

CHAPTER 18

PLANT AND ANIMAL PEST CONTROL

18.022	Insect pests, plant diseases, bee diseases, and destructive or nuisance animals.	18.111	Tax levy; collection; certificates of indebtedness.
18.0223	Grasshopper control zones.	18.189	Local suspension of noxious weed control.
18.0225	Grasshopper control program.	18.192	Local suspension of noxious weed control.
18.0226	Cost-share.		
18.0227	Experimental grasshopper control.		

18.022 INSECT PESTS, PLANT DISEASES, BEE DISEASES, AND DESTRUCTIVE OR NUISANCE ANIMALS.

[For text of subd 1, see M.S.1988]

Subd. 2. **Cost.** (a) To defray the cost of the activities under subdivision 1, the governing body of the political subdivision may levy a tax which, except when levied by a county, must not exceed a gross tax capacity rate of .55 percent or a net tax capacity rate of .68 percent in any year in excess of charter tax capacity rate limitations, but not in any event more than 50 cents per capita, except that the levy for the grasshopper control program under Laws 1989, chapter 350, article 10, sections 23 to 26 is not subject to the 50 cents per capita limitation. The political subdivision may make the levy, where necessary, separate from the general levy and at any time of the year. (b) If, because of the prevalence of Dutch elm disease, the governing body of such a political subdivision is unable to defray the cost of control activities authorized by this section within the limits set by this subdivision, the limits set by this subdivision are increased to a gross tax capacity rate of 1.1 percent or a net tax capacity rate of 1.36 percent, but not in any event more than one dollar per capita.

[For text of subds 3 to 9, see M.S.1988]

History: 1989 c 350 art 10 s 1

NOTE: Subdivision 2 was also amended by Laws 1989, chapter 277, article 4, section 2, to read as follows:

"Subd. 2. **Cost.** (a) In order to defray the cost of such activities, the governing body of the political subdivision may levy a tax which, except when levied by a county, does not exceed 0.01596 percent of taxable market value in any year in excess of charter limitations, but not more than 50 cents per capita. The political subdivision may make such a levy, where necessary, separate from the general levy and at any time of the year.

(b) If, because of the prevalence of Dutch elm disease, the governing body of the political subdivision is unable to defray the cost of control activities authorized by this section within the limits set by this subdivision, the limits set by this subdivision are increased to 0.03216 percent of taxable market value, but not more than one dollar per capita."

18.0223 GRASSHOPPER CONTROL ZONES.

The commissioner of agriculture shall designate townships of counties that have had grasshopper surveys showing economic damage or potential economic damage as a grasshopper control zone where control programs under sections 18.0223 to 18.0226, will be undertaken.

History: 1989 c 350 art 10 s 2

18.0225 GRASSHOPPER CONTROL PROGRAM.

(a) The commissioner of agriculture shall develop and implement a grasshopper control program to prevent crop damage in the grasshopper control zone. Within grasshopper control zones the commissioner, landowners, and local weed inspectors have the same authorities and duties under chapter 18 for grasshoppers as if grasshoppers are noxious weeds under chapter 18. After consultation and cooperation with the state entomologist, the commissioner must develop the program to economically and efficiently control grasshoppers and to minimize adverse environmental impact, including the selection of pesticides and prescription of application rates.

(b) The grasshopper control program must utilize proven methods of grasshopper control and the commissioner may make grants for experimental methods of control in selected areas.

History: 1989 c 350 art 10 s 3

18.0226 COST-SHARE.

Subdivision 1. **Eligibility.** Private landowners are eligible for a 50 percent cost-share reimbursement for grasshopper control methods approved by the commissioner that are used on areas within the grasshopper control zone.

Subd. 2. **Inspection.** (a) A county agricultural inspector and local weed inspectors shall inspect the property where the grasshopper control is to occur and approve the control method to be used:

(b) The local weed inspectors shall inspect areas for grasshopper infestation in grasshopper control zones.

Subd. 3. **Reimbursement.** (a) An eligible private landowner may receive reimbursement for grasshopper control costs by presenting to the local weed inspector or the county agricultural inspector:

(1) an inspection statement that the property was inspected prior to the control method being used; and

(2) approval by the county agricultural inspector or local weed inspector that an approved method was used.

(b) The county agricultural inspector shall forward the reimbursement request to the county treasurer for payment.

(c) The county treasurer shall pay the reimbursement requests received from the county agricultural inspectors and local weed inspectors.

Subd. 4. **Payments to counties for cost-share.** From within funds appropriated for the grasshopper control program, the commissioner of agriculture shall make payments to counties to pay for the cost-share payments under subdivision 3. The commissioner shall make funds available in advance based on anticipated need to allow reimbursement payments to be made as quickly as possible.

Subd. 5. **Administration.** (a) The commissioner of agriculture shall adopt procedures, guidelines, and forms to implement the grasshopper control cost-share program under this section. The procedures, guidelines, and forms may be adopted notwithstanding chapter 14, except section 14.38, subdivisions 7 and 8, must be complied with.

(b) The commissioner of agriculture may require accounting procedures and reports to implement the program.

History: 1989 c 350 art 10 s 4

18.0227 EXPERIMENTAL GRASSHOPPER CONTROL.

Subdivision 1. **Authorization.** The commissioner of agriculture may designate certain areas or types of controls for an experimental control program for methods that are not commonly used in the state or have not been proven to be effective.

Subd. 2. **Eligible participants.** Public and private entities willing to participate in the experimental grasshopper control program may not be required to pay more than 20 percent of the cost of the experimental control methods on property they are responsible for controlling.

Subd. 3. **Administration.** The commissioner shall develop the experimental grasshopper control program and may adopt rules, guidelines, and procedures notwithstanding chapter 14 to implement the program, except the commissioner must comply with section 14.38, subdivisions 7 and 8.

History: 1989 c 350 art 10 s 5

18.111 TAX LEVY; COLLECTION; CERTIFICATES OF INDEBTEDNESS.

Subdivision 1. **Levy limit.** An annual levy not to exceed 0.00798 percent of market value may be levied for mosquito abatement purposes on all taxable property in any governmental unit undertaking mosquito abatement as provided in sections 18.041 to 18.161. The tax shall be certified, levied, and collected in the same manner as other taxes levied by the governmental unit.

[For text of subds 2 and 3, see M.S.1988]

History: 1989 c 277 art 4 s 3

18.189 LOCAL SUSPENSION OF NOXIOUS WEED CONTROL.

During a drought the commissioner of agriculture may authorize town boards to suspend the duty of owners and occupants of land to control noxious weeds under sections 18.191 to 18.272, except under order by the commissioner or the local weed inspector.

History: 1989 c 353 s 1

18.192 LOCAL SUSPENSION OF NOXIOUS WEED CONTROL.

During a drought, a town board may suspend the duty of owners and occupants of land and road maintenance personnel to control noxious weeds if the vegetation is to be harvested for livestock feed under sections 18.191 to 18.272, except under order by the commissioner or the local weed inspector.

History: 1989 c 350 art 14 s 1