

to the nonresident owner provided however, such waiting period shall not exceed 60 days from completion of the repairs.

Approved March 22, 1963.

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CHAPTER 114—S. F. No. 400

[Coded in Part]

*An act relating to entomology, nurseries, insects, plant diseases; providing changes to the plant pest act; amending Minnesota Statutes 1961, Section 18.48, Subdivision 1, and adding a subdivision thereto; and 18.52, Subdivision 1.*

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

Section 1. Minnesota Statutes 1961, Section 18.48, Subdivision 1, is amended to read:

**18.48 Plant pest act; authority.** Subdivision 1. **Entry and inspection.** The commissioner or his employees may enter and inspect any public and private place which might harbor plant pests and may require that the owner destroy or treat plant pests, plants or other material. Should the owner fail to properly comply with a directive of the commissioner or his employee within a reasonable given period of time, the commissioner may have any necessary work done at the owner's expense. *If the owner does not reimburse the commissioner for such expense within a time period to be specified by the commissioner, the expense is a charge upon the county as provided in section 2 of this act.* If a dangerous plant pest infestation or infection threatens plants of any area within the state, the commissioner or his employees shall have the power to take any measures necessary to eliminate or alleviate the danger. The commissioner has the authority to collect fees as may be required by the plant pest act. *The commissioner may issue and enforce a written or printed "stop-sale" order to the owner or custodian of any nursery stock if fees required by the plant pest act are not paid. The commissioner's order shall direct that the nursery stock shall be held at a designated place until the required fees have been paid and the nursery stock is released in writing by the commissioner. However, the owner or custodian has the right to appeal from such order to a court of competent jurisdiction in the county or city where the nursery stock is found, praying for a judgment as to the justification of the order, and for the discharge of the nursery stock from the order prohibiting the sale in accordance with the findings of the court. The*

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

*provisions of this section shall not be construed as limiting the right of the enforcement officer to proceed as authorized by other provisions of the plant pest act. The commissioner shall release the nursery stock held under any stop-sale order when the required fees have been paid and upon payment of all reasonable costs and expenses incurred in connection with such order. The commissioner or his employees may not be held liable for the deterioration of nursery stock during the period for which it is held pursuant to a stop-sale order.*

Sec. 2. Minnesota Statutes 1961, Section 18.48, is amended by adding a subdivision to read:

*Subd. 4. Collection of charges for work done for owner. Should the commissioner be caused any expense in conjunction with carrying out any of the provisions of subdivision 1 for which he is not reimbursed by the owner of the land, such expense is hereby made a legal charge against the county in which the land is located. After such expense is incurred, the commissioner shall file verified and itemized statements of the cost of all service rendered with the county auditor of the county in which the land is located, who shall immediately issue proper warrants to the persons named therein, for the amount specified. The amount of such expense is a lien in favor of the county against the land involved and shall be certified to by the county auditor and entered by him on his tax books as a tax upon such lands and shall be collected as other real estate taxes are collected. The amount of such expenses, when collected, shall be used to reimburse the county in this regard.*

Sec. 3. Minnesota Statutes 1961, Section 18.52, Subdivision 1, is amended to read:

**18.52 Dealers' and agents' certificates.** Subdivision 1. **Certificates required.** A dealer's certificate shall be obtained by every dealer for each location before offering nursery stock for sale or distribution unless he holds a valid greenhouse or nurseryman's certificate either of which will permit a single sales location. This certificate or a duplicate thereof shall be displayed in a prominent manner at each place where nursery stock is offered for sale. A certificate to sell or distribute certified nursery stock may be obtained by a dealer or by an agent through his principal, from the commissioner. *The commissioner or his employee may refuse to issue a dealer's or agent's certificate for cause.*

Approved March 22, 1963.

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