
CHAPTER 180—H.F.No.434

[Coded in Part]

An act relating to agriculture; requiring local pest control programs to obtain prior approval by the commissioner of agriculture; authorizing rules; regulating the sale of nursery stock by out-of-state nurserymen; requiring certificates of inspection; providing reciprocity with other states; amending Minnesota Statutes 1974, Sections 18.022, by adding a subdivision; 18.55, Subdivision 2; and Chapter 18 by adding a section.

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

Section 1. Minnesota Statutes 1974, Chapter 18, is amended by adding a section to read:

[18.012] AGRICULTURE; LOCAL PEST CONTROL; APPROVAL OF PROGRAMS; POLICY. The purpose of this local pest control act is to authorize subdivisions of state government to establish and fund their own programs to control pests that may be detrimental to the health and welfare of man or animals and to the environment. To assure that these local programs are conducted in a safe and proper manner, these programs must be formulated and conducted in accordance with the directions and recommendations prescribed by the commissioner.

Sec. 2. Minnesota Statutes 1974, Section 18.022, is amended by adding a subdivision to read:

Subd. 8. RULES AND REGULATIONS. The commissioner may make reasonable rules and regulations after a public hearing, in a manner provided by law, to properly carry out the purposes of section 1 of this act and Minnesota Statutes, Section 18.022.

Sec. 3. Minnesota Statutes 1974, Section 18.55, Subdivision 2, is amended to read:

Subd. 2. FILING OUT-OF-STATE CERTIFICATES OF INSPECTION. Each out-of-state nurseryman or dealer whose nursery stock is sold, offered for sale, or distributed within this state shall file a certified current copy of his out-of-state certificate in the office of the commissioner. ~~Such filed certificate is void if said person has violated any provisions of the plant pest act.~~ The commissioner may accept, in lieu of such individual certificates, a certified list of current certified nurserymen or dealers from the regulatory agency having jurisdiction in the state of origin, and may distribute such lists to persons in the state of Minnesota requesting them. The commissioner also may supply certified lists of certified Minnesota nurserymen and dealers offering nursery stock for sale in Minnesota and other states on request of any per-

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son. If any certified nurseryman or dealer has violated any provisions of the plant pest act, his filed certificate will be voided or his name will be stricken from the appropriate certified list.

Sec. 4. EFFECTIVE DATE. This act takes effect on the day following its final enactment.

Approved May 17, 1975.

CHAPTER 181—H.F.No.486

An act relating to franchises; providing exceptions as to certain motor vehicle and motor fuel franchises; amending Minnesota Statutes 1974, Section 80C.01, Subdivision 4.

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

Section 1. Minnesota Statutes 1974, Section 80C.01, Subdivision 4, is amended to read:

Subd. 4. **FRANCHISES; MOTOR VEHICLE AND MOTOR FUEL, EXCEPTIONS.** "Franchise" means a contract or agreement, either express or implied, whether oral or written, for a definite or indefinite period, between two or more persons:

(a) by which a franchisee is granted the right to engage in the business of offering or distributing goods or services using the franchisor's trade name, trademark, service mark, logotype, advertising, or other commercial symbol or related characteristics;

(b) in which the franchisor and franchisee have a community of interest in the marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

(c) for which the franchisee is required to pay, directly or indirectly, a franchise fee.

~~"Franchise" does not include any business which is operated under a lease on the premises of the lessor as long as such business is incidental to the business conducted by the lessor on such premises; including, without limitation, leased departments and concessions. Notwithstanding anything herein to the contrary, "franchise" shall include a contract, lease or other agreement whereby the franchisee is granted the right to market motor vehicles or motor vehicle fuel.~~

For the purposes of sections 80C.04, 80C.08, and 80C.13 through 80C.22 only, "franchise" shall include a contract, lease, or other agreement whereby the franchisee is granted the right to market (1) auto-

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