

CHAPTER 18

PLANT AND ANIMAL PEST CONTROL

18.023 Shade tree disease control.
18.024 Diseased shade tree utilization.

18.51 Certificate of inspection.
18.52 Dealers' and agents' certificates.
18.54 Local sales and miscellaneous.

18.023 SHADE TREE DISEASE CONTROL.

[For text of subds 1 to 3, see M.S.1980]

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 disease control program for the partial funding of municipal sanitation and reforestation programs. The commissioner may make grants-in-aid to any home rule charter or statutory city, or any special purpose park and recreation board organized under a charter of a city of the first class or any non-profit corporation serving a city of the first class or any county having an approved disease control program for the acquisition or implementation of a wood utilization or disposal system.

(b) The commissioner shall promulgate rules, including temporary 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) Other matters the commissioner may find necessary to the proper administration of the grant program.

(c) Grants-in-aid payments for wood utilization and disposal systems made by the commissioner pursuant to this subdivision shall not exceed 50 percent of the total cost of the system. Grants for sanitation and reforestation shall be combined into one grant program. Grants to any municipality for sanitation shall not exceed 50 percent of sanitation costs approved by the commissioner including any amount of sanitation costs paid by special assessments, ad valorem taxes, federal grants or other funds. A municipality shall not specially assess a property owner any amount greater than the amount of the tree's sanitation cost minus the amount of the tree's sanitation cost reimbursed by the commissioner. Grants to municipalities for reforestation shall not exceed 50 percent of the cost, but not more than \$50 per tree, of trees planted pursuant to the reforestation program; provided that a reforestation grant to any county may include 90 percent of the cost, but not more than \$60 per tree, of the first 50 trees planted on public property in a town not described in subdivision 1 and of less than 1,000 population upon the town's application to the county. Reforestation grants to towns and home rule charter or statutory cities as described in subdivision 1 of less than 4,000 population with an approved disease control program may include 90 percent of the cost, but not more than \$60 per tree, of the first 50 trees planted on public property with the approval of the 1979 application. The governing body of any municipality which receives a reforestation grant pursuant to this section shall appoint up to seven residents of the municipality or designate an existing municipal board or committee to serve as a reforestation advisory committee to advise

the governing body of the municipality in the administration of the reforestation program. For the purpose of this subdivision, "cost" shall not include the value of a gift or dedication of trees required by a municipal ordinance but shall include documented "in kind" services or voluntary work for municipalities with a population of less than 1,000 according to the most recent federal census.

(d) Based upon estimates submitted by the municipality to the commissioner, which shall state the estimated costs of sanitation and reforestation in the succeeding quarter under an approved program, the commissioner shall direct quarterly advance payments to be made by the state to the municipality commencing April 1, 1979. The commissioner shall direct adjustment of any overestimate in a succeeding quarter. A municipality may elect to receive the proceeds of its sanitation and reforestation grants on a periodic cost reimbursement basis.

(e) A home rule charter or statutory city, or county outside the metropolitan area or any municipality, as defined in subdivision 1, may submit an application for a grant authorized by this subdivision concurrently with its request for approval of a disease control program.

[For text of subds 3b to 10a, see M.S.1980]

Subd. 11. **Report to the legislature.** On or before January 31 of each year, the commissioner shall report to the legislature on the preceding year's approved disease control programs and any experimental programs conducted pursuant to subdivision 10a. The commissioner, with the assistance of the commissioner of energy, planning and development, shall investigate and evaluate the potential uses of wood infected with shade tree disease, including the uses as an alternative energy source and as a component in the construction or manufacture of new products.

[For text of subd 12, see M.S.1980]

Subd. 13. **Municipal option to participate in program.** After December 31, 1981, the term "municipality" shall include only those municipalities which have informed the commissioner of their intent to continue an approved disease control program. Any municipality desiring to participate in the grants-in-aid for the partial funding of municipal sanitation and reforestation programs must notify the commissioner in writing before the beginning of the calendar year in which it wants to participate and must have an approved disease control program during any year in which it receives grants-in-aid. Notwithstanding the provisions of any law to the contrary, no municipality shall be required to have an approved disease control program after December 31, 1981.

History: 1981 c 261 s 2; 1981 c 356 s 97; 1Sp1981 c 1 art 5 s 1

18.024 DISEASED SHADE TREE UTILIZATION.

Subdivision 1. The department of agriculture, in cooperation with the commissioner of energy, planning and development and the Minnesota shade tree advisory committee, shall draft recommendations for wood utilization or disposal systems as defined in section 18.023. These recommendations shall encourage maximum utilization of diseased shade trees. In addition to insuring maximum utilization, the recommendations shall be designed to insure public safety and to assure compliance with approved disease control programs.

[For text of subd 2, see M.S.1980]

History: 1981 c 356 s 98

MINNESOTA STATUTES 1981 SUPPLEMENT

18.51 CERTIFICATE OF INSPECTION.

[For text of subd 1, see M.S.1980]

Subd. 2. **Fees; penalty.** Each nurseryman shall be required to pay an annual fee before the commissioner shall issue a certificate of inspection. This fee shall be based on the area of all of his nurseries as follows:

Nurseries:

- | | |
|---|----------------------|
| (1) 1/2 acre or less | \$25 per nurseryman |
| (2) Over 1/2 acre to and including 2 acres | \$35 per nurseryman |
| (3) Over 2 acres to and including 10 acres | \$60 per nurseryman |
| (4) Over 10 acres to and including 50 acres | \$160 per nurseryman |
| (5) Over 50 acres | \$400 per nurseryman |

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

History: 1981 c 356 s 259

18.52 DEALERS' AND AGENTS' CERTIFICATES.

[For text of subds 1 to 4, see M.S.1980]

Subd. 5. **Fees; penalty.** Each dealer is required to pay an annual fee. The fee charged shall be based on the gross sales of the dealer during the preceding certificate year. In the case of a dealer operating for the first year, the minimum fee will suffice.

Dealers:

- | | |
|--|-------------------------------------|
| (1) Gross sales up to \$1,000 | at a location
\$20 per location |
| (2) Gross sales over \$1,000 and up to \$5,000 | at a location
\$30 per location |
| (3) Gross sales over \$5,000 up to \$10,000 | at a location
\$45 per location |
| (4) Gross sales over \$10,000 up to \$25,000 | at a location
\$70 per location |
| (5) Gross sales over \$25,000 up to \$75,000 | at a location
\$115 per location |
| (6) Gross sales over \$75,000 up to \$100,000 | at a location
\$175 per location |
| (7) Gross sales over \$100,000 | at a location
\$250 per location |

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

History: 1981 c 356 s 260

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 these services the commissioner shall charge a fee of \$10; in addition, a charge may be made for the necessary expenses incurred by the inspector performing this service. The commissioner may set an additional acreage fee for inspection of seed production fields for exporters in order to meet domestic and foreign plant quarantine requirements.

[For text of subd 2, see M.S.1980]

History: 1981 c 356 s 261