

Sec. 2. This Act shall take effect and be in force from and after its passage.

Approved April 15, 1939.

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CHAPTER 266—S. F. No. 706

*An act to amend Mason's Minnesota Statutes of 1927, Section 6145-2, relating to diseased or infested trees, shrubs or plants, destruction orders for, notices and appraisals.*

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

Section 1. **Diseased or infested trees, shrubs or plants—Destruction—Orders for—Notices—Appraisals—Failure to destroy a felony—Quarantines—Prohibition of importations—Publications—Duties of carriers, etc., transporting—Penalties—Rules and Regulations—When.**—That Section 6145-2, Mason's Minnesota Statutes of 1927, be amended to read as follows :

“Section 6145-2. 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 three thousand feet of any tree, plant or shrub which is infested with any such organism or insects, the state inspector of nurseries 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 state inspector of nurseries 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 state inspector of nurseries may for the purpose of preventing such damage, cause such tree, plant or shrub, even though itself not infested or infected, to be destroyed or treated as hereinafter provided.*

(b) *The state inspector of nurseries 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 state inspector of nurseries 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 state inspector of nurseries, he shall be deemed guilty of a violation of this act and thereafter the state inspector of nurseries 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 inspector may render to the owner or persons in charge an itemized bill of the cost; and if such cost shall not be paid within thirty 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 state inspector of nurseries, and within the time as specified in subdivision (b), and any owner or lessee who fails so to do within a period of five days after the expiration of said time specified in subdivision (b) shall be guilty of a felony and in addition to such criminal liability, the state inspector of nurseries may, after the failure of the owner or lessee for said five days to so destroy the same, cause the said trees, plants or shrubs to be destroyed at the expense of the owner, in the manner and as provided for in Section 1 of this act, and such expense in such case shall be deducted from the amount payable to the owner. Provided, that said 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 subdivision (b) he shall notify said state inspector of nurseries in writing that he prefers to have said state inspector of nurseries 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 state inspector of nurseries 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 state inspector of nurseries 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 product, 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 said state inspector of nurseries 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 state inspector of nurseries 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 thirty days from the date of said 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 \$25.00 nor more than \$1,000 for each shipment so introduced, made or transported. For the purpose of enforcing any such

proclamation, quarantine order, or rule or regulation, the state inspector of nurseries or any duly appointed deputy inspector 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 said 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 state inspector of nurseries 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 state inspector of nurseries has duly established such quarantine, such state inspector of nurseries 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 whatsoever capable of carrying such plant disease or insect infestation.

(k) The state inspector of nurseries 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 whatsoever 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."

Approved April 15, 1939.

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#### CHAPTER 267—S. F. No. 707

*An act relating to the fixing of minimum amount of clerk hire in the office of county auditor, in certain counties.*

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

**Section 1. Clerk hire by County Auditor in certain counties.**—The minimum annual amount of clerk hire allowed the