

# MINNESOTA STATUTES 1975 SUPPLEMENT

## 17B.15 GRAIN INSPECTION; WEIGHING, SAMPLING

amount of such expenditure for the latter year plus the amount of the difference between the expenditure for the year first referred to herein and the total income from the fees during that year, and plus three percent of the total expenditure for both the latter and the first year referred to herein. The schedule of fees shall provide that any elevator, mill, or other business requesting a weighing or inspection service, shall pay a minimum charge per hour for each employee requested or assigned. Any fees earned by the employee shall be credited against the charge made therefor. The minimum charge shall be assessed only after taking into consideration all fees earned and all hours charged. Excess fees earned over hours charged shall be carried forward from month to month during any one fiscal year. When deemed necessary by the commissioner, a charge for actual overtime costs may be made.

[1975 c 204 s 70]

**17B.19** [Repealed, 1975 c 227 s 10]

## CHAPTER 18. PLANT AND ANIMAL PEST CONTROL

Sec.		Sec.	
18.012	Policy. [New]	18.54	Local sales and miscellaneous.
18.022	Insect pests, plant diseases, bee diseases, and destructive or nuisance animals.	18.55	Reciprocity with other states.
18.023	Shade tree disease control.		
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18.53	Greenhouse certification.		

### 18.012 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.

[1975 c 180 s 1]

### 18.022 Insect pests, plant diseases, bee diseases, and destructive or nuisance animals.

[For text of subds 1 to 7, see M.S.1974]

**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 this section and section 18.012.

**Subd. 9. Rules and regulations.** The commissioner may adopt rules and regulations in accordance with sections 15.0411 to 15.0422 prescribing control measures to be used to prevent the spread of shade tree diseases and shall include the following: (a) a definition of shade tree, (b) qualifications for inspectors, (c) methods of identifying diseased shade trees, (d) procedures for giving reasonable notice of inspection of private real property, (e) measures for the treatment and removal of any shade tree which may contribute to the spread of shade tree disease, and (f) such other matters as shall be determined to be necessary by the commissioner to prevent the spread of shade tree disease and enforce the provisions of this section. The rules and regulations of the commissioner shall apply in a county, city or town unless the county, city or town adopts an ordinance or resolution pursuant to subdivision 6 which is determined by the commissioner to be more stringent than the rules and regulations of the commissioner. The rules and regulations of the commissioner or the more stringent ordinance or resolution of the city, county or town shall apply to all state agencies and special purpose districts which own or control land within any county, city or town exercising the powers granted in this section.

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## PLANT AND ANIMAL PEST CONTROL 18.023

[1975 c 180 s 2; 1975 c 253 s 6]

### 18.023 Shade tree disease control.

**Subdivision 1. Definitions.** As used in subdivisions 1 to 12 the terms defined in this subdivision shall have the meanings given them.

(a) "Metropolitan area" means the area comprising the counties of Hennepin, Ramsey, Anoka, Dakota, Washington, Scott and Carver.

(b) "Commissioner" means the commissioner of agriculture.

(c) "Municipality" means any city or any town exercising municipal powers pursuant to section 368.01, or any general or special law, located in the metropolitan area or any special park district as organized under chapter 398, or any special purpose park district organized under the city charter of a city of the first class located in the metropolitan area, or any county in the metropolitan area for the purposes of county owned property or any portion of a county located outside the geographic boundaries of a city or town exercising municipal powers and any municipality or county located outside the metropolitan area which makes request to and has consent of the commissioner to come within the provisions of this section.

(d) "Shade tree disease" means Dutch elm disease or oak wilt disease.

(e) "Wood utilization or disposal system" means a system used for the removal and disposal of diseased shade trees which includes the collection, transportation, processing or storage of wood and which aids in the recovery of materials or energy from wood.

(f) "Subsidy program" means a municipal program of financial assistance to private property owners for the removal of diseased elm and or oak shade trees.

(g) "Disease control program" means the municipal plan as approved by the commissioner to control shade tree disease.

(h) "Disease control area" means an area approved by the commissioner within which a municipality will conduct a shade tree disease control program.

**Subd. 1a. Metropolitan shade tree disease control program; purpose.** The legislature finds that an epidemic of Dutch elm disease and oak wilt disease is occurring in Minnesota which threatens the natural environment. Immediate action is therefore necessary to provide funds to assist local units of government in the implementation of shade tree disease control programs by expanding diseased wood destruction programs, increasing public awareness of shade tree disease, accelerating training of tree inspectors and research for disease prevention and subsidizing private property owners for the removal of diseased elm and oak trees.

[For text of subd 2, see M.S.1974]

**Subd. 3. Rules and regulations; applicability to municipalities.** The rules and regulations of the commissioner shall apply in a municipality unless the municipality adopts an ordinance which is determined by the commissioner to be more stringent than the rules and regulations of the commissioner. The rules and regulations of the commissioner or the more stringent ordinance of the municipality shall be in effect 60 days from March 31, 1974. The rules and regulations of the commissioner or the municipality shall apply to all state agencies, special purpose districts and metropolitan commissions as defined in section 473.121, subdivision 7, which own or control land adjacent to or within a shade tree disease control area in Laws 1975, Chapter 253.

**Subd. 3a. Grants to municipalities.** (a) The commissioner may, in the name of the state and within the limit of appropriations provided, make grants-in-aid to a municipality with an approved shade tree disease control program for the partial funding of municipal subsidy programs for the removal of diseased shade trees by owners of residential property pursuant to subdivision 4. The

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## **18.023 PLANT AND ANIMAL PEST CONTROL**

commissioner may make grants-in-aid to any city of more than 80,000 population or any special purpose park district organized under the charter of a city of the first class or any non-profit corporation serving a city of the first class or any county having a disease control program approved by the commissioner for the acquisition of wood utilization or disposal facilities or equipment or the implementation of wood utilization or disposal systems.

(b) The commissioner shall promulgate rules for the administration of grants authorized by this subdivision. The rules shall establish and contain as a minimum:

(1) Procedures for grant applications;

(2) Conditions and procedures for the administration of grants;

(3) Criteria of eligibility for grants including, but not limited to, those specified in this subdivision; and

(4) Such other matters as the commissioner may find necessary to the proper administration of the grant program.

(c) Grants-in-aid payments for wood utilization and disposal facilities, equipment and systems and grants for public subsidy programs made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the facility equipment or system or municipal subsidy program, or both.

(d) A municipality or county which has received the consent of the commissioner to come within the provisions of Laws 1975, Chapter 253 may receive grants authorized by this subdivision, and may submit an application for a grant concurrently with its request for inclusion.

[1975 c 253 s 1-3,5]

[For text of subds 4 to 12, see M.S.1974]

### **18.032 License; records, fees.**

[For text of subds 1 to 5, see M.S.1974]

Subd. 6. Each application for a license shall be accompanied by a license fee of \$10 and an identification card fee of \$7.50 for the applicant and \$7.50 for each additional identification card desired.

[1975 c 412 s 2]

[For text of subds 7 and 8, see M.S.1974]

### **18.53 Greenhouse certification.**

The commissioner or his employee may inspect and certify greenhouses and greenhouse plants as being free from plant pests upon request of the greenhouse operator and issue a greenhouse certificate. The fee is \$25 for each greenhouse operator. Said certificate shall expire on November 15 next following the date of issue.

[1975 c 412 s 3]

### **18.54 Local sales and miscellaneous.**

Subdivision 1. The commissioner or his employee may make small lot inspections or perform other necessary services for which another charge is

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## STRUCTURAL PEST CONTROL 18A.02

not specified. For such a service, he shall charge a fee of \$10; in addition, he may charge the necessary expenses incurred by the inspector performing this service.

[1975 c 412 s 4]

[For text of subd 2, see M.S.1974]

### 18.55 Reciprocity with other states.

[For text of subd 1, see M.S.1974]

**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. 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 person. 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.

[1975 c 180 s 3]

## CHAPTER 18A. STRUCTURAL PEST CONTROL

Sec.  
18A.02 Licenses or registration.

### 18A.02 Licenses or registration.

[For text of subds 1 and 2, see M.S.1974]

**Subd. 3.** An annual fee of \$15 must accompany application for a registration where the applicant is licensed by a political subdivision or municipality to engage in structural pest control and \$75 for a license if the applicant is not so licensed. Employees of a person who is registered or licensed under sections 18A.01 to 18A.11 shall be subject to the payment of a fee of \$10 for an initial license or registration and a fee of \$6 for each renewal thereof.

In case a delinquency in the payment of the license or registration renewal fee or fees extends beyond three months, such licensee or registrant will be required to obtain a new license or registration subject to all the requirements, procedures, and fees for an initial license or registration.

The commissioner shall establish and define classes and categories of persons who shall be deemed to be a "master", "journeyman" and "apprentice" in structural pest control. No person shall engage in structural pest control as a sole proprietorship, company, partnership, or corporation unless he is licensed or registered as a "master" in structural pest control or unless he employs a person so licensed or registered.

[1975 c 412 s 5]

[For text of subds 4 and 5, see M.S.1974]