

CHAPTER 20

AGRICULTURE; NOXIOUS BUSHES AND WEEDS

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20.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in subdivisions 2 to 6 shall, for the purposes of sections 20.06 to 20.16, be given the meanings subjoined to them; and the phrase defined in subdivision 7 shall, for the purposes of sections 20.19 to 20.22, be given the meaning subjoined to it.

Subdivision 2. **Municipality.** "Municipality" means a city, village, or borough.

Subdivision 3. **Non-resident lands.** "Non-resident lands" refers to all lands which are unoccupied, and the owner of which does not reside within the county.

Subdivision 4. **Resident lands.** "Resident lands" refers to all lands which are occupied or which are owned by persons resident within the county.

Subdivision 5. **Noxious weeds.** "Noxious weeds" means the annual, biennial, and perennial plants herein named under classes I and II and such other plants as are or may be injurious to public health, public roads, or crops.

COMMON NAME	CLASS I	BOTANICAL NAME
Perennial sow thistle		<i>Sonchus arvensis</i> L.
Leafy spurge		<i>Euphorbia esula</i> L.
Toad-flax (butter and eggs)		<i>Linaria vulgaris</i> hill
Canada thistle		<i>Carduus arvensis</i> L.
Oxeye (white) daisy		<i>Chrysanthemum leucanthemum</i> L.
Dodders		<i>Cuscuta</i> Sps.
Common barberry		<i>Berberis vulgaris</i> L.
Horse nettle		<i>Solanum carolinense</i> L.
Austrian field cress		<i>Roripa austriaca</i>
Creeping jenny		<i>Convolvulus arvensis</i> L.
Perennial pepper grass		<i>Lepidium draba</i> L.
Sheep sorrel		<i>Rumex acetosella</i>
Quack grass		<i>Agropyron repens</i> L.

COMMON NAME	CLASS II	BOTANICAL NAME
Blue lettuce		<i>Lactuca pulchella</i> P.
False flax		<i>Camelina sativa</i> L.
Wild (common) mustard		<i>Brassica arvensis</i> L.
Tumbling mustard		<i>Sisymbrium altissimum</i> L.
Hare's ear mustard		<i>Conringia orientalis</i> L.
French (stink) weed		<i>Thlaspi arvense</i> L.

CLASS II—Continued

COMMON NAME	BOTANICAL NAME
Curled (yellow or sour) dock	Rumex crispus L.
Burdock	Actium minus Schk.
Cockle bur	Xanthium Sps. L.
Giant ragweed	Ambrosia trifida L.
Common ragweed	Ambrosia artemisiaefolia L.
Wild (pea) vetch	Vicia angustifolia L.
Buckhorn (plantain)	Plantago lanceolata L.
Annual sow thistle	Sonchus oleraceus L.
Spiny sow thistle	Sonchus asper L.
Russian thistle	Salsola kali (var) tragus L.
Prickly night shade	Solanum rostratum L.
Hedge buckwheat	Polygonum scandens L.
Wild buckwheat	Polygonum convolvulus L.
Morning glory	Convolvulus arvensis L.
Graveyard spurge	Suphorbia cyparissias L.
Lady's thumb	Polygonum persicaria
Wild barley	Hordium jubatum L.
Darnel	Lolium temulentum L.
Cheat	Bromus secalinus L.
Sand bur	Cenchrus tribuloides L.
Purple cockle	Agrostemma githago L.
Sticky cockle	Silene noctiflora L.
Bladder campion	Silene latiflora B. and R.
Smart weeds	Polygonum Spp.
California puncture vine	Tribulus terrestris
Hoary Alyssum	Berteroa incana D. C.
Wild oats	Avens Spp. L.

Subdivision 6. **Otherwise destroy.** "Otherwise destroy" refers to killing of weed plants above the surface of the ground.

Subdivision 7. **Primary noxious weeds.** The term "primary noxious weeds" means and refers to Creeping Jenny (*Convolvulus arvensis*), Leafy Spurge (*Euphorbia esula*), Horse Nettle (*Solanum carolinense*), Austrian Field Cress (*Roripa (Radicula) austriaca*), Perennial Pepper Grass (*Lepidium draba*), and other similar weeds propagated by seed and root stalk.

[1923 c. 318 s. 2; 1925 c. 377; 1937 c. 371 s. 1; 1935 c. 348 s. 3] (6152) (6164-6)

20.02 CERTAIN BUSHES DECLARED NUISANCES AND MAINTENANCE FORBIDDEN. All barberry (*Berberis* Sp.) bushes and all Mahonia (*Mahonia* Sp.) bushes, except the species and variety known as Japanese barberry (*Berberis thunbergii*), are rust-producing species and are hereby declared to be a public nuisance and a menace to the public welfare and their maintenance, propagation, sale, or introduction into the state is forbidden. It shall be the duty of every person owning, occupying or having charge of any premises on which such bushes of the rust-producing varieties are grown, or at any time found growing, to forthwith destroy such bushes.

[1919 c. 81 s. 1] (6146)

20.03 AUTHORITY OF STATE ENTOMOLOGIST. The state entomologist is authorized, and it is hereby made his duty, to cause all such rust-producing Mahonia bushes or barberry bushes within the state to be eradicated. He shall make rules and regulations relating to the most convenient and expedient method of eradicating and destroying such rust-producing Mahonia bushes or barberry bushes; he shall have the power to appoint one or more agents to enforce the provisions of sections 20.02 to 20.05, and he, or his agents, shall have free access, at all reasonable hours, to any premises to determine whether such rust-producing Mahonia bushes or barberry bushes are growing thereon, and to require reports from the owners or occupants of any premises as to the presence of such bushes thereon.

[1919 c. 81 s. 2] (6147)

20.04 DESTRUCTION OF BUSHES. In pursuance of his powers granted by sections 20.02 to 20.05, when the state entomologist, or his agents, shall have found Mahonia bushes or barberry bushes of such rust-producing varieties on any premises, it shall be the duty of the state entomologist, or his agents, as the case

may be, to immediately notify, or cause to be notified, the owner or occupant of the premises on which such bushes are growing; such notice shall be sent to the owner or occupant in such form as the state entomologist shall prescribe, and if such Mahonia bushes or barberry bushes are not destroyed within ten days after the mailing of the notice, if sent by registered mail, or within eight days after the delivery of the notice, if delivered by messenger, the state entomologist, or his agents, shall destroy, or cause to be destroyed, such Mahonia bushes or barberry bushes. The expense of such destruction shall be paid to the state entomologist by the owner of the premises within ten days after the rendition of a bill therefor, and if such cost shall not be paid within that time the bill shall be reported to the county attorney, who shall forthwith collect the same, in the name of the state, and turn the amount collected over to the state treasurer to be credited to the road and bridge fund of the county.

[1919 c. 81 s. 3] (6148)

20.05 CERTIFICATE OF ENTOMOLOGIST. The state entomologist or his agent may, or when requested by any resident of the state shall, determine, or cause to be determined, whether or not the Mahonia bushes or barberry bushes grown on certain premises are of the rust-producing varieties. The state entomologist shall make a certificate of his findings and determination in the premises, which certificate shall be prima facie evidence of the facts therein recited. Such certificate may be received in evidence in any civil action arising under the provisions of sections 20.02 to 20.05.

[1919 c. 81 s. 4] (6149)

20.06 ENFORCEMENT; REGULATIONS. The commissioner is hereby authorized, and it shall be his duty, to execute sections 20.06 to 20.16 and, to that end, he may make and enforce such regulations as, in his judgment, shall be necessary; he shall investigate the subject of noxious weeds, and to that end may require information from any local weed inspector, mayor, county commissioner, county agent, or village or borough president as to the presence of noxious weeds or other information relative to noxious weeds and their control in the localities where such officer resides or has jurisdiction; and he may enter, or have someone for him enter, upon any and all lands in the state and take such samples of weeds, weed seeds, grains, or other material needed for investigation of noxious weeds. He shall also suggest and formulate methods for the eradication and removal of noxious weeds from agricultural and other lands in this state and to that end may, from time to time, publish and circulate bulletins, call and attend meetings and conventions dealing with the subject of noxious weeds, and may conduct such educational campaign as he considers desirable.

[1923 c. 318 s. 1; 1925 c. 377] (6151)

20.07 OCCUPANTS OR OWNERS OF LAND TO DESTROY NOXIOUS WEEDS. Except as otherwise specifically provided in sections 20.06 to 20.16, it shall be the duty of every occupant of land or, if the land is unoccupied, the owner thereof, or his duly accredited resident agent, to cut down, otherwise destroy, or eradicate all noxious weeds of Class I and Class II, and grasses standing, being, or growing upon such land in such manner and at such times as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

[1923 c. 318 s. 3; 1925 c. 377; 1927 c. 194 s. 1] (6153)

20.08 RAILWAY COMPANIES TO DESTROY NOXIOUS WEEDS ON THEIR LANDS. It shall be the duty of every railway company and every suburban railway company to cause all noxious weeds standing, being, or growing on the right of way or on land of the company adjoining the right of way, to be cut down, otherwise destroyed or eradicated in such manner and at such times as may be directed or ordered by the local weed inspector or by the commissioner or by any one for him.

[1923 c. 318 s. 4; 1925 c. 377] (6154)

20.09 DESTRUCTION OF NOXIOUS WEEDS ON PUBLIC HIGHWAYS. It shall be the duty of the highway commissioner, at the cost of the trunk highway maintenance fund, and the duty of the public authorities charged with the maintenance of other public highways, at the cost of their respective road funds, annually, to cause all noxious weeds of Class I and Class II growing, being, or standing on all trunk highways and other public highways, respectively, not within the limits of a municipality, to be cut down, otherwise destroyed or eradicated, between the fifteenth day of May and the fifteenth day of October, next

following, as often as may be necessary to prevent the ripening or scattering of seed, and in such manner as may be directed or ordered by the commissioner or by the local weed inspector having jurisdiction.

The chief executive and governing board of each municipality, annually, shall cause to be cut down, otherwise destroyed or eradicated, at the expense of the municipality, all noxious weeds standing, being, or growing on all public grounds, roads, streets, and alleys within the limits of the municipality, between the first day of June and the fifteenth day of October, next following, as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner and at such time as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

The owners or occupants of lots or lands abutting on streets and alleys in municipalities shall, annually, cut down, otherwise destroy or eradicate all noxious weeds growing, standing, or being on their lots or lands between the curb line of the street or alley and the property line of their respective properties, between the fifteenth day of May and the fifteenth day of October, next following, as often as may be necessary to prevent the ripening or scattering of seeds, and in such manner and at such times as may be directed or ordered by the commissioner or by a local weed inspector having jurisdiction.

[1923 c. 318 s. 5; 1925 c. 377; 1927 c. 194 s. 2] (6155)

20.10 THRESHING MACHINE OUTFITS TO BE CLEANED BEFORE MOVING. It shall be the duty of every person owning or operating a threshing machine, immediately after completing the threshing of grain at each and every point of threshing, to clean or cause the machine to be cleaned, together with all wagons and other outfits used in connection therewith, so that seeds of noxious weeds shall not be carried to, or on the way to, the next place of threshing by the threshing outfit.

A printed copy of this section, in form provided by the commissioner, shall be affixed to and remain affixed to every threshing machine during all the time the same is operated in the state.

Any person failing to comply with the provisions of this section shall be liable to a fine of not less than \$10.00, nor more than \$25.00, for each such failure.

[1923 c. 318 s. 6; 1925 c. 377] (6156)

20.11 INSPECTORS. Subdivision 1. **County weed inspectors.** The board of county commissioners, when requested by the commissioner, may appoint local weed inspectors, whose duties shall be to see that the provisions of sections 20.06 to 20.16 and the regulations of the commissioner are carried out as prescribed in subdivisions 1, 2, 3, and 4 of section 20.12. Such appointment shall be for full time employment, for a period of not less than five months from the fifteenth day of May to the fifteenth day of October, next following, except that, at the discretion of the commissioner, the period of employment may be terminated on or after the thirtieth day of September, and the resolution appointing such inspectors shall fix the compensation to be paid to the persons appointed, such compensation not to be less than 25, nor more than 50, cents per hour and the necessary traveling expenses in addition thereto. The traveling expenses shall not exceed eight cents per mile for traveling when made solely for weed inspection activities. The jurisdiction of such local weed inspectors shall be coextensive with the county for which they were appointed.

If the board of county commissioners refuse or neglect to make appointments as requested by the commissioner on or before March first, each year, the chairmen of the several town boards of the county are authorized, and it is hereby made their duty, to act as local weed inspectors within their respective towns, in accordance with the provisions of sections 20.06 to 20.16 relative to local weed inspectors.

Subdivision 2. **Town weed inspectors.** Any town chairman may appoint a person to act as his assistant weed inspector, and such assistant inspector shall have all the powers and authority as the town chairman in the capacity of weed inspector and all conditions which apply to the remuneration of the inspector shall apply to the remuneration of the assistant inspector, and if the chairman appoints the other town supervisors, their compensation shall be the same as received for other town work executed by them, but shall be limited between 25 cents and 50 cents per hour, as specified in subdivision 3. Such appointment may be for full time or any definite part of the time between May fifteenth and

October fifteenth, next following. Notice of such appointment, together with a statement of the time for which appointment is made, shall be delivered to the commissioner within ten days after the date the appointment was made.

Subdivision 3. Compensation of county weed inspectors. Appointees of the board of county commissioners shall be paid from the general revenue fund of the county. If the several town chairmen become the local weed inspectors, as above provided, then, and in that event, the compensation shall be fixed by the respective town boards and paid from the general revenue fund of the town; the compensation shall be not less than 25, nor more than 50, cents per hour and the necessary traveling expenses in addition thereto. These traveling expenses shall not exceed eight cents per mile for traveling when made solely for weed inspection activities. The compensation and the necessary expenses herein referred to shall not exceed \$75.00 for any given year and shall be independent of and in addition to any other compensation whatsoever received by such local weed inspector acting in any other official capacity.

Subdivision 4. Compensation of town weed inspectors. The mayor or president of cities or other municipalities, when the commissioner shall so direct, shall appoint one or more weed inspectors, whose duties and compensation shall be as described in sections 20.11 and 20.12 for local weed inspectors, and their jurisdiction should be coextensive with the municipality for which they are appointed. This compensation shall be paid from the general revenue fund of the municipality. Notice of such appointment shall be sent to the commissioner within ten days from the date of the notice to appoint.

Subdivision 5. Expense, how paid. Failure on the part of any municipality or town to include the item of weed inspection in the annual budget is no excuse and shall not justify the non-payment of any charges or expenses incurred by inspectors, as provided in sections 20.06 to 20.16, which charges or expenses shall be audited and paid as other obligations of such municipality or town are paid. Local weed inspectors appointed by the board of county commissioners shall not be entitled to their salary, compensation, or expenses for the last 30 days preceding the termination of such employment, nor shall the several town chairmen or other local weed inspectors otherwise selected than by the board of county commissioners be entitled to their salary, compensation, or expenses for any year or period, until or unless there shall be furnished to such inspector a certificate from the commissioner that the employment has been made and that all of the requirements of section 20.14 have been complied with, which certificate shall be attached to the itemized verified bill before it is acted upon, allowed, or ordered paid.

Subdivision 6. Paid by county. If any municipality or town neglects or refuses, for a period of 60 days, to make such payments, they shall be paid by the county auditor, on the recommendation of the commissioner, and the total of all such amounts so paid shall be included by the county auditor as a part of the next annual tax levy in such municipality or town and withheld from that municipality or town in making the next apportionment thereto.

[1923 c. 318 s. 7; 1925 c. 377; 1939 c. 330] (6157)

20.12 DUTIES OF LOCAL WEED INSPECTORS. **Subdivision 1. Examination of lands; notice for destruction of weeds.** It shall be the duty of each local weed inspector, between the dates of May fifteenth and October fifteenth, to examine all lands, highways, roads, alleys, and public grounds in the territory over which his jurisdiction extends, for the purpose of ascertaining if the provisions of sections 20.06 to 20.16 and the regulations of the commissioner have been complied with, and if he finds that such is not the case he shall cause to be given forthwith a notice, in writing, on a form to be prescribed by the commissioner, to the proper public officer or to the owner or occupant, or to the accredited resident agent of any non-resident lands within the township whereon noxious weeds are standing, being, or growing and in danger of going to seed, requiring him to cause the same to be cut down, otherwise destroyed or eradicated on the lands, in the manner and within the time specified in the notice, such time not to exceed ten days. He shall also attend, when required, such conferences called by the commissioner for the purpose of receiving instructions and for a full and free discussion of sections 20.06 to 20.16 and its administration.

Subdivision 2. Publication and posting of notice. If noxious weeds are found standing, being, or growing on non-resident lands, the local weed inspector shall post a notice, in form provided by the commissioner, in a conspicuous place on

the land, and cause such notice to be once published in a newspaper published in a municipality nearest to the lands involved, to the effect that noxious weeds are found on the lands and must be cut down, otherwise destroyed or eradicated within seven days from the date of publication of notice in accordance with the law, and in addition to posting and publishing this notice the local weed inspector shall, at the same time, mail a copy thereof to the owner of such non-resident lands, if his post-office address is known to or can be ascertained by the inspector from the last tax list in the county treasurer's office. If the weeds are not cut down, otherwise destroyed or eradicated within seven days from the date of publication, the local weed inspector shall cause the same to be cut down, otherwise destroyed or eradicated.

Subdivision 3. Proof of posting and publication. Proof of such posting and publication shall be made by affidavit forthwith filed in the office of the clerk of the municipality wherein such non-resident lands are situated, or in the office of the county auditor when the lands are located in unorganized territory.

Subdivision 4. Weeds on tax-exempt land, destruction. If noxious weeds are found standing, being, or growing on tax-exempt lands, the official or person in charge thereof shall be served with written notice to cut down, otherwise destroy or eradicate them. If these officials or persons neglect or refuse to cut down, otherwise destroy or eradicate these noxious weeds in the manner prescribed in the notice served, within the designated number of days after service thereof, they shall be guilty of a misdemeanor, and the local weed inspector shall forthwith proceed to cause them to be cut down, otherwise destroyed or eradicated, and the expense thus incurred shall be a just charge against the lands involved and, upon presentation of an itemized account of the same, payment shall be made. In the event that it is not paid, such expense shall be included in the costs taxed and made a part of the fine against any person convicted for a violation of this section.

Subdivision 5. Time of employment of inspectors. Except as herein otherwise provided, in all municipalities and in all towns the duration of employment of the weed inspector shall extend between the dates of May fifteenth and October fifteenth, of each year. The commissioner, for the purpose of preventing the moving of seeds, feeds, forage, and grains from lands infested with the primary noxious weeds, along public roads and to other farm lands, may, on his own initiative or upon request, extend the length of the period herein defined in any county by directing that the work shall be continued later than October fifteenth or earlier than May fifteenth, and the weed inspector shall thereafter act as the commissioner may direct.

Subdivision 6. Entering upon land not trespass. For the purpose of performing his duties and exercising his powers herein contained, each local weed inspector constituted as herein provided may enter upon any land without consent of the owner and without being subject to any action for trespass or any damages whatsoever.

[1923 c. 318 s. 8; 1925 c. 377; 1937 c. 371 s. 2] (6158)

20.13 CUTTING WEEDS IN GROWING CROPS. When any local weed inspector deems it necessary, to prevent the spread of noxious weeds within his jurisdiction, to cut down a growing crop, or any part thereof, he shall, before proceeding to do so, notify, in writing, on a form prescribed by the commissioner, the mayor or the president of the village or borough council or a county commissioner or the county agent, as the case may be, to inspect the crop and, if on the inspection it is the opinion of the officer making the same that the weeds, together with the crop or portion thereof, should be cut down, otherwise destroyed or eradicated, such cutting or destroying shall be immediately performed under the direction of the local weed inspector or by his authority. If the officer making the inspection is of the opinion that these weeds, together with the crop or portion thereof, should not be cut down, otherwise destroyed or eradicated, the matter in issue shall be reported to and determined by the commissioner or by his authority, whose decision thereon shall be final, except in so far as the same may be reviewed under the existing laws in courts, and thereupon if so determined it shall be the duty of the local weed inspector to immediately cause the weeds, together with the crop or a portion thereof, to be cut down, otherwise destroyed or eradicated, and no action or claim for damage shall be allowed or

shall be sustainable against any one in respect thereto; provided, that notwithstanding anything contained herein, the local weed inspector shall have power to cut down, otherwise destroy or eradicate these weeds, together with the crop, on areas not exceeding three acres in the aggregate in any one field or crop of 40 acres or less, other than pasture or meadow, without any notification or application to the mayor, village or borough president, county commissioner, or county agent. If, after being notified by the local weed inspector to inspect a crop, the mayor, the county commissioner, the village or borough president, or county agent so notified fails to make such inspection and to report to the local weed inspector within seven days after the receipt of a notice to inspect the crop, the local weed inspector may thereupon proceed to cut down, otherwise destroy or eradicate such weeds, together with the crop, to the same extent as though the officer notified had made an inspection and had reported in the affirmative.

[1923 c. 318 s. 9; 1925 c. 377] (6159)

20.14 REPORTS BY LOCAL WEED INSPECTORS. Each local weed inspector shall make an annual report, in duplicate, on a form to be approved by the commissioner, fully and clearly showing each and every quarter section and government lot upon which noxious weeds are located, and the kind, disposition, and extent of such weeds, also such other information as may be required by the commissioner. One copy of the report shall be filed with the commissioner and the other copy with the town clerk, if the town chairman has acted as local weed inspector, or with the county auditor, if the county board appointed the local weed inspector, not later than the first day of November, in each year. Each local weed inspector shall make a monthly report and file the same with the commissioner the first day of each month and, in addition thereto, he shall make a weekly report during the months of July and August, fully and clearly showing the number of farms inspected, the miles traveled, the kind, extent, and disposition of noxious weeds found, and such other information as may be required by the commissioner.

[1923 c. 318 s. 10; 1925 c. 377] (6160)

20.15 NOTICES; SERVICE; EXPENSES OF DESTROYING WEEDS; LIEN. All notices provided for by sections 20.06 to 20.16 shall be served in the same manner as a summons in a civil action in the district court except as herein otherwise provided. When any person, in compliance with a notice served upon him, fails to cut down, otherwise destroy or eradicate any noxious weeds or any crop in which such weeds are intermingled or growing, within the time and in such manner as the weed inspector may designate, the local weed inspector having jurisdiction, or if there is no local weed inspector, the commissioner, shall cause the same to be cut down, otherwise destroyed or eradicated at the expense of the county, city, or village in which the land affected is situate, and claim for such expense of advertising and posting and serving of notices, together with the cost of cutting down, otherwise destroying or eradicating the noxious weeds, is hereby made a legal charge against the county, city, or village in which the lands are located. After such cutting down, otherwise destroying or eradicating of noxious weeds, the officer causing the same to be done shall file verified and itemized statements of the cost of all services rendered in connection with serving and publishing of notice and cutting down, otherwise destroying or eradicating the noxious weeds on each separate tract or lot of land, with the county auditor or with the clerk of the city or village in which such lands are located, and such statement shall be authority for the immediate issuance by such county auditor or clerk of proper warrants to the persons named therein for the amount specified. The amount of such expenses shall constitute and be a lien in favor of the county, village, or city, as the case may be, against the land involved and shall be certified to by the county auditor, the village or city clerk, and entered by the county auditor on his tax books as a tax upon such land, and shall be collected in the same manner as other real estate taxes are collected. The amount of such expenses, when collected, shall be used to reimburse the county, village, or city for its expenditure in this regard. Where the lands involved are located in unorganized territory, the expense of eradicating or destroying such weeds shall be paid by the county auditor out of the general revenue fund of the county, upon the verified itemized statement of the weed inspector and the amount of such payment shall be entered by him on the tax books as a tax on such lands and

shall constitute and be a lien in favor of such county against the lands involved and shall be collected in the same manner as other real estate taxes are collected.

[1923 c. 318 s. 11; 1925 c. 377] (6161)

20.16 APPLICATION. Sections 20.06 to 20.15 shall not apply to unoccupied platted lands less than one acre in area, situated more than one-half mile inside the boundaries of any city which now has, or may hereafter have, 300,000 or more inhabitants.

[1923 c. 318 s. 13] (6163)

20.17 APPROPRIATION FOR EXTERMINATION OF AUSTRIAN FIELD CRESS. The commissioner is hereby authorized, and it shall be his duty, to execute this section, and to that end he may make and enforce such regulations as in his judgment shall be necessary; he shall investigate the nature and extent of Austrian field cress in this state, and to that end may require information from any party or parties, public officer, or official, as to the presence of Austrian field cress and possible means for its eradication. For the purpose of performing his duties and exercising his powers herein, he may enter, or have some one for him enter, upon any and all lands in the state and take such samples of Austrian field cress, soil, or other material needed for the investigation and eradication of this noxious weed, and to these ends he may, from time to time, publish and circulate information through the press, and publish bulletins and other publications.

It shall be the duty of the commissioner to take such steps as in his judgment may be necessary to place lands infested with Austrian field cress under his control for purposes of study and of practicing methods of eradication of Austrian field cress thereon. He shall have the authority to cooperate with local town and county boards, individuals, and other state officials in the exercise of his duty, as herein described.

[1931 c. 387] (6163-1)

20.18 COUNTY WEED INSPECTOR; APPOINTMENT; COMPENSATION; ASSISTANTS. The board of county commissioners, when requested by the commissioner, may appoint, by resolution, one or more county weed inspectors, whose duties and powers shall be the same as those of a local weed inspector, and who shall supervise the work of such local weed inspectors and cooperate with them.

Such appointment shall be for full time employment for a period of not less than two months between the fifteenth day of May and the fifteenth day of October, next following, and the board of county commissioners shall fix the compensation of the county weed inspectors and they shall be allowed their traveling and other expenses necessarily incurred in carrying out their work, such compensation and expense allowed to be paid out of the county general revenue fund.

Such county weed inspectors shall, with the approval of the county board, have power to employ necessary help to assist in eradicating weeds, and such help shall be compensated as provided in sections 20.06 to 20.15.

[1929 c. 399 ss. 1, 2, 3] (6164-1) (6164-2) (6164-3)

20.19 ENFORCEMENT; SALE OF PRODUCE; ASSISTANTS; EQUIPMENT. The commissioner is hereby authorized, and it shall be his duty, to administer sections 20.19 to 20.22, and he shall have authority to make, promulgate, and enforce such rules and regulations as he shall deem necessary, and cooperate with the dean of the department of agriculture of the University of Minnesota in the study of life habits and eradication methods of primary noxious weeds; and, from time to time, shall publish such information upon the subject as may be of public interest and value to the agricultural communities of the state.

When farm produce is grown on lands secured under the provisions of sections 20.19 to 20.22 for the study of life habits and eradication methods, the commissioner, in cooperation with the dean of the department of agriculture of the University of Minnesota, is directed and authorized to sell such produce, and all moneys derived from such sale shall be deposited with the state treasurer in the same manner as other state receipts are deposited, but shall be set aside and constitute a separate fund to be known as the primary noxious weed fund, and shall be used in the conduct of the studies provided for in sections 20.19 to 20.22.

The commissioner may engage such additional employees and purchase such equipment and supplies as may be necessary to carry out the provisions thereof.

[1935 c. 348 ss. 1, 2; 1937 c. 72 s. 1] (6164-4) (6164-5)

20.20 COMMISSIONER MAY DESTROY WEEDS. When, from investigation or otherwise, it shall appear to the commissioner that upon any tract of agricultural land there is an infestation of primary noxious weeds beyond the ability of the land occupant or owner to eradicate, the commissioner, upon request of the owner, or upon his own motion, shall take such steps as may be necessary to prevent further spread of such weed growths and, to this end, shall quarantine such portion of each tract of land as may be so infested and put into immediate operation the necessary means for the eradication of such weed growths.

[1935 c. 348 s. 4] (6164-7)

20.21 MUST GIVE WRITTEN NOTICE. The commissioner, upon entering upon any tract of land for the purposes of sections 20.19 to 20.22, shall give written notice to the owner of such entry and quarantine, if established, and shall also give the owner written notice of the completion of his operation thereon.

[1935 c. 348 s. 5] (6164-8)

20.22 EXPENSES. The expenses of field operations, including cost of chemicals and other materials employed in weed eradication, except machinery and other equipment, shall be paid from the fund provided in section 20.19, which fund shall be reimbursed not later than January first, of each year, 20 per cent thereof by the county and ten per cent thereof by the town in which the land so quarantined and improved is situated.

When the infestations of primary noxious weeds, against which the activities of the commissioner are directed, are found located on the sides of public highways, the expenses of eradication shall be paid, 50 per cent by the state from the fund provided in section 20.19, 50 per cent from the funds provided for the maintenance of the state highway department, if the infestation is on a state highway, 50 per cent by the county, if the infestation is on a county or state aid road, and 50 per cent by the town, if the infestation is on a town road or cartway.

When infestations of primary noxious weeds, against which the activities of the commissioner are directed, are found located within the corporate limits of a municipality or on property used by a municipality, the expense of the eradication of such weeds shall be paid as follows: 50 per cent thereof by the state from the funds provided for in sections 20.19 to 20.22, and 50 per cent by the municipality from its general revenue fund.

[1935 c. 348 s. 6; 1937 c. 72 s. 2] (6164-9)

20.23 ERADICATION OF INDIAN HEMP. The growing of Indian hemp (*cannabis sativa* L.) or Indian hemp weeds, from which marihuana is derived, is hereby declared to be, and the same is, a public nuisance and the existence thereof is a menace to the public welfare, and the growth, maintenance, and propagation thereof is forbidden, except as provided in sections 20.23 to 20.27 for commercial uses and by licenses issued by the commissioner. It shall be the duty of every person owning, occupying, or having charge of any premises on which such Indian hemp or Indian hemp weeds are grown, or are found growing, to forthwith destroy such Indian hemp or Indian hemp weeds, except as the same may be permitted for commercial uses and by licenses hereafter issued by the commissioner.

[1939 c. 405 s. 1] (10278-11)

20.24 ENFORCEMENT. The commissioner is authorized, and it is hereby made his duty, to cause all such Indian hemp or Indian hemp weeds within the state to be eradicated, except such as are licensed in accordance with the provisions in sections 20.23 to 20.27 for commercial uses. The commissioner shall make rules and regulations relating to the most convenient and expedient method of eradicating and destroying such Indian hemp or Indian hemp weeds; and the agents and employees of his department shall have power to enforce the provisions of sections 20.23 to 20.27 and the regulations thereunder, and the commissioner, or his agents or employees, shall have free access, at all reasonable hours, to any premises to determine whether such Indian hemp or Indian hemp weeds are growing thereon, and to require reports from the owners or occupants as to the presence of such Indian hemp or Indian hemp weeds.

[1939 c. 405 s. 2] (10278-12)

20.25 TO NOTIFY OWNER OF PREMISES. In pursuance of the powers granted by sections 20.23 to 20.27, when the commissioner, or his agents or employees, shall have found Indian hemp or Indian hemp weeds on any premises, it shall be the duty of the commissioner, his agents, or employees, as the case may be, to immediately notify, or cause to be notified, the owner or occupant of

the premises, on which such Indian hemp or Indian hemp weeds are growing, to eradicate and destroy such Indian hemp or Indian hemp weeds; such notice to be sent to such owner or occupant in such form as the commissioner shall prescribe. If such Indian hemp or Indian hemp weeds are not destroyed within 20 days after the mailing of the notice, if sent by registered mail, or within 20 days after the delivery of the notice, if delivered by messenger, the commissioner, his agents or employees, shall destroy, or cause to be destroyed, such Indian hemp or Indian hemp weeds. When any owner or occupant of land to whom such a notice has been mailed, or upon whom a notice has been served, fails and omits to eradicate and destroy any Indian hemp or Indian hemp weeds within the time required by sections 20.23 to 20.27, and such eradication and destruction of the Indian hemp or Indian hemp weeds is undertaken or caused by the commissioner, his agents or employees, the commissioner shall file a verified and itemized statement of the costs of all services rendered in connection with the mailing or serving of the notice and the eradication and destruction of such Indian hemp or Indian hemp weeds on each separate tract or lot of land with the county auditor or with the clerk of the city or the village in which the lands are located; and such statement shall be authority for immediate issuance by the county auditor or clerk of proper warrants to the persons named therein for the amount specified. The amount of such expenses shall constitute and be a lien in favor of the county, village, or city, as the case may be, against the land involved and shall be certified to by the county auditor, village clerk, or city clerk, and entered by the county auditor on his tax books as a tax upon such land and shall be collected in the same manner as other real estate taxes are collected. The amount of such expenses, when collected, shall be used to reimburse the county, village, or city for its expenditures in this regard. Where the lands involved are located in unorganized territory, the expense of eradicating or destroying such weeds shall be paid by the county auditor out of the general revenue fund of the county, upon the verified and itemized statement of the commissioner, and the amount of such payment shall be entered by him on the tax books as a tax on such lands and shall constitute and be a lien in favor of such county against the lands involved, and shall be collected in the same manner as other real estate taxes are collected.

[1939 c. 405 s. 3] (10278-13)

20.26 GROWING INDIAN HEMP FOR COMMERCIAL PURPOSES; LICENSES. Growing or maintenance of Indian hemp or Indian hemp weeds is permitted only for commercial uses, as herein defined. Commercial uses are such adaptations of Indian hemp or Indian hemp weeds as are necessary and proper for the manufacture of rope, sacks, and other sisal hemp products and such other non-injurious commercial products, including the manufacture of batts, yarn, thread, cordage, merchandise, cloth, and such other products as may be made from linen fiber, as have been or may be developed; submitted to the commissioner and approved by him. The commissioner is hereby authorized, and it shall be his duty, to license and authorize the growing of Indian hemp or Indian hemp weeds when the derivatives thereof are to be used solely for the commercial uses herein defined. Any person desiring to grow Indian hemp or Indian hemp weeds for commercial purposes, as herein defined, shall file an application for a license therefor with the commissioner, giving a description and the area of land intended to be so used. The commissioner shall issue a license to the applicant for the growing of such Indian hemp or Indian hemp weeds for such commercial uses as are specified in the application and license, and the growing of Indian hemp or Indian hemp weeds, pursuant to the terms of the license issued by the commissioner shall be lawful to the extent granted by the license.

[1939 c. 405 s. 4] (10278-14)

20.27 LICENSEE TO NOTIFY COMMISSIONER. Any person to whom a license for commercial growing of Indian hemp or Indian hemp weeds is issued shall notify the commissioner of the sale or distribution thereof, and the names of the persons to whom such Indian hemp or Indian hemp weeds are sold or distributed.

[1939 c. 405 s. 5] (10278-15)

20.28 VIOLATIONS; PENALTIES. Subdivision 1. **Misdemeanors.** (a) Any person violating any of the provisions of sections 20.02 to 20.05 or sections 20.23 to 20.27 shall be guilty of a misdemeanor.

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(b) Any person who violates any of the provisions of sections 20.06 to 20.16 or who violates any duly adopted regulation of the commissioner or who neglects, fails, or refuses to comply with any notice duly issued thereunder by the commissioner, or a local weed inspector, and duly served upon him, or who fails, refuses, or neglects to perform any duty imposed upon him by sections 20.06 to 20.16, shall be guilty of a misdemeanor; and, upon conviction, punished accordingly.

Subdivision 2. **Trespass a misdemeanor.** Any person who shall intrude upon any lands placed under quarantine by direction of the commissioner or who shall interfere with the operation of any machinery or other equipment being employed by or in use by the commissioner, or his duly authorized agents, in carrying out the provisions of sections 20.19 to 20.22 shall be guilty of a misdemeanor.

[1919 c. 81 s. 5; 1923 c. 318 s. 12; 1925 c. 377; 1935 c. 348 s. 8; 1939 c. 405 s. 6] (6150)
(6162) (6164-11) (10278-16)