

**Section 1. CROW WING COUNTY; TAX FORFEITED LANDS; SALE PROCEEDS.** The county board of the county of Crow Wing may annually by resolution set aside for the construction, reconstruction, or repair of buildings owned by the county any portion not exceeding 50 percent of the net proceeds from the sale or rental of any parcel of tax forfeited land, or from the sale of any products therefrom, which it might otherwise set aside in accordance with Minnesota Statutes, Section 282.08, Clause (4) (a) and (b).

**Sec. 2.** This act is effective only after approval by the governing body of the county of Crow Wing and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 21, 1971.

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#### CHAPTER 449—S.F.No.624

[Coded in Part]

*An act relating to agriculture; providing for the licensing of pesticide dealers and the applicators; inspection of applicator equipment; imposing fees; providing penalties; amending Minnesota Statutes 1969, Sections 18.031, Subdivision 3; 18.032; 18.033; 18.034; 18.036; and 24.072; and Chapter 18 by adding sections; and Chapter 24 by adding a section.*

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

Section 1. Minnesota Statutes 1969, Section 24.072, is amended to read:

**24.072 AGRICULTURE; PESTICIDES; LICENSING OF DEALERS; APPLICATION; SALES.** Subdivision 1. **APPLICATION FOR REGISTRATION.** Any person, before selling or offering for sale any economic poison or device within this state, shall annually file with the commissioner, an application for registration of such economic poison or device giving the following information: (1) The name and address of each manufacturer or distributor; (2) the name and brand, if any, of each product registered, together with an ingredient statement of each product registered in accordance with section 24.069, subdivision 4, and accompanying each registration application there shall be filed with the commissioner, a label of each product so registered. If the commissioner finds that the application conforms to law he shall issue to the applicant a certificate of registration of the product. If the application is denied the product shall not be offered for sale.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **FEE.** Each application for registration shall be accompanied by ~~an inspection a registration fee of \$9.50 \$7 for each of the first five products product registered by any one firm and by an inspection fee of \$2.50 for each additional product registered .~~ But in cases where the registration fees have been paid by the manufacturer, jobber, or any person, as required by this section, then in that event nothing in this section shall be construed as applying to retail dealers selling economic poisons or devices. All such registration fees collected by the commissioner shall be paid into the state treasury and be credited to the general fund.

Subd. 3. **LICENSE FOR SELLERS OF RESTRICTED USE PESTICIDES.** Any person offering for sale or having in his possession with intent to sell or otherwise distribute to the ultimate user, and any person purchasing from an unlicensed source, any restricted use pesticide as designated under section 18.033, shall obtain a license from the commissioner. This subdivision shall not apply to a restricted use pesticide sold and applied by a person licensed under sections 18.032 or 18A.02, nor to a duly licensed pharmacist, physician, dentist, or veterinarian when prescribing, dispensing, or administering a restricted use pesticide for use in man or other animal in his practice. Application for this license shall be made upon such forms and in such manner, which may include an examination, as the commissioner may prescribe to enable him to determine if the applicant is qualified to sell restricted use pesticides.

Subd. 4. **FEE.** Each application for a restricted use pesticide dealer license shall be accompanied by a fee of \$20. All such license fees collected shall be deposited in the state treasury and credited to the general fund.

Subd. 3 5 . **REGISTRATION; LICENSE; EXPIRATION.** (a) Every registration fee shall expire on ~~June 30~~ January 1 following its issue and no certificate of registration shall be issued for a term longer than one year, and shall not be transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location. A penalty of 50 percent of the ~~license or~~ registration fee shall be imposed if ~~license or~~ a certificate of registration is not applied for on or before ~~July~~ January 1 of each year, or within the same month such economic poisons or devices are first manufactured or sold within this state.

(b) Every license shall expire on January 1 following its issue and no license shall be issued for a term longer than one year, and shall not be transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place. A penalty of 10 percent of the license fee shall be imposed if a license is not applied for on or before January 1 of each year, or within the same month such restricted use pesticide is first offered for sale by such seller within this state.

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Sec. 2. Minnesota Statutes 1969, Chapter 24, is amended by adding a section to read:

**[24.0721] STORAGE, DISPOSAL.** No person shall handle, discard, store, or display any pesticide materials or pesticide containers in such a manner as to cause injury to humans, vegetation, crops, livestock, wildlife, or pollinating insects, or to pollute any waterway in a way harmful to any wildlife therein. The commissioner may promulgate rules and regulations governing the discarding and storing of such pesticides or pesticide containers.

Sec. 3. Minnesota Statutes 1969, Section 18.031, Subdivision 3, is amended to read:

Subd. 3. "Spraying or dusting operations for hire" means compensation or payment for the application of pesticides or plant growth regulators by any power driven machine, non-power machine, or by any other device or in any other manner, including manual application, used on the ground or in the air to spray or dust or to provide any other treatment to trees, ornamental shrubbery and lawns, to crops or land or to animals and buildings; and intended to regulate plant growth, to control or eradicate weeds, undesirable brush, plant diseases, insects, nematodes, mites, aquatic life, or destructive or nuisance animals as defined in section 18.021.

Sec. 4. Minnesota Statutes 1969, Section 18.032, is amended to read:

**18.032 LICENSE; RECORDS, FEES.** Subdivision 1. A person, or his authorized agent, before carrying on spraying or dusting operations or both for hire within this state, shall obtain a license from the commissioner. Application for this license shall be made upon forms and in such manner, which may include an examination, as the commissioner may prescribe, to enable him to determine if the applicant is qualified ~~and his equipment suitable~~ to perform the contemplated functions. ~~Aerial applicators shall be licensed for commercial spraying or dusting operations or both in accordance with section 360.013, subdivision 11, such persons shall also secure an endorsement to their commercial spraying and dusting license from the commissioner of agriculture. Before issuing such an endorsement the commissioner of agriculture shall determine by examination whether the applicant is knowledgeable in the application of pesticides or plant growth regulators. The inspection shall be administered by the department of aeronautics. An aerial applicator shall secure an endorsement to his license, showing that he has been licensed for commercial spraying or dusting operations, or both, in accordance with Minnesota Statutes, Chapter 360, and that he has passed an examination prepared by the department of aeronautics and administered by the department of agriculture testing whether he is knowledgeable in the aerial application of pesticides. A person~~

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intending to apply pesticides in any public waters shall secure an endorsement to his license showing that he has passed an examination prepared by the department of natural resources and administered by the department of agriculture testing whether he is knowledgeable in the application of pesticides in water.

Subd. 2. A person who carries on spraying or dusting operations or who employs or engages an operator either directly or through his authorized agent, to carry on spraying or dusting operations for hire, shall be the party responsible for the proper application of the material or device, and shall use materials, dosages, formulas, devices, and methods of application acceptable to the commissioner based on registered approved uses of the material or device and within limits prescribed by state and federal laws and regulations. However, such a person shall not be held liable for the actions of the chemical when applied in accordance with the recommendations of the manufacturer or commissioner.

Subd. 3. Each person, or his authorized agent, shall keep and maintain a record of each property treated. Such a record shall include but not be limited to the following: Date of treatment, material and dosage used, number of units treated, name of ~~owner~~ customer, name of applicator and signature of operator. Invoices containing the required information may constitute such a record. A copy of this record shall be given to the customer. Such records shall be kept and be available to the commissioner or his agents, upon request, for a period of one year from date of treatment.

Subd. 4. Every licensee or his designated operator shall have when applying pesticides for hire an identification card issued pursuant to his license and shall display it upon demand of an authorized representative of the commissioner or a law enforcement officer. The identification card shall contain such information as the commissioner may by regulation require.

Subd. 5. No applicant or licensee shall make false or fraudulent claims through any medium misrepresenting the effect of materials or methods to be used.

Subd. 4-6. Each application for a license shall be accompanied by a license fee of \$5 and an inspection fee of \$2 for each spraying or dusting machine which the person shall have available for hire. identification card fee of \$5 for the applicant and \$5 for each additional identification card desired.

Subd. 5 7. The license is effective until January 1 next following the date of its issuance, but may be renewed annually, in the manner and subject to the conditions governing its issuance originally. However, a penalty of 50 percent of the license fee shall be imposed if a renewal application is not applied for on or before

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~~April~~ March 1 of each year. A license shall not be transferable from one person to another.

Subd. ~~6~~ 8. All fees collected shall be deposited in the state treasury.

Sec. 5. Minnesota Statutes 1969, Chapter 18, is amended by adding a section to read:

**[18.0321] INSPECTION OF EQUIPMENT.** The commissioner may inspect any equipment used for application of pesticides and may require repairs or changes before its further use for pesticide application. A list of requirements that equipment shall meet may be adopted by regulation.

Sec. 6. Minnesota Statutes 1969, Chapter 18, is amended by adding a section to read:

**[18.0322] CLAIM OF DAMAGE; INSPECTION; REPORT.**  
**Subdivision 1.** A person claiming damage from the application of a pesticide may file with the commissioner a written statement containing his name and address, the name of the person for whom the application was done, the name of the applicator, the date of the application, the date of the damage, a description of the damage, a request that the commissioner inspect the damage, and such other information as the commissioner may by regulation require.

Subd. 2. If the statement is filed within 60 days after the pesticide was applied or the damage occurred or, if the alleged damage is to agricultural crops, prior to the time that 25 percent of the damaged crops have been harvested, whichever is the latest, the commissioner shall inspect the damage to determine its probable cause, and whether any provisions of sections 18.031 to 18.036 have been violated.

Subd. 3. The commissioner shall make a report of his findings and take such further action as he deems necessary. A copy of the report shall be available to any claimant, applicator, or their agents upon request.

Sec. 7. Minnesota Statutes 1969, Chapter 18, is amended by adding a section to read:

**[18.0323] AGENT FOR SERVICE OF PROCESS.** All nonresident pesticide applicator licensees licensed as individuals shall appoint the commissioner of agriculture as the agent upon which all legal process may be served. The person having a right of action against a person conducting a custom pesticide applicator business may bring action as in a civil suit against the principal for damages caused by his negligence in conduct of the business authorized by the license.

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Sec. 8. Minnesota Statutes 1969, Chapter 18, is amended by adding a section to read:

**[18.0324] UNSATISFIED JUDGMENTS.** No applicant or licensee shall permit any judgment against him for damage arising out of his carrying on spraying or dusting operations for hire to remain unsatisfied for a period of more than 30 days.

Sec. 9. Minnesota Statutes 1969, Section 18.033, is amended to read:

**18.033 ADMINISTRATION, RULES.** Subdivision 1. The commissioner of agriculture may issue regulations to carry out the provisions of ~~this section~~ sections 18.031 to 18.036 and in such regulations may prescribe methods to be used in the custom application of pesticides. The regulations may relate to the time, place, manner and method of application of the pesticides, may restrict or prohibit use of materials in designated areas during specified periods of time and shall encompass all reasonable factors which the commissioner deems necessary to prevent damage or injury to: (1) Plants, including forage plants, on adjacent or nearby lands; (2) Wildlife in the adjoining or nearby areas; (3) Fish and other aquatic life in waters in reasonable proximity to the area to be treated; and (4) Pollinating insects, animals, or persons. In issuing such regulations, the commissioner shall give consideration to pertinent research findings and recommendations of other agencies of this state or of the federal government.

Subd. 2. The commissioner may by regulation require that notice of a proposed application of a pesticide be given to land owners adjoining the property to be treated ~~or in the immediate vicinity thereof~~, if he finds that such notice is necessary to carry out the purposes of this section. The commissioner may also by regulation adopt a list of restricted use pesticides the use of which he may limit to designated areas, if he finds that the characteristics of such pesticides require that regulations restricting their use are necessary to prevent injury to persons, animals, crops, pests or vegetation other than the pests or vegetation which they are intended to destroy. The commissioner may include in the regulation the time and conditions of use of such restricted use pesticides and may, if he deems it necessary to carry out the provisions of this section, require a permit for each application of a restricted use pesticide.

Sec. 10. Minnesota Statutes 1969, Section 18.034, is amended to read:

**18.034 PERSONS EXEMPT, OPERATION.** Section 18.032 shall not apply to a person or an individual home owner applying pesticides on his own property, or to a farmer not engaged in custom spraying or dusting for hire, or doing service or exchange work for a neighbor.

**Changes or additions indicated by underline, deletions by strikeout.**

~~The provisions of sections 18.031 to 18.035 do not apply to treatments prescribed for and administered by licensed veterinarians which are intended to control animal growth, viruses, bacteria, mites causing mange or scabies, fungi, or to control any other physiological ailment not included in section 18.031. any duly licensed physician, dentist, or veterinarian when prescribing, dispensing, or administering pesticides for use in man or other animal in his practice.~~

Sec. 11. Minnesota Statutes 1969, Section 18.036, is amended to read:

**18.036 ENFORCEMENT, REVOCATION.** Subdivision 1. **ENFORCEMENT.** It shall be the duty of the commissioner, who may act through his authorized agent, to determine whether spraying or dusting operations are in compliance with Minnesota Statutes 1961, Sections 18.031 to 18.035, and acts amendatory thereof. For the purpose of carrying out the provisions of this act the commissioner may enter upon any public or private premises at reasonable times, in order:

(1) To have access for the purpose of inspecting any equipment subject to this act and such premises on which such equipment is kept or stored;

(2) To inspect lands actually or reported to be exposed to pesticides;

(3) To inspect storage or disposal areas;

(4) To inspect or investigate complaints of injury to persons or property; or

(5) To sample pesticides being applied or to be applied.

Should the commissioner be denied access to any land where such access was sought for the purposes set forth in this act, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for said purposes. The court may upon such application, issue the search warrant for the purposes requested.

The commissioner, with or without the aid and advice of the county attorney, is charged with the duty of enforcing the requirements of this act and any rules or regulations issued hereunder. In the event a county attorney refuses to act on behalf of the commissioner, the attorney general shall so act. The commissioner may bring an action to enjoin the violation or threatened violation of any provision of this act or any rule made pursuant to this act in the district court of the county in which such violation occurs or is about to occur.

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Subd. 2. COOPERATION. When any federal or state governmental department or unit or any political subdivision of the federal or state government has demonstrated to the commissioner that it has sufficient authority, funds, personnel and equipment for the carrying out of the provisions of this act, the commissioner may enter into an approved agency agreement with such governmental unit for the exercise of common or similar powers whereby the governmental units shall designate an approved agency to carry out provisions of this act, subject to the supervision of the commissioner. Said agreement shall comply with the provisions of Minnesota Statutes, Section 471.59.

Subd. 23. REVOCATION. For any violation of sections 18.031 to 18.036, after notice and a hearing, the commissioner may deny, suspend, or revoke for the unexpired term of the license, the license of the licensee.

Approved May 21, 1971.

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## CHAPTER 450—S.F.No.1115

[Coded in Part]

*An act relating to veterinary medicine; authorizing the formation of professional corporations by veterinarians and providing for the conduct and regulation thereof; amending Minnesota Statutes 1969, Section 156.11.*

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

Section 1. Minnesota Statutes 1969, Section 156.11, is amended to read:

**156.11 VETERINARIANS; PROFESSIONAL CORPORATIONS.** It shall be unlawful in the state of Minnesota for any corporation, other than one organized pursuant to and for the purposes of sections 2 to 23, to practice veterinary medicine, or to hold itself out or advertise itself in any way as being entitled to practice veterinary medicine, or to receive the fees, or portions of fees, or gifts or other emoluments or benefits derived from the practice of veterinary medicine, or the performance of veterinary services by any person, whether such person be licensed to practice veterinary medicine or not. Any corporation violating the provisions of this section shall be guilty of a gross misdemeanor and fined not more than \$1,000 for each offense, and each day that this chapter is violated shall be considered a separate offense.

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