

written notice. It shall be tried to the court which shall hear such evidence as it deems necessary and by order affirm or modify the order of the commissioner. When any order or determination of the commissioner made under this act is brought in question on such appeal, such order or determination shall be determined de novo. Appeal to the supreme court from the order of the district court may be taken in the same manner as appeals are taken from appealable orders in civil actions.

Sec. 7. Minnesota Statutes 1957, Section 252.04, as amended by Laws 1959, Chapter 157, Section 8, is repealed.

Approved June 5, 1961.

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EXTRA SESSION

CHAPTER 63—H. F. No. 152

[Coded]

*An act relating to the plant pest act; amending Laws 1959, Chapter 35, Section 5, Subdivision 2; and Sections 6, 11, and 16.*

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

Section 1. Laws 1959, Chapter 35, Section 5, Subdivision 2, is amended to read:

[18.48] Subd. 2. **Rules and regulations.** The commissioner may make reasonable rules and regulations, after a public hearing, in the manner provided by law, to properly ~~execute~~ *carry out the purpose purposes* of ~~the Plant Pest Act~~ *Laws 1959, Chapter 35, Sections 1 to 18 and acts amendatory thereof, including but not limited to rules and regulations in regard to labeling and the maintenance of viability and vigor of nursery stock.*

Sec. 2. Laws 1959, Chapter 35, Section 6, is amended to read:

Sec. 6. [18.49] **Inspection required.** *Subdivision 1.* It shall be unlawful for any person to sell or offer for sale any nursery stock which has not within the preceding 12 months been officially inspected and found apparently free from plant pests.

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

*Subd. 2. It is unlawful for a person to sell or distribute nursery stock to a dealer or nurseryman who does not have a valid certificate of inspection or dealer's certificate.*

Sec. 3. Laws 1959, Chapter 35, Section 11, is amended to read:

Sec. 11. [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 not specified. For such a service, he shall charge a fee of \$3; in addition, he may charge the necessary expenses incurred by the inspector performing this service.

*Subd. 2. The commissioner shall have the authority to provide special services such as virus disease-free certification and other similar programs. Participation by nurserymen shall be voluntary. Plants offered for sale as certified virus-free must be grown according to certain procedures in a manner defined by the commissioner for the purpose of eliminating viruses and other injurious disease or insect pests. The commissioner may collect reasonable fees from participating nurserymen for services and materials that are necessary to conduct this type of work.*

Sec. 4. Laws 1959, Chapter 35, Section 16, is amended to read:

Sec. 16. [18.59] **Violations.** It shall be a violation of the plant pest act for any person:

(1) to hinder or prevent the commissioner or his employee from carrying out the duties of the act.

(2) to sell, transport, or offer for sale nursery stock which has not been inspected and certified, by a duly authorized nursery inspector, to be apparently free of plant pests.

(3) to fail to carry out the treatment or destruction of condemned plants or other material after official notification by the commissioner or his employee.

(4) to use an invalid certificate of inspection or shipping tag in the sale or distribution of nursery stock covered by this act.

(5) to misrepresent or mislabel nursery stock as to vigor, hardiness and viability.

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(6) to violate any quarantine promulgated by the commissioner in accordance with the act.

(7) to fail to comply with any provision of the plant pest act, or any rules and regulations promulgated thereunder.

(8) *to have nursery stock in his possession or on his premises for the purposes of sale or disposition unless he has a valid certificate of inspection, dealer's certificate or green house certificate.*

Approved June 5, 1961.

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EXTRA SESSION

CHAPTER 64—H. F. No. 186

[Not Coded]

*An act authorizing the governor and state auditor to convey certain tax forfeited land in St. Louis county to the city of Gilbert for cemetery purposes.*

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

**Section 1. City of Gilbert; conveyance of certain land.** The governor and state auditor are hereby authorized to convey for and on behalf of the state by quit claim deed to the city of Gilbert for cemetery purposes the following described tax forfeited lands situated in St. Louis county, to wit:

The west half (W 1/2) of the southeast quarter (SE 1/4) of the northwest quarter (NW 1/4) of section 27, township 58 north, range 17 west.

Approved June 5, 1961.

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EXTRA SESSION

CHAPTER 65—H. F. No. 188

*An act relating to the department of business development, providing for an increase in the membership of its advisory commission; amending Minnesota Statutes 1957, Section 362.09, Subdivision 2.*

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.