

year, which have been collected by July first of the year in which the levies authorized hereby are made.

Approved April 20, 1957.

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CHAPTER 550—H. F. No. 938

[Not Coded]

*An act relating to the salary of the register of deeds in certain counties; repealing Laws 1955, Chapter 207.*

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

Section 1. **Repealer.** Laws 1955, Chapter 207, is repealed.

Approved April 20, 1957.

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CHAPTER 551—H. F. No. 974

[Not Coded]

*An act relating to salaries of deputy register of deeds in certain counties.*

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

Section 1. **Salaries, deputy register of deeds, certain counties.** In any county containing less than 15 full and fractional townships, having over 15,000 and less than 17,000 inhabitants according to the 1950 federal census and having an assessed valuation of less than \$7,000,000 exclusive of money and credits, the salary of the deputy register of deeds shall be fixed by the county board.

Approved April 20, 1957.

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CHAPTER 552—H. F. No. 979

*An act relating to entomology; nurseries; insects; diseases; amending Minnesota Statutes 1953, Sections 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, 18.09, 18.10, 18.11, 18.14, Subdivision 1, 18.21, Subdivision 1, 18.22, Subdivisions 2, 3, and 4, and repealing Section 18.12.*

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

Section 1. Minnesota Statutes 1953, Section 18.01, is amended to read:

**18.01 Commissioner to employ entomologists.** The commissioner *may* employ *entomologists* and such assistants as *are* necessary to carry out the provisions of this chapter. *The department of civil service shall fix their compensation. They shall receive their actual and necessary expenses incurred in the performance of their official duties.*

Sec. 2. Minnesota Statutes 1953, Section 18.02, is amended to read:

**18.02 Inspection of nurseries.** The commissioner is authorized to *appoint deputies who shall be authorized to assist him* to inspect all premises in Minnesota where nursery stock is grown or held for sale, and to inspect all orchards or any premises 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 deputies shall have free access to any field, ground, packing ground, building, cellar, orchard, garden, elevator, warehouse, freight or express office or car, freight yard, vehicle, vessel, boat, container, or other place where the carrying out of the provisions of this chapter shall make necessary. The *commissioner* is empowered and required to grant certificates upon request of 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 1 and September 30 and such other times as may be necessary to comply with the provisions of this chapter. Nurserymen or others having stock to inspect shall make application to the *commissioner* for the inspection of stock, so far as practicable, on or before May 1 of each year. It shall be the duty of the *commissioner* or his deputy to make inspection as soon thereafter as possible.

*The following schedule of fees shall apply for the inspection of nurseries:*

<i>Acreage Grown</i>	<i>Annual Fee</i>
A. $\frac{1}{2}$ acre or less	\$ 10.00
B. $\frac{1}{2}$ acre to and including 2 acres	\$ 15.00
C. 2 acres to and including 10 acres	\$ 30.00
D. 10 acres to and including 50 acres	\$ 50.00
E. 50 acres or over	\$ 100.00
F. Greenhouse Certification	\$ 15.00 per establishment

The determination of the charge or fee as per above schedule, by the *commissioner*, shall be conclusive on the question of amount of fee that shall be paid. The fee for inspection shall be paid at time of inspection or not later than April 1 following the date when inspection is completed and before a certificate is granted. If a dangerous insect pest or plant disease is found by the *commissioner* on the premises inspected, 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. This order shall be issued in writing. If the order be not obeyed within ten days after service thereof, the *commissioner* 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 60 days thereafter, the bill shall be reported to the county attorney, who shall forthwith collect same in civil action in the name of the state and turn same over to the state treasurer to be credited to the inspection fund.

When the *commissioner* is requested to perform or supervise any inspection, fumigation, or other services for which a fee or charge is not otherwise provided, he may charge and collect for such inspection or other service performed, \$3 for each carload or fraction thereof, lot, orchard, or planting. This fee shall be collected from the person making application and shall be paid within 60 days from date of the service. The necessary traveling expenses of the *commissioner* or his agents shall be paid by the applicant, in addition to the prescribed fee, unless the service can be performed at a time when the *commissioner* is in the same vicinity for the performance of his regular duties.

Sec. 3. Minnesota Statutes 1953, Section 18.03, is amended to read:

18.03     Diseased or infested trees, shrubs or plants. When any tree, shrub, or plant, not itself diseased or infested, which is a host for any organism inducing a plant disease, new to or not heretofore widely prevalent or distributed within or throughout this state, or host for any destructive insect, new to or not heretofore widely prevalent or widely distributed throughout this state, is situate within 3,000 feet of any tree, plant, or shrub which is infested with any such organism or insects, the *commissioner* may, for the purpose of preventing the spreading of such organism or insect, cause such tree, plant, or shrub, not itself so diseased or infested to be destroyed as hereinafter provided:

(a) If the *commissioner* shall find on examination, any orchard, small fruit planting, park, cemetery, or any private, public or quasi-public property which contains any tree, shrub, or plant, not itself infested or diseased, which is a host for any insect pest or for any organism inducing a plant disease, and which if infested or infected may spread such insect or disease to any plants in adjoining or nearby premises, the *commissioner* may, for the purpose of preventing such damage, cause such tree, plant, or shrub, even though itself not infected or infected, to be destroyed or treated as hereinafter provided:

(b) The *commissioner* shall notify, in writing, the owner or person having charge of such premises, or both of them, to that effect; and the owner or person having charge of the premises shall, within ten days after such notice, cause the removal and destruction of such plants, if incapable of successful treatment; otherwise cause them to be treated as the *commissioner* may direct;

(c) No damages shall be awarded to the owner for the loss or destruction of plants designated under paragraphs (a) and (b); such plants shall be deemed to be a public nuisance;

(d) In case the owner or person in charge of such premises shall refuse or neglect to comply with the provisions of paragraph (b) of this section within ten days after receiving written notice from the *commissioner*, he shall be deemed guilty of a violation of this chapter, and thereafter the *commissioner* may proceed to treat or destroy or cause such plants to be treated or destroyed in a manner prescribed by him.

(e) The expense of enforcing the provision of paragraph (d) shall be a lien upon the owners of such land; such lien shall have the same effect and may be collected in the same manner as taxes on such land; or the *commissioner* or *his assistants* may render to the owner or persons in charge an itemized bill of the cost; and if such cost shall not be paid within 30 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;

(f) Any money collected in accordance with the provisions of paragraph (e) of this section shall be paid into the state treasury and credited to the funds provided for this work;

(g) Upon the delivery to him of the appraisers' report, the owner or lessee of the land on which the trees, plants, or shrubs ordered to be destroyed are situate, shall forthwith destroy the same in the manner directed by the *commissioner*,

and within the time specified in paragraph (b), and any owner or lessee who fails so to do within a period of five days after the expiration of the time specified in paragraph (b) shall be guilty of a felony, and, in addition to such criminal liability, the *commissioner* may, after the failure of the owner or lessee for said five days to so destroy the same, cause these trees, plants, or shrubs to be destroyed at the expense of the owner, in the manner and as provided in section 18.02, and the expense in such case shall be deducted from the amount payable to the owner. The owner, lessee, or representative shall not be guilty of felony if, within five days after receiving the notice for the destruction of such trees, plants, and shrubs as provided for in paragraph (b), he shall notify the *commissioner*, in writing, that he prefers to have the *commissioner* destroy such trees, plants, and shrubs as provided in this section;

(h) It shall be the duty of the executive board of the state horticultural society and the director of the experiment station each to furnish to the *commissioner* a list of five practical horticulturists residing in several parts of the state, who possess knowledge of the value of trees, plants, and shrubs, from each of which the appraising committee is chosen;

(i) The *commissioner* is hereby authorized and empowered to prohibit by proclamation, quarantine order, rules and regulations supplemental thereto, the importation into this state or transportation from any area within this state of any plant, tree, shrub, plant products, or other material liable to be infested, which has been grown or propagated in any state, province, or county, or any place where it shall be determined by the *commissioner*, after due investigation, that there exists and is prevalent to a dangerous extent white pine blister rust or any other plant disease, or any destructive insect which is liable to or capable of spreading to, and infecting, the plants, trees, and shrubs of this state, and which may be carried and transported on or in trees, plants, shrubs, plant products, or other material there grown. It shall be the duty of the *commissioner*, upon the making and promulgation by him of any such proclamation, quarantine order, or rules and regulations supplemental thereto, to forthwith mail a copy thereof to each certified nurseryman and to each railroad company doing business in this state, and to publish a copy thereof in a newspaper published at the city of Duluth, and at the city of St. Paul, and any person, firm, or corporation, or common carrier which shall, after 30 days from the date of the proclamation, quarantine order, rule or regulation, introduce or transport any tree, plant, shrub, plant product, or other material grown or propagated in the territory described in such

proclamation, or in any other manner fail to comply with the terms, provisions, and conditions of such proclamation, quarantine order, rules and regulations, shall be guilty of a gross misdemeanor, and in case the offender be a corporation shall be punished by a fine of not less than \$25 nor more than \$1,000 for each shipment so introduced, made, or transported. For the purpose of enforcing any such proclamation, quarantine order, rule or regulation, the *commissioner*, or any duly appointed deputy, may intercept, stop and detain for official inspection any person, car, vessel, boat, truck, automobile, aircraft, wagon or other vehicles or carriers, whether air, land or water, or any container believed or known to be carrying any plant, tree, shrub, plant product, or other material designated by the proclamation, quarantine order, rule or regulation, and may seize, possess and destroy any such plant, tree, shrub, plant product, or other material moved, shipped, or transported in violation thereof;

(j) When the *commissioner* finds or determines that there exists in any other state, territory, or district, or any part thereof, any dangerous plant disease or insect infestation with reference to which the secretary of agriculture of the United States has not determined that a quarantine is necessary, and the *commissioner* has duly established such quarantine, such *commissioner* is hereby authorized to promulgate and to enforce by appropriate rules and regulations a quarantine prohibiting or restricting the transportation into or through the state, or any portion thereof, from such other state, territory, or district, of any class of nursery stock, plant, fruit, seed, or other article of any character capable of carrying such plant disease or insect infestation;

(k) The *commissioner* is hereby authorized to make rules and regulations for the seizure, inspection, disinfection, destruction, or other disposition of any nursery stock, plant, fruit, seed, or other article of any character capable of carrying any dangerous plant disease or insect infestation, whether or not a quarantine with respect to which shall have been established by the secretary of agriculture of the United States.

Sec. 4. Minnesota Statutes 1953, Section 18.04, is amended to read:

**18.04 Importations without certificates of inspection on packages.** No person shall bring into the state, for sale or use therein or reshipment, any trees, plants, vines, cuttings, buds, or other "nursery stock," unless it be accompanied on the outside of each package 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 certificate shall be prima facie evidence of the facts therein stated, but the *commissioner* may, if deemed necessary, inspect such stock and proceed with respect thereto as provided for in Section 18.02.

Sec. 5. Minnesota Statutes 1953, Section 18.05, is amended to read:

18.05 Copies of state inspection certificates filed. A copy of the state inspection certificate granted to any firm in any other state shall be on file with the *commissioner* before any such firm shall make shipment of nursery stock to be sold or distributed in this state.

Sec. 6. Minnesota Statutes 1953, Section 18.06, is amended to read:

18.06 Inspection of nursery stock. All nursery stock transported from any point in the state to another point within the state must be accompanied by a valid certificate of inspection on the outside of each package. All nursery stock sold or offered for sale shall be in a sound, healthy condition and shall be stored or displayed under conditions which will maintain its vigor. Nursery stock which is dead or so seriously weakened by drying, excessive heat or cold, or any other condition that, in the judgment of the *commissioner* or his deputy, it will be unable to grow with normal vigor when given reasonable care, shall not be sold or offered for sale. It shall be unlawful for any person, firm or corporation to sell or to offer for sale any nursery stock which has not within one year been officially inspected and found free from dangerous insect pests and plant diseases.

Sec. 7. Minnesota Statutes 1953, Section 18.07, is amended to read:

18.07 Common carriers not to accept stock not tagged. Railroad and express companies and all common carriers 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 that fact, with the name and address of party offering the stock for shipment, to the *commissioner*.

Sec. 8. Minnesota Statutes 1953, Section 18.08, is amended to read:

18.08 Inspection of imported foreign grown stock. Foreign grown stock imported into Minnesota under the provisions 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 to open any package containing such stock from a foreign country unless the *commissioner* or deputy is present. It shall be the duty of the *commissioner* to be present, in person or by deputy, when notified at least 48 hours in advance of the opening of such package.

Sec. 9. Minnesota Statutes 1953, Section 18.09, is amended to read:

18.09 **Dealer's certificate obtained before sale.** (a) Any person, firm, or corporation, before offering for sale nursery stock not grown by the person, firm, or corporation, must obtain from the *commissioner* a dealer's certificate unless otherwise granted a regular certificate of inspection, such dealer's certificate to be granted to such person, firm, or corporation for nursery stock purchased from any inspected nursery or for foreign nursery stock inspected in this state. Such dealer's certificate must be obtained whether or not such nursery stock is actually owned by the person, firm, or corporation, except that this provision shall not apply to any bona fide agent of the nursery or bona fide agent of a dealer in nursery stock. The certificate, or a duplicate copy thereof, shall be displayed in a prominent manner at each place where such nursery stock is offered for sale. All dealer's certificates shall expire September 15 of each year. The fee for issuing dealer's certificates as provided herein shall be *computed in accordance with the following schedule, and such fees shall be paid for each location where such nursery stock is offered for sale by the person, firm, or corporation:*

Class	Fee
1. Gross Sales up to \$15,000.....	\$ 15
2. Gross Sales from \$15,000 up to \$25,000.....	25
3. Gross Sales from \$25,000 up to \$50,000.....	35
4. Gross Sales from \$50,000 up to \$100,000.....	50
5. Gross Sales from \$100,000 up to \$200,000....	75
6. Gross Sales of \$200,000 and over.....	100

*Nothing in this section shall be construed as exempting any nursery branch or chain stores from the provisions of Laws 1933, Chapter 213, and acts amendatory thereof.*

(b) Before such certificate is granted, the person, firm or corporation requesting the same shall furnish a sworn affidavit that the person, firm, or corporation will buy and sell only nursery stock which has been inspected by an official *deputy* and that the person, firm, or corporation will maintain

with the *commissioner* a list of all sources from which nursery stock is secured.

(c) Non-resident nurserymen and dealers desiring to solicit or accept orders for nursery stock in the state shall, upon complying with all other provisions of Sections 18.02 to 18.13 and all rules and regulations promulgated thereunder, and upon payment of the registration fee in the like amount of any fee charged by this state to out-of-state nurserymen, agents, or dealers, be entitled to a certificate permitting such persons to solicit or accept orders for nursery stock in this state.

(d) Notwithstanding the provisions of paragraph (c), the *commissioner* may enter into reciprocal agreements with the responsible officers of other states under which nursery stock owned by nurserymen or dealers of such states may be sold or delivered in this state without the payment of a Minnesota registration fee provided like privileges are accorded to Minnesota nurserymen, dealers, or agents in such other states and the *commissioner* shall find that such other states, before issuing their certificates, require inspections equal to those required under the Minnesota law and the *commissioner* may enter into reciprocal agreements with the responsible officers of other states under which nursery stock owned by nurserymen or dealers of such states may be sold or delivered in this state without furnishing bond, without special permit tags of all descriptions, without filing of special invoice, without fumigation of stock, without making special inspection at time of shipping, without signing of special statements concerning locations of stock, or without any other kind of special inspection other than that necessary for complying with the regular filing of the accepted certificate of inspection.

(e) If any of the exemptions provided for in paragraph (d) shall be held invalid by any court of competent jurisdiction, the class held to be invalidly exempted shall forthwith become subject to the provisions of paragraph (c) as if no exemptions had been provided for.

(f) All agents selling nursery stock, or soliciting orders for nursery stock, shall secure from the *commissioner* and carry an agent's certificate bearing a copy of the certificate held by the principal. This agent's certificate shall be issued only to agents authorized in writing or upon request of their principal.

Sec. 10. Minnesota Statutes 1953, Section 18.10 is amended to read:

18.10 Cooperation with United States department of

**agriculture.** The *commissioner* is hereby authorized, when he deems such action advisable and necessary in carrying out the purposes of this chapter, to cooperate with the United States department of agriculture in connection with any quarantine order or regulation promulgated under or by authority of the provisions of the United States Plant and Quarantine Act of 1912 and the amendments thereto.

Sec. 11. Minnesota Statutes 1953, Section 18.11, is amended to read:

**18.11 Rules and regulations; notice.** All rules and regulations promulgated by the *commissioner* under authority of this chapter shall be recorded in the minute book kept for that purpose, and one week's published notice thereof shall be given.

Sec. 12. Minnesota Statutes 1953, Section 18.14, Subdivision 1, is amended to read:

**18.14 Insect pests, plant disease, bee diseases, and rodents.** Subdivision 1. **Control.** When recommended so to do by the commissioner of agriculture, dairy, and food, the governing body of any county, city, village, borough, or town of this state is hereby authorized and empowered to appropriate money for the control of insect pests, plant diseases, bee diseases, or rodents. Such money shall be expended according to technical and expert opinions and plans as shall be designated by the *commissioner*, and the work shall be carried on under the direction of the *commissioner*.

Sec. 13. Minnesota Statutes 1953, Section 18.21, Subdivision 1, is amended to read:

**18.21 Violation; penalties.** Subdivision 1. Every person who shall violate any of the provisions of sections 18.02 to 18.13, or of any quarantine order, rule, or regulation issued thereunder, or who shall neglect or refuse to comply therewith, or with any notice issued thereunder, shall, except as therein otherwise provided, be guilty of a misdemeanor, and his certificate may be forthwith suspended, revoked, or canceled by the *commissioner* upon five days' notice and opportunity to be heard.

Sec. 14. Minnesota Statutes 1953, Section 18.22, Subdivisions 2, 3, and 4, are amended to read:

**Subd. 2. Insect pest.** "Insect pest" includes grasshoppers, cutworms, army worms, European corn borers, Japanese beetles, forest tent caterpillar, bee diseases, and any other insects which the *commissioner* may designate as dangerous to crops or the welfare of the people.

Subd. 3. **Rodents.** "Rodents" includes such rodents as rats, gophers, mice, and others which the *commissioner* may designate as danegrous to the welfare of the people.

Subd. 4. **Diseases.** The term "Diseases" refers to such dangerous plant diseases and bee diseases as the *commissioner* may designate as dangerous to agriculture, horticulture, and forestry.

Approved April 20, 1957.

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#### CHAPTER 553—H. F. No. 1018

*An act relating to soil conservation; amending Minnesota Statutes 1953, Sections 40.03, Subdivision 3; 40.05, Subdivisions 1 and 3; 40.06, Subdivision 2; 40.13.*

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

Section 1. Minnesota Statutes 1953, Section 40.03, Subdivision 3, is amended to read:

Subd. 3. **Officers; quorum; bonds.** The committee shall designate its chairman, and may annually, from time to time, change such designation. A member of the committee shall hold office so long as he shall retain the office by virtue of which he shall be serving on the committee. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within their duties shall be required for its determination. The ex officio members of the committee shall receive no compensation for their services on the committee, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee. The other members of said committee shall receive \$15 per day for each day while engaged in the performance of their official duties and shall be reimbursed for all expenses, including traveling expenses necessarily incurred in connection with their duties as members of said committee. The committee shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted. The public examiner shall annually audit the books of the committee.

Sec. 2. Minnesota Statutes 1953, Section 40.05, Subdivision 1, is amended to read:

40.05 Three supervisors elected for each district.