. Notice of such appointment, together with a statement of the time for which appointment is made, shall be delivered to the commissioner within ten days after the date the appointment was made.*

Subd. 3. Compensation of county weed inspectors. Appointees of the board of county commissioners shall be paid from the general revenue fund of the county. *The compensation of the local weed and seed inspectors shall be fixed by the respective town boards, and paid from the general revenue fund of the town; the respective town boards shall also provide for the manner of reimbursement for necessary traveling expenses in addition thereto.*

Subd. 4. **Compensation of town weed inspectors.** The mayor or president of cities or other municipalities, when the commissioner shall so direct, shall appoint one or more weed inspectors, whose duties and compensation shall be as described in sections 20.11 and 20.12 for local weed inspectors, and their jurisdiction should be coextensive with the municipality for which they are appointed. This compensation shall be paid from the general revenue fund of the municipality. Notice of such appointment shall be sent to the commissioner within ten days from the date of the notice to appoint.

Subd. 5. **Expense, how paid.** Failure on the part of any municipality or town to include the item of weed inspection in the annual budget is no excuse and shall not justify the non-payment of any charges or expenses incurred by inspectors, as provided in sections 20.06 to 20.27, which charges or expenses shall be audited and paid as other obligations of such municipality or town are paid. *In the event that it should be shown that weed inspection has not been done commensurate with the bill presented, the commissioner of agriculture may recommend to the county board, town board or municipal council, that such bill be not allowed.*

Subd. 6. **Paid by county.** If any municipality or town neglects or refuses, for a period of 60 days, to make such payments, they shall be paid by the county auditor, on the recommendation of the commissioner, and the total of all such amounts so paid shall be included by the county auditor as a part of the next annual tax levy in such municipality or town and withheld from that municipality or town in making the next apportionment thereto.

Sec. 5. Minnesota Statutes 1941, Section 20.12 is amended to read as follows:

20.12. **Duties of local weed inspectors.** Subdivision 1. **Examination of land; notice for destruction.** It shall be the duty of each local weed inspector to examine all lands, highways, roads, alleys, and public ground in the territory over which his jurisdiction extends, for the purpose of ascertaining if the provisions of sections 20.06 to 20.27 and the regulations of the commissioner have been complied with; and if he finds that such is not the case he shall cause to be given forthwith a notice, in writing, on a form to be prescribed by the commissioner, to the proper public officer or to the owner or occupant, or to the agent of any non-resident lands within the township whereon noxious weeds are standing, being, or growing and in danger of going to seed, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on

the lands, in the manner and within the time specified in the notice, such time not to exceed ten days. He shall also attend, when required, such conferences called by the commissioner for the purpose of receiving instructions and for a full and free discussion of sections 20.06 to 20.27 and its administration.

Subd. 2. Transportation regulations. *When any person desires to transport materials containing leafy spurge, horse nettle, Austrian field cress, Creeping Jenny or perennial pepper grass, county weed inspectors are authorized to issue a permit to regulate the moving of such materials and to regulate such movement and to require proper treatment, cleaning, sterilization or destruction of any such material which has been or is about to be moved or deposited.*

No grain seed or screenings containing leafy spurge, horse nettle, Austrian field cress, Creeping Jenny, perennial pepper grass, weed seeds shall be transported upon any public highway unless it be in sacks, boxes, or other containers sufficiently closed or covered with canvas or otherwise to prevent weed seeds from blowing or scattering along the highway.

Subd. 3. Tax exempt or tax forfeited lands. *If the officials or persons in charge of tax exempt or tax forfeited lands neglect or refuse to cut down, otherwise destroy or eradicate these noxious weeds in the manner prescribed by sections 20.06 to 20.27 or in any notice served, within the designated number of days after service thereof, they shall be guilty of a misdemeanor, and the local weed inspector or the county weed and seed inspector shall forthwith proceed to cause them to be cut down, otherwise destroyed or eradicated, and the expense thus incurred shall be a just charge against the lands involved and upon presentation of an itemized account of the same, payment shall be made by the public officials or persons in charge of the lands. In the event that it is not paid, such expense shall be included in the costs taxed and made a part of the fine against any person convicted for a violation of this section.*

Boards of county commissioners shall provide funds and adequate equipment and materials and labor necessary for adequate control and eradication of weeds on county highways and property, and to assist and facilitate county and local weed inspectors in the county in weed inspection and control and enforcement of the weed laws. They may cooperate with the state, towns, municipalities, and private property owners and provide such county funds, equipment, materials, labor and facilities for weed inspection, control and eradication with or

without reimbursement from the public agency or private property benefited. Towns and municipalities may by vote of their electors or governing boards provide for weed control necessary funds, equipment, materials and labor and arrange for their use on public or private property within their limits with or without reimbursement from the property benefited.

Sub. 4. **Entering upon land not trespass.** For the purpose of performing his duties and exercising his powers herein contained, each local weed inspector *or county weed and seed inspector* may enter upon any land without consent of the owner and without being subject to any action for trespass or any damages whatsoever.

Sec. 6. Minnesota Statutes 1941, Section 20.13 is amended to read as follows:

20.13. **Cutting weeds in growing crops.** When any local weed inspector *or county weed and seed inspector* deems it necessary, to prevent the spread of noxious weeds within his jurisdiction, to cut down a growing crop, or any part thereof, he shall, before proceeding to do so, notify, in writing, on a form prescribed by the commissioner, the mayor or the president of the village or borough council or a county commissioner, as the case may be, to inspect the crop and, if on the inspection it is the opinion of the officer making the same that the weeds, together with the crop or portion thereof, should be cut down, otherwise destroyed or eradicated, such cutting or destroying shall be immediately performed under the direction of the local weed inspector or by his authority *or under the direction of the county weed and seed inspector*. If the officer making the inspection is of the opinion that these weeds, together with the crop or portion thereof, should not be cut down, otherwise destroyed or eradicated, the matter in issue shall be reported to and determined by the commissioner or by his authority, whose decision thereon shall be final, except in so far as the same may be reviewed under the existing laws in courts, and thereupon if so determined it shall be the duty of the local weed inspector *or county weed and seed inspector* to immediately cause the weeds, together with the crop or a portion thereof, to be cut down, otherwise destroyed or eradicated, and no action or claim for damages shall be allowed or shall be sustainable against any one in respect thereto; provided, that notwithstanding anything contained herein, the local weed inspector *or county weed and seed inspector* shall have power to cut down, otherwise destroy or eradicate these weeds, together with the crop, on areas not exceeding three acres in the aggregate in any one field or crop of 40 acres or less, other than *permanent* pasture or

meadow, without any notification or application to the mayor, village or borough president or county commissioner. If, after being notified by the local weed inspector or the county weed and seed inspector to inspect a crop, the mayor, the county commissioner, the village or borough president, so notified fails to make such inspection and to report to the local weed inspector within seven days after the receipt of a notice to inspect the crop, the local weed inspector or county weed and seed inspector may thereupon proceed to cut down, otherwise destroy or eradicate such weeds, together with the crop, to the same extent as though the officer notified had made an inspection and had reported in the affirmative.

Sec. 7. Minnesota Statutes 1941, Section 20.14 is amended to read as follows:

20.14. **Reports by inspectors.** Each weed inspector shall make such reports as may be required by the commissioner.

Sec. 8. 20.15. **Notices; service; expenses of destroying weeds; liens.** *Subdivision 1. Notices.* Notices for control and eradication of noxious weeds shall consist of two kinds: general notices and individual notices, of a form prescribed by the commissioner. General notices shall be published by each local weed and seed inspector of township, municipality or county, in one or more legal newspapers of general circulation throughout the area over which the weed inspector has jurisdiction, on or before June 15th of each year, and at such other time as the commissioner may direct or the local weed and seed inspectors may determine. Failure of weed and seed inspectors to publish general weed notices or to serve individual notices herein provided does not relieve any person from the necessity of full compliance with any or all provisions of this chapter and regulations thereunder.

Subd. 2. Service. Whenever a weed and seed inspector finds it necessary to secure more prompt or definite control or eradication of noxious weeds in certain special or individual instances, involving one or a limited number of persons than is accomplished by the general published notices, he shall serve individual notices in writing upon the owner or occupant, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated. Such methods of control may include definite systems of tillage, cropping, management and use of livestock. All individual notices provided for herein shall be served in the same manner as a summons in a civil action in the district court except as herein otherwise provided; provided that service on persons living temporarily or permanently outside of the local weed

inspectors' jurisdiction and their property is vacant or unoccupied, service may be made by sending the notice by registered mail to the last known address of such person, to be ascertained, if necessary, from the last tax list in the county treasurer's office.

Subd. 3. Inspector to destroy; expenses, to whom chargeable. When any person, in compliance with a notice served on him, or with the provisions of this chapter, fails to cut down, otherwise destroy or eradicate any noxious weeds or any crop in which such weeds are intermingled or growing, within the time and in such manner as the weed inspector may designate, or as otherwise provided herein, the local weed and seed inspector having jurisdiction, or if there is no local weed and seed inspector, the county weed and seed inspector or the commissioner, shall cause the same to be cut down, otherwise destroyed or eradicated at the expense of the county, city, or village in which the land affected is situate, and claim for such expense of serving of notices, together with the cost of cutting down, otherwise destroying or eradicating the noxious weeds, is hereby made a legal charge against the county, city, or village in which the lands are located. After such cutting down, otherwise destroying or eradicating of noxious weeds, the officer causing the same to be done shall file verified and itemized statements of the costs of all services rendered in connection with serving and publishing of notices and cutting down, otherwise destroying or eradicating the noxious weeds on each separate tract or lot of land, with the county auditor or with the clerk of the city or village in which such lands are located, and such statement shall be authority for the immediate issuance by such county auditor or clerk of proper warrants to the persons named therein for the amount specified. The amount of such expenses shall constitute and be a lien in favor of the county, village, or city, as the case may be, against the land involved and shall be certified to by the county auditor, the village or city clerk, and entered by the county auditor on his tax books as a tax upon such land, and shall be collected in the same manner as other real estate taxes are collected. The amount of such expenses, when collected shall be used to reimburse the county, village, or city for its expenditure in this regard. Where the lands involved are located in unorganized territory, the expense of eradicating or destroying such weeds shall be paid by the county auditor out of the general revenue fund of the county, upon the verified itemized statement of the weed inspector and the amount of such payment shall be entered by him on the tax books as a tax on such lands and shall constitute and be a lien in favor of such county against the lands involved and shall be

collected in the same manner as other real estate taxes are collected.

Sec. 9. Repeal. Minnesota Statutes 1941, Sections 20.16 and 20.18 are hereby repealed.

Approved April 23, 1945.

CHAPTER 535—S. F. No. 814

An act relating to tree planting for conservation purposes, providing for the procurement and distribution of planting stock, and appropriating money therefor.

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

Section 1. Reforestation; tree planting. Subdivision 1. **Trees defined.** The term "tree" or "trees" as used herein shall include any kind of trees or woody perennial shrubs or vines deemed suitable by the commissioner of conservation for the purposes herein authorized except such cultivated varieties as are capable of producing fruit for human consumption.

Subd. 2. **Purpose of planting.** The purposes for which trees may be procured, distributed, and planted hereunder shall include auxiliary forests, woodlots, shelterbelts, erosion control, soil conservation, water conservation, provision of permanent food and cover for wild life, and afforestation and reforestation on public or private lands of any kind, but shall not include the raising of fruit for human consumption, planting for purely ornamental purposes, or planting windbreaks for farm buildings or farmyards.

Sec. 2. Planting stock; procurement and distribution. Subdivision 1. **Letting contract.** The commissioner of conservation is authorized to procure tree planting stock for the purposes herein authorized by contract in the manner provided by law for contracts for construction or purchase provided, that in case two or more competitive bids are not received pursuant to an advertisement, a contract may be awarded to a single bidder if, in the opinion of the commissioner, the bid is reasonable and it is not practicable to obtain competitive bids.

Subd. 2. **Requirements for growing and delivery; bonds.** So far as practicable, planting stock shall be procured by the commissioner hereunder through contracts for the grow-