A bill for an act

relating to agriculture; changing provisions of the Minnesota Noxious Weed Law; establishing a fund; providing for grants; creating an advisory committee; amending Minnesota Statutes 2008, sections 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivision 1; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 2008, section 18.81, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 18.75, is amended to read:

18.75 PURPOSE.

It is the policy of the legislature that residents of the state be protected from the injurious effects of noxious weeds on public health, the environment, public roads, crops, livestock, and other property. Sections 18.76 to ~~18.88~~ 18.91 contain procedures for controlling and eradicating noxious weeds on all lands within the state.

Sec. 2. Minnesota Statutes 2008, section 18.76, is amended to read:

18.76 CITATION.

Sections 18.76 to ~~18.88~~ 18.91 may be cited as the "Minnesota Noxious Weed Law."

Sec. 3. Minnesota Statutes 2008, section 18.77, subdivision 1, is amended to read:

Subdivision 1. **Scope.** The definitions in this section apply to sections 18.76 to ~~18.88~~ 18.91.

Sec. 4. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision to read:

Subd. 2a. **Certified noxious weed free.** "Certified noxious weed free" means that the material being certified has been inspected, tested, or processed to devitalize or remove the noxious weed propagating parts in order to verify that viable noxious weed propagating parts are not present in the material.

Sec. 5. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision to read:

Subd. 2b. **Commissioner.** "Commissioner" means the commissioner of agriculture.

Sec. 6. Minnesota Statutes 2008, section 18.77, subdivision 3, is amended to read:

Subd. 3. **Control.** "Control" means to destroy all or part of the aboveground growth of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another.

Sec. 7. Minnesota Statutes 2008, section 18.77, subdivision 5, is amended to read:

Subd. 5. **Growing crop.** "Growing crop" means an agricultural, horticultural, or forest crop that has been planted or regularly maintained and intended for harvest. It does not mean a permanent pasture, hay meadow, woodlot, or other noncrop area which contains native or seeded perennial plants used for grazing or hay purposes, and which is not harvested on a regular basis.

Sec. 8. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision to read:

Subd. 5a. **Inspector.** "Inspector" means the commissioner, agent of the commissioner, county agricultural inspector, local weed inspector, or assistant weed inspector.

Sec. 9. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision to read:

Subd. 8a. **Noxious weed management plan.** "Noxious weed management plan" means controlling or eradicating noxious weeds in the manner designated in a management plan developed for the area or site where the infestations are found using specific strategies or methods that are to be used singly or in combination to achieve control or eradication.

Sec. 10. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision to read:

Subd. 13. **Weed management area.** "Weed management area" means a designated area where special or unique noxious weed control or eradication strategies or methods are used according to a specific management plan developed for each management area established.

Sec. 11. Minnesota Statutes 2008, section 18.78, subdivision 1, is amended to read:

Subdivision 1. **Generally.** A person owning land, a person occupying land, or a person responsible for the maintenance of public land shall control or eradicate all noxious weeds on the land at a time and in a manner ordered by ~~the county agricultural inspector or a local weed~~ an inspector.

Sec. 12. Minnesota Statutes 2008, section 18.78, is amended by adding a subdivision to read:

Subd. 3. **Cooperative weed control agreement.** The commissioner, township, or county agricultural inspector may enter into a cooperative weed control agreement with a landowner or weed management area group to establish a mutually agreed upon noxious weed management plan for up to three years duration, whereby a noxious weed problem will be controlled without additional enforcement action. If a property owner fails to comply with the noxious weed management plan, an individual notice can be served.

Sec. 13. Minnesota Statutes 2008, section 18.79, is amended to read:

18.79 DUTIES OF COMMISSIONER.

Subdivision 1. **Enforcement.** The commissioner ~~of agriculture~~ shall administer and enforce sections 18.76 to ~~18.88~~ 18.91.

Subd. 2. **Authorized agents.** County agricultural inspectors may administer and enforce sections 18.76 to ~~18.88~~ 18.91.

Subd. 3. **Entry upon land.** To administer and enforce sections 18.76 to ~~18.88~~ 18.91, ~~county agricultural inspectors and local weed inspectors~~ an inspector may enter upon land without consent of the owner and without being subject to an action for trespass or any damages.

Subd. 4. **Rules.** The commissioner may adopt necessary rules under chapter 14 for the proper enforcement of sections 18.76 to ~~18.88~~ 18.91.

Subd. 5. **Order for control or eradication of noxious weeds.** ~~A county agricultural inspector or a local weed~~ An inspector may order the control or eradication of noxious weeds on any land within the ~~state~~ inspector's jurisdiction.

Subd. 6. **~~Initial~~ Training for control or eradication of noxious weeds.** The commissioner shall conduct initial training considered necessary for weed inspectors in the enforcement of the Minnesota Noxious Weed Law. The director of the Minnesota Extension Service may conduct educational programs for the general public that will aid compliance with the Minnesota Noxious Weed Law.

Subd. 7. **Meetings and reports.** The commissioner shall designate by rule ~~the~~ reports ~~that are~~ required to be made and ~~the~~ meetings that must be attended by ~~weed~~ inspectors.

Subd. 8. **Prescribed forms.** The commissioner shall prescribe the forms to be used by ~~weed~~ inspectors in the enforcement of sections 18.76 to ~~18.88~~ 18.91.

Subd. 9. **Injunction.** If the county agricultural inspector applies to a court for a temporary or permanent injunction restraining a person from violating or continuing to violate sections 18.76 to ~~18.88~~ 18.91, the injunction may be issued without requiring a bond.

Subd. 10. **Prosecution.** On finding that a person has violated sections 18.76 to ~~18.88~~ 18.91, the county agricultural inspector may start court proceedings in the locality in which the violation occurred. The county attorney may prosecute actions under sections 18.76 to ~~18.88~~ 18.91 within the county attorney's jurisdiction.

Subd. 12. **Noxious-weed-free forage and mulch certification agency.** The official certification agency for noxious-weed-free forage ~~and~~, mulch ~~shall~~, soil, gravel, and other material must be determined by the commissioner ~~of agriculture~~ in consultation with the director of the Minnesota agricultural experiment station. The commissioner may also certify forage, mulch, soil, gravel, or other material as noxious-weed-free.

Subd. 13. **Noxious weed designation.** The commissioner, in consultation with the Noxious Weed Advisory Committee, shall determine which plants are noxious weeds subject to control under sections 18.76 to 18.91. The commissioner shall prepare, publish, and revise as necessary, but at least once every three years, a list of noxious weeds and their designated classification. The list must be distributed to the public by the commissioner who may request the help of the University of Minnesota Extension, the county agricultural inspectors, and any other organization the commissioner considers appropriate to assist in the distribution. The commissioner may, in consultation with the Noxious Weed Advisory Committee, accept and consider noxious weed designation petitions from Minnesota citizens or Minnesota organizations or associations.

Subd. 14. **County petition.** A county may petition the commissioner to designate specific noxious weeds which are a control problem in the county.

Subd. 15. **Noxious weed management.** The commissioner, in consultation with the Noxious Weed Advisory Committee, shall develop management strategies and criteria for each noxious weed category.

Subd. 16. **Gifts; grants; contracts; funds.** The commissioner, counties, and municipalities may apply for and accept any gift, grant, contract, or other funds or grants-in-aid from the federal government or other public and private sources for noxious weed control purposes.

Subd. 17. **Noxious weed investigation.** The commissioner shall investigate the subject of noxious weeds and conduct investigations outside this state to protect the interest of the agricultural industry, forests, or the environment of this state from noxious weeds not generally growing in Minnesota.

Subd. 18. **Noxious weed education.** The commissioner shall disseminate information and conduct educational campaigns with respect to control of noxious weeds or invasive plants to enhance regulatory compliance and voluntary efforts to eliminate or manage these plants. The commissioner shall call and attend meetings and conferences dealing with the subject of noxious weeds.

Subd. 19. **State and federal lands.** The commissioner shall inform and direct state and federal agencies regarding their responsibility to manage and control noxious weeds on land that those agencies own, control, or manage.

Subd. 20. **Interagency cooperation.** The commissioner shall cooperate with agencies of federal, state, and local governments and other persons in carrying out duties under sections 18.76 to 18.91.

Subd. 21. **Weed management area.** The commissioner, in consultation with the Noxious Weed Advisory Committee, may establish a weed management area to include a part of one or more counties or all of one or more counties of this state and shall include all the land within the boundaries of the area established. Weed management plans developed for a weed management area must be reviewed and approved by the commissioner and the Noxious Weed Advisory Committee. Weed management areas may seek funding under section 18.90.

Sec. 14. Minnesota Statutes 2008, section 18.80, subdivision 1, is amended to read:

Subdivision 1. **County agricultural inspectors.** The county board shall appoint one or more county agricultural inspectors ~~that meet the qualifications prescribed by rule. The appointment must be for a period of time which is sufficient to accomplish the~~

~~duties assigned to this position. A notice of the appointment must be delivered to the commissioner within ten days of the appointment and it must establish the initial number of hours to be worked annually~~ or other designated employee to carry out the duties and responsibilities of sections 18.76 to 18.91 within the county.

Sec. 15. Minnesota Statutes 2008, section 18.81, subdivision 1, is amended to read:

Subdivision 1. **County agricultural inspectors.** ~~It is~~ The ~~duty of~~ county board shall specify the responsibilities of the county agricultural ~~inspectors~~ inspector in the annual work plan, which may include:

(1) to see that sections 18.76 to ~~18.88~~ 18.91 and rules adopted under those sections are carried out within their jurisdiction;

(2) to see that sections 21.80 to 21.92 and rules adopted under those sections are carried out within their jurisdiction;

(3) to see that sections 21.71 to 21.78 and rules adopted under those sections are carried out within their jurisdiction;

(4) to participate in the control programs for invasive plant species, feed, fertilizer, pesticide, and plant and insect pests when requested, in writing, to do so by the commissioner;

(5) to participate in other agricultural programs under the control of the commissioner when requested by the commissioner in writing to do so~~, subject to veto by the county board~~;

(6) to administer the distribution of funds allocated by the county board to the county agricultural inspector for noxious weed control and eradication within the county;

(7) to submit reports and attend meetings that the commissioner requires; ~~and~~

(8) to ~~publish a general weed notice of~~ provide information on the legal duty to control noxious weeds ~~in one or more legal newspapers of general circulation throughout the county~~; and

(9) to be the primary contact in the county for all plant biological control agents.

Sec. 16. Minnesota Statutes 2008, section 18.82, subdivision 1, is amended to read:

Subdivision 1. **Permits.** Except as provided in section 21.74, if a person wants to transport along a public highway materials or equipment containing the propagating parts of weeds designated as noxious by the commissioner, the person must secure a written permit for transportation of the material or equipment from ~~a local weed inspector or county agricultural~~ an inspector. Inspectors may issue permits to persons residing or

operating within their jurisdiction. If the noxious weed propagating parts are removed from materials and equipment or devitalized before being transported, a permit is not needed.

Sec. 17. Minnesota Statutes 2008, section 18.82, subdivision 3, is amended to read:

Subd. 3. **Duration of permit; revocation.** A permit under subdivision 1 is valid for up to one year after the date it is issued unless otherwise specified by the ~~weed~~ inspector issuing the permit. The permit may be revoked if ~~a county agricultural inspector or local weed~~ an inspector determines that the applicant has not complied with this section.

Sec. 18. Minnesota Statutes 2008, section 18.83, is amended to read:

18.83 CONTROL; ERADICATION; NOTICES; EXPENSES.

Subdivision 1. **General weed notice.** A general notice for noxious weed control or eradication must be published on or before May 15 of each year ~~and at other times the commissioner directs~~. This requirement may be satisfied using the county's Web site. Failure of the county agricultural weed inspector to publish the general notice does not relieve a person from the necessity of full compliance with sections 18.76 to ~~18.88~~ 18.91 and related rules. The published notice is legal and sufficient notice when an individual notice cannot be served.

Subd. 2. **Individual notice.** ~~A weed~~ An inspector may find it necessary to secure more prompt or definite control or eradication of noxious weeds than is accomplished by the published general notice. In these special or individual instances, involving one or a limited number of persons, the ~~weed~~ inspector having jurisdiction shall serve individual notices in writing upon the person who owns the land and the person who occupies the land, or the person responsible for or charged with the maintenance of public land, giving specific instructions on when and how named noxious weeds are to be controlled or eradicated. Individual notices provided for in this section must be served in the same manner as a summons in a civil action in the district court or by certified mail. Service on a person living temporarily or permanently outside of the ~~weed~~ inspector's jurisdiction may be made by sending the notice by certified mail to the last known address of the person, to be ascertained, if necessary, from the last tax list in the county treasurer's office.

Subd. 3. **Appeal of individual notice; appeal committee.** (1) A recipient of an individual notice may appeal, in writing, the order for control or eradication of noxious weeds. This appeal must be filed with a member of the appeal committee in the county where the land is located within two working days of the time the notice is received. The committee must inspect the land specified in the notice and report back to the recipient and the inspector who issued the notice within five working days, either agreeing, disagreeing,

or revising the order. The decision may be appealed in district court. If the committee agrees or revises the order, the control or eradication specified in the order, as approved or revised by the committee, may be carried out.

(2) The county board ~~of commissioners~~ shall appoint members of the appeal committee. The membership must include a county commissioner or municipal official and a landowner residing in the county. The expenses of the members may be reimbursed by the county upon submission of an itemized statement to the county auditor. At its option, the county board ~~of commissioners~~, by resolution, may delegate the duties of the appeal committee to its board of adjustment established pursuant to section 394.27. When carrying out the duties of the appeal committee, the zoning board of adjustment shall comply with all of the procedural requirements of this section.

Subd. 4. **Control or eradication by inspector.** If a person does not comply with an individual notice served on the person or an individual notice cannot be served, the ~~weed~~ inspector having jurisdiction shall have the noxious weeds controlled or eradicated within the time and in the manner the ~~weed~~ inspector designates.

Subd. 5. **Control or eradication by inspector in growing crop.** ~~A weed~~ An inspector may consider it necessary to control or eradicate noxious weeds along with all or a part of a growing crop to prevent the maturation and spread of noxious weeds within the inspector's jurisdiction. If this situation exists, the ~~weed~~ inspector may have the noxious weeds controlled or eradicated together with the crop after the appeal committee has reviewed the matter as outlined in subdivision 3 and reported back agreement with the order.

Subd. 6. **Authorization for person hired to enter upon land.** The ~~weed~~ inspector may hire a person to control or eradicate noxious weeds if the person who owns the land, the person who occupies the land, or the person responsible for the maintenance of public land has failed to comply with an individual notice or with the published general notice when an individual notice cannot be served. The person hired must have authorization, in writing, from the ~~weed~~ inspector to enter upon the land.

Subd. 7. **Expenses; reimbursements.** A claim for the expense of controlling or eradicating noxious weeds~~, which may include the costs of serving notices, is a legal charge against the county in which the land is located. The officers having the work done must file with the county auditor a verified and itemized statement of cost for all services rendered on each separate tract or lot of land. The county auditor shall immediately issue proper warrants to the persons named on the statement as having rendered services. To reimburse the county for its expenditure in this regard, the county auditor shall certify the total amount due and, unless an appeal is made in accordance with section 18.84, enter it~~

~~on the tax roll as a tax upon the land and it must be collected as other real estate taxes are collected~~ that is not reimbursed by the owner of the land is a legal charge against the land. After the expense is incurred, the inspector shall file verified and itemized statements of the cost of all services rendered with the county auditor of the county in which the land is located. The county auditor shall place a lien in favor of the jurisdiction that ordered the control or eradication of noxious weeds against the land involved, which must be certified by the county auditor and collected according to section 429.101.

If public land is involved, the amount due must be paid from funds provided for maintenance of the land or from the general revenue or operating fund of the agency responsible for the land. ~~Each claim for control or eradication of noxious weeds on public lands must first be approved by the commissioner of agriculture.~~

Sec. 19. Minnesota Statutes 2008, section 18.84, subdivision 1, is amended to read:

Subdivision 1. **Counties and municipalities.** Counties and municipalities are not liable for damages from the noxious weed control program for actions conducted in accordance with sections 18.76 to ~~18.88~~ 18.91.

Sec. 20. Minnesota Statutes 2008, section 18.84, subdivision 2, is amended to read:

Subd. 2. **Appeal of charges to county board.** A person who is ordered to control noxious weeds under sections 18.76 to ~~18.88~~ 18.91 and is charged for noxious weed control may appeal the cost of noxious weed control to the county board of the county where the noxious weed control measures were undertaken within 30 days after being charged. The county board shall determine the amount and approve the charge and filing of a lien against the property if it determines that the owner, or occupant if other than the owner, responsible for controlling noxious weeds did not comply with the order of the inspector.

Sec. 21. Minnesota Statutes 2008, section 18.84, subdivision 3, is amended to read:

Subd. 3. **~~Court~~ Appeal of costs to district court; petition.** (a) A ~~landowner who has appealed~~ person who is ordered to control noxious weeds under sections 18.76 to 18.91 and is charged for the cost of noxious weed control ~~measures under subdivision 2~~ may petition for judicial review of the charges. The petition must be filed within 30 days after ~~the conclusion of the hearing before the county board~~ being charged. The petition must be filed with the court administrator in the county in which the land where the noxious weed control measures were undertaken is located, together with proof of service of a copy of the petition on the county auditor. No responsive pleadings may be required of the county, and no court fees may be charged for the appearance of the county in this matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and respective county as respondents. The petition must include the petitioner's name, the legal description of the land involved, a copy of the notice to control noxious weeds, and the date or dates on which appealed control measures were undertaken.

(c) The petition must state with specificity the grounds upon which the petitioner seeks to avoid the imposition of a lien for the cost of noxious weed control measures.

Sec. 22. Minnesota Statutes 2008, section 18.86, is amended to read:

18.86 UNLAWFUL ACTS.

No person may:

(1) hinder or obstruct in any way ~~the county agricultural inspectors or local weed inspectors~~ an inspector in the performance of ~~their~~ duties ~~as provided in~~ under sections 18.76 to ~~18.88~~ 18.91 or related rules;

(2) neglect, fail, or refuse to comply with section 18.82 or related rules in the transportation and use of material or equipment infested with noxious weed propagating parts;

(3) sell material containing noxious weed propagating parts to a person who does not have a permit to transport that material or to a person who does not have a screenings permit issued in accordance with section 21.74; or

(4) neglect, fail, or refuse to comply with a general notice or an individual notice to control or eradicate noxious weeds.

Sec. 23. Minnesota Statutes 2008, section 18.87, is amended to read:

18.87 PENALTY.

A violation of section 18.86 or a rule adopted under that section is a misdemeanor. ~~County agricultural inspectors, local weed~~ Inspectors~~,~~ or their appointed assistants are not subject to the penalties of this section for failure, neglect, or refusal to perform duties imposed on them by sections 18.76 to ~~18.88~~ 18.91.

Sec. 24. Minnesota Statutes 2008, section 18.88, is amended to read:

18.88 NOXIOUS WEED PROGRAM FUNDING.

Subdivision 1. **County.** The county board shall pay, from the general revenue or other fund for the county, the expenses for the county agricultural inspector position, for noxious weed control or eradication on all land owned by the county or on land ~~that~~ for which the county is responsible for ~~the~~ its maintenance ~~of,~~ and for the expenses of

the appeal committee~~, and for necessary expenses as required for quarantines within the county~~. Use of funding from grants and other sources for the administration and enforcement of the noxious weed law must be approved by the county board.

Subd. 2. **Municipality.** The municipality shall pay, from the general revenue or other fund for the municipality, the necessary expenses of the local weed inspector in the performance of duties required ~~for quarantines within the municipality, and~~ for noxious weed control or eradication on land owned by the municipality or on land for which the municipality is responsible for its maintenance. Use of funding from grants and other sources for the administration and enforcement of the noxious weed law must be approved by the town board or city mayor.

Subd. 3. **Funding.** Funding in the form of grants or cost sharing may be provided to the counties for the performance of their activities under section 18.81, subdivision 1.

Sec. 25. **[18.89] NOXIOUS WEED AND INVASIVE PLANT SPECIES ASSISTANCE FUND.**

The noxious weed and invasive plant species assistance fund is created in the state treasury. The fund may be used to carry out the purposes of section 18.90. Any money appropriated to the fund and any money received by the fund as gifts or grants or other private or public funds obtained for the purposes in section 18.91 must be credited to the fund. The money in the account is continuously appropriated to the commissioner to implement section 18.90.

Sec. 26. **[18.90] GRANT PROGRAM.**

(a) From funds available in the noxious weed and invasive plant species assistance fund established in section 18.89, the commissioner shall administer a grant program to assist counties and municipalities and other weed management entities in the cost of implementing and maintaining noxious weed control programs and in addressing special weed control problems. The commissioner shall receive applications by counties, municipalities, weed management areas, and weed management entities for assistance under this section and, in consultation with the Noxious Weed Advisory Committee award grants for any of the following eligible purposes:

(1) to conduct applied research to solve locally significant weed management problems;

(2) to demonstrate innovative control methods or land management practices which have the potential to reduce landowner costs to control noxious weeds or improve the effectiveness of noxious weed control;

(3) to encourage the ongoing support of weed management areas;

(4) to respond to introductions or infestations of invasive plants that threaten or potentially threaten the productivity of cropland and rangeland over a wide area;

(5) to respond to introductions or infestations of invasive plant species that threaten or potentially threaten the productivity of biodiversity of wildlife and fishery habitats on public and private lands;

(6) to respond to special weed control problems involving weeds not included in the list of noxious weeds published and distributed by the commissioner;

(7) to conduct monitoring or surveillance activities to detect, map, or determine the distribution of invasive plant species and to determine susceptible locations for the introduction or spread of invasive plant species; and

(8) to conduct educational activities.

(b) The commissioner shall select and prioritize applications for assistance under this section based on the following considerations:

(1) the seriousness of the noxious weed or invasive plant problem or potential problem addressed by the project;

(2) the ability of the project to provide timely intervention to save current and future costs of control and eradication;

(3) the likelihood that the project will prevent or resolve the problem or increase knowledge about resolving similar problems in the future;

(4) the extent to which the project will leverage federal funds and other nonstate funds;

(5) the extent to which the applicant has made progress in addressing noxious weed or invasive plant problems;

(6) the extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds;

(7) the extent to which the project will reduce the total population or area of infestation of a noxious weed;

(8) the extent to which the project uses the principles of integrated vegetation management and sound science; and

(9) other factors that the commissioner determines to be relevant.

(c) Nothing in this section may be construed to relieve a person of the duty or responsibility to control the spread of noxious weeds on lands owned and controlled by the person.

Sec. 27. **[18.91] ADVISORY COMMITTEE; MEMBERSHIP.**

The commissioner shall convene the Noxious Weed Advisory Committee to advise the commissioner concerning responsibilities under the noxious weed control program. The committee shall also evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by them. For each species evaluated, the committee shall recommend to the commissioner on which noxious weed list or lists, if any, the species should be placed. Species currently designated as prohibited or restricted noxious weeds must be reevaluated every three years for a recommendation on whether or not they need to remain on the noxious weed lists. Members of the committee are not entitled to reimbursement of expenses nor payment of per diem. Members may serve two-year terms with subsequent reappointment by the commissioner. The commissioner shall appoint members, which may include representatives from the following:

(1) horticultural science, agronomy, and forestry at the University of Minnesota;

(2) the nursery and landscape industry in Minnesota;

(3) the seed industry in Minnesota;

(4) the Department of Agriculture;

(5) the Department of Natural Resources;

(6) a conservation organization;

(7) an environmental organization;

(8) at least two farm organizations;

(9) the county agricultural inspectors;

(10) city, township, and county governments;

(11) the Department of Transportation;

(12) the University of Minnesota Extension;

(13) the timber and forestry industry in Minnesota; and

(14) the Board of Soil and Water Resources.

The committee shall conduct evaluations of terrestrial plant species to recommend if they need to be designated as noxious weeds and into which noxious weed classification they should be designated, advise the commissioner on the implementation of the Noxious Weed Law, and assist the commissioner in the development of management criteria for each noxious weed category. Meetings of the committee may be called by or at the direction of the commissioner or upon direction of its chair.

Sec. 28. **REPEALER.**

Minnesota Statutes 2008, section 18.81, subdivision 3, is repealed.

18.81 DUTIES OF INSPECTORS.

Subd. 3. **Nonperformance by inspectors; reimbursement for expenses.** If local weed inspectors neglect or fail to do their duty as prescribed in this section, the county agricultural inspector shall issue a notice to the inspector providing instructions on how and when to do their duty. If, after the time allowed in the notice, the local weed inspector has not complied as directed, the county agricultural inspector may perform the duty for the local weed inspector. A claim for the expense of doing the local weed inspector's duty is a legal charge against the municipality in which the inspector has jurisdiction. The county agricultural inspector doing the work may file an itemized statement of costs with the clerk of the municipality in which the work was performed. The municipality shall immediately issue proper warrants to the county for the work performed. If the municipality fails to issue the warrants, the county auditor may include the amount contained in the itemized statement of costs as part of the next annual tax levy in the municipality and withhold that amount from the municipality in making its next apportionment.