

1 Department of Agriculture

2

3 Adopted Permanent Rules Relating to Agricultural Inspectors

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5 Rules as Adopted

6 1505.0751 DEFINITIONS.

7 Subpart 1. **Scope.** The definitions in this part apply to
8 parts 1505.0752 to 1505.0758.

9 Subp. 2. **Commissioner.** "Commissioner" means the
10 commissioner of agriculture or an authorized agent and may
11 include a county agricultural inspector.

12 Subp. 3. **Control program.** "Control program" means the
13 administration and enforcement of laws and rules pertaining to
14 seeds, noxious weeds, screenings, pesticides, fertilizers, feed,
15 or insect pests.

16 Subp. 4. **County agricultural inspector.** "County
17 agricultural inspector" means an individual appointed by the
18 county board of commissioners under Minnesota Statutes, section
19 18.80, subdivision 1.

20 Subp. 5. **Enforcement action.** "Enforcement action" means
21 an administrative or legal proceeding used by the commissioner,
22 a county agricultural inspector, or a local weed inspector to
23 carry out duties under Minnesota Statutes, sections 18.79,
24 subdivision 1, and 18.81, subdivisions 1 and 2.

25 Subp. 6. **Local weed inspector.** "Local weed inspector"
26 means the supervisor of a township board or the mayor of a city
27 when they assume the duties of their office or their appointed
28 assistant under Minnesota Statutes, section 18.80, subdivisions
29 2 and 3.

30 Subp. 7. **Municipality.** "Municipality" means a home rule
31 charter or statutory city or a township.

32 Subp. 8. **Noxious weed.** "Noxious weed" means an annual,
33 biennial, or perennial plant that the commissioner designates to
34 be injurious to public health, the environment, public roads,
35 crops, livestock, or other property.

1 1505.0752 PROCEDURE FOR ENFORCEMENT OF NONPERFORMANCE.

2 Subpart 1. Local weed inspectors. The procedure in this
3 subpart applies if a city mayor, township supervisor, or their
4 appointed assistant fails to carry out a duty assigned in
5 Minnesota Statutes, section 18.81, subdivision 2.

6 A. If a county agricultural inspector observes that a
7 local weed inspector has failed to carry out a duty assigned in
8 Minnesota Statutes, section 18.81, the county agricultural
9 inspector shall instruct the local weed inspector having
10 jurisdiction to initiate enforcement action including the date
11 by which it must be initiated. If no enforcement action is
12 initiated by the date given, the county agricultural inspector
13 shall notify the local weed inspector of the nonperformance in
14 writing. The notice of nonperformance must include the
15 following:

16 (1) the name and address of the owner and
17 occupant of the land in violation or of the person selling or
18 transporting noxious weed propagating parts;

19 (2) the legal description of the land in
20 violation, if applicable;

21 (3) the names of the noxious weeds growing on the
22 land or being unlawfully sold or transported;

23 (4) the steps to be followed by the local weed
24 inspector in carrying out the inspector's duty;

25 (5) the date by which enforcement action must be
26 initiated; and

27 (6) the county agricultural inspector's
28 signature, address, and telephone number.

29 B. If a local weed inspector fails to initiate an
30 enforcement action by the date specified in a notice of
31 nonperformance, the county agricultural inspector serving the
32 notice may perform the duty.

33 C. After an enforcement action resulting from a
34 notice of nonperformance has been completed, the county
35 agricultural inspector involved may file an itemized statement

1 of costs with the clerk in the municipality where the action was
2 carried out if the county cannot be reimbursed in another
3 manner. The municipality shall issue the proper warrants to the
4 county for the services rendered.

5 D. If a municipality fails to reimburse the county,
6 the county auditor may include the amount listed in the itemized
7 statement as a part of the next annual levy in the municipality
8 and withhold that amount from the municipality in making its
9 next apportionment.

10 Subp. 2. **County agricultural inspectors.** The procedure
11 established in this subpart applies if a county agricultural
12 inspector fails to carry out a duty assigned in Minnesota
13 Statutes, section 18.81, subdivision 1, clauses (1) to (3).

14 A. If the commissioner observes that a county
15 agricultural inspector has failed to carry out a duty assigned
16 in Minnesota Statutes, section 18.81, the commissioner shall
17 instruct the county agricultural inspector to initiate
18 enforcement action, including the date by which the enforcement
19 action must be initiated. If no enforcement action is initiated
20 by the date given, the commissioner shall notify the county
21 agricultural inspector of the nonperformance in writing. The
22 notice must contain the following:

23 (1) the name and address of the person or persons
24 who own, occupy, or manage the land or firm;

25 (2) the legal description of the land in
26 violation, if applicable;

27 (3) the names of the noxious weeds growing on the
28 land in violation or a specific description of the
29 nonperformance;

30 (4) the steps for the county agricultural
31 inspector to follow in order to carry out the inspector's duty;

32 (5) the date by which the enforcement action must
33 be taken by the county agricultural inspector; and

34 (6) the signature, address, and telephone number
35 of the commissioner.

36 B. If a county agricultural inspector fails to

1 initiate an enforcement action by the date specified in a notice
2 of nonperformance, the commissioner may carry out the duty for
3 the county. The commissioner shall inform the board of county
4 commissioners of the nonperformance by the agricultural
5 inspector.

6 C. The commissioner may request the board of county
7 commissioners to provide information concerning any corrective
8 measures taken to prevent future nonperformance actions.

9 1505.0754 WORK PLANS AND PERFORMANCE EVALUATIONS FOR COUNTY
10 AGRICULTURAL INSPECTORS.

11 Subpart 1. **Work plans.** A detailed plan of work to be
12 accomplished by each county agricultural inspector must be
13 jointly developed each year by the commissioner and the county
14 agricultural inspector. A separate work plan must be developed
15 for each of the control programs involving seed, noxious weed,
16 and screenings. If participation in the control programs for
17 feed, fertilizer, pesticide, and insect pests is requested by
18 the commissioner, a separate work plan must also be developed
19 for each program. The plan must list the individual tasks, the
20 amount of time sufficient to complete them, the amount of
21 training required, and the budget necessary. The plan must be
22 submitted to the board of county commissioners each year for its
23 approval of the amount of time and the budget needed.

24 If the commissioner requests participation in the feed,
25 fertilizer, pesticide, and insect pest control programs, the
26 written request to do so must accompany the work plan.

27 Subp. 2. **Performance evaluation.** The performance of a
28 county agricultural inspector must be evaluated annually by the
29 board of commissioners in the county where the inspector is
30 employed. The evaluation must be based on the following
31 criteria:

32 A. whether or not all tasks assigned to the inspector
33 by the work plan were performed;

34 B. whether or not enforcement actions were initiated
35 in response to all notices of nonperformance received during the

1 calendar year for which the evaluation is being made; and
 2 C. whether or not the hours of training required by
 3 part 1505.0756 were completed.

4 1505.0756 TRAINING REQUIREMENTS AND AUTHORIZED AGENT STATUS FOR
 5 COUNTY AGRICULTURAL INSPECTORS.

6 Subpart 1. Training requirements.

7 A. To meet qualifications as a county agricultural
 8 inspector in the control programs for noxious weed, seed, and
 9 screenings as required by Minnesota Statutes, section 18.80,
 10 subdivision 1, each county agricultural inspector must complete
 11 at least 40 hours of approved training in the first year of
 12 employment, and 20 hours in each succeeding year as follows:

13 (1) 16 hours in seed law enforcement training in
 14 the first year and eight in each succeeding year;

15 (2) 20 hours in noxious weed law enforcement
 16 training in the first year and ten in each succeeding year; and

17 (3) four hours in screenings law enforcement in
 18 the first year and two in each succeeding year.

19 B. To meet qualifications as a county agricultural
 20 inspector in the control programs for feed, fertilizers,
 21 pesticides, and insect pests, the participating county
 22 agricultural inspector must ~~satisfactorily perform~~ meet the
 23 criteria in part 1505.0754, subpart 2, for all assigned tasks in
 24 the noxious weed, seed, and screenings control programs and must
 25 complete the number of hours of training required by the county
 26 work plan for each program specified in part 1505.0754, subpart
 27 1.

28 Subp. 2. Authorized agent status.

29 A. Minnesota Statutes, section 18.79, subdivision 2,
 30 gives the commissioner the power to authorize county
 31 agricultural inspectors to act as agents in the administration
 32 and enforcement of Minnesota Statutes, sections 18.76 to 18.88.
 33 As an agent, the county agricultural inspector has the same
 34 authority, within the agent's jurisdiction, as the commissioner
 35 to administer and enforce assigned laws.

1 B. A county agricultural inspector shall submit a
2 request in writing to the commissioner to become or to
3 discontinue being an authorized agent for each control program
4 assigned to the inspector in Minnesota Statutes, section 18.81,
5 subdivision 1.

6 C. A county agricultural inspector is eligible to
7 become an authorized agent of the commissioner for the noxious
8 weed, seed, and screenings control programs one year after
9 completing the initial training needed to meet the qualification
10 requirement if the inspector's latest annual performance
11 evaluation indicates that the inspector has met the criteria
12 specified in part 1505.0754, subpart 2.

13 D. When it is required to be an authorized agent to
14 do the assigned tasks, the commissioner may authorize a county
15 agricultural inspector to be an authorized agent for the feed
16 fertilizer, pesticide, and insect pest control programs if the
17 inspector is already an authorized agent in the noxious weed,
18 seed, and screenings control programs and if the inspector has
19 met the qualification requirement in item C.

20 E. The commissioner shall provide a letter of
21 authorization along with an endorsement for authorized agent
22 status in each control program on an identification card
23 supplied to each authorized inspector.

24 F. The commissioner may revoke the authorized agent
25 status for each or all control programs if an inspector fails to
26 meet the criteria specified in part 1505.0754, subpart 2, as
27 determined in the annual performance evaluation.

28 1505.0758 MEETINGS AND REPORTS REQUIRED OF INSPECTORS.

29 Subpart 1. **Meetings.**

30 A. The commissioner shall provide written notice to
31 county agricultural inspectors of meetings they are required to
32 attend. County agricultural inspectors shall attend the
33 following meetings according to Minnesota Statutes, section
34 18.79, subdivision 7, to receive the training considered
35 necessary by Minnesota Statutes, section 18.79, subdivision 6:

1 (1) an annual short course for all county
2 agricultural inspectors at one location;

3 (2) an annual meeting for the county agricultural
4 inspectors in a designated region at several locations
5 throughout the state; and

6 (3) other regional meetings called by the
7 commissioner to address a special problem or training need that
8 may arise involving one or more duties assigned to the position
9 in Minnesota Statutes, section 18.81, subdivision 1.

10 B. The commissioner shall provide written notice to
11 local weed inspectors for all meetings they are required to
12 attend. Local weed inspectors are required to attend the
13 following meetings according to Minnesota Statutes, section
14 18.79, subdivision 7, to receive the training considered
15 necessary by Minnesota Statutes, section 18.79, subdivision 6:

16 (1) an annual noxious weed law enforcement
17 training meeting or time allotted on the program of an annual
18 meeting of a county township officers association;

19 (2) for those unable to attend a meeting as
20 provided in subitem (1), a correspondence refresher course or
21 other training approved by the commissioner; and

22 (3) other meetings called by the commissioner to
23 address a special problem or training need that may arise
24 involving a duty assigned to the position in Minnesota Statutes,
25 section 18.81, subdivision 2.

26 **Subp. 2. Reports.**

27 A. The following reports are required from county
28 agricultural inspectors according to Minnesota Statutes, section
29 18.79, subdivision 7, as a record of their activities in
30 performing the duties assigned to them in Minnesota Statutes,
31 section 18.81, subdivision 1:

32 (1) a monthly report to be kept on file in each
33 county and available for review;

34 (2) an annual report submitted to the
35 commissioner summarizing their activities in the duties assigned
36 to them and the activities of the local weed inspectors reported

1 to them; and

2 (3) special reports, to be requested as needed
3 and submitted to the commissioner, involving one or more of the
4 duties assigned to them.

5 B. An annual report ~~from each municipality~~ must be
6 compiled by the local weed inspector and submitted from each
7 municipality to the county agricultural inspector in the county
8 where the municipality is located. This report is required of
9 local weed inspectors according to Minnesota Statutes, section
10 18.79, subdivision 7, and it serves as a record of their
11 activities in performing the duties assigned to them in
12 Minnesota Statutes, section 18.81, subdivision 2.