

## CHAPTER 18

### PEST CONTROL

18.022	Insect pests, plant diseases, bee diseases, and destructive or nuisance animals.	18.023	Shade tree disease control.
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#### 18.022 INSECT PESTS, PLANT DISEASES, BEE DISEASES, AND DESTRUCTIVE OR NUISANCE ANIMALS.

*[For text of subs 1 to 8, see M.S.1994]*

**Subd. 9. Rules.** The commissioner may adopt rules in accordance with sections 14.02, 14.04 to 14.28, 14.38, 14.44 to 14.45, and 14.57 to 14.62 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 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 of the commissioner. The rules 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.

**History:** 1995 c 233 art 2 s 56

#### 18.023 SHADE TREE DISEASE CONTROL.

*[For text of subs 1 to 3, see M.S.1994]*

**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 nonprofit 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 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 subs 3b to 13, see M.S.1994]*

**History:** 1995 c 233 art 2 s 56

### 18.316 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to this section and section 18.317.

Subd. 2. **Ecologically harmful exotic species.** "Ecologically harmful exotic species" has the meaning given in section 84.967.

Subd. 3. **Undesirable exotic species.** "Undesirable exotic species" means ecologically harmful exotic species that have been determined by the commissioner of natural resources to pose a substantial threat to native species in this state.

Subd. 4. **Watercraft.** "Watercraft" means any contrivance used or designed for navigation on water and includes seaplanes.

Subd. 5. **Water milfoil.** "Water milfoil" means Eurasian water milfoil, *myriophyllum spicatum*.

Subd. 6. **Waters of the state.** "Waters of the state" has the meaning given in section 103G.005, subdivision 17.

Subd. 7. **Zebra mussels.** "Zebra mussels" means a species of the genus *Dreissena*.

**History:** 1Sp1995 c 1 s 2

### 18.317 UNDESIRABLE EXOTIC SPECIES.

Subdivision 1. **Transportation prohibited.** Except as provided in subdivision 2, a person may not transport water milfoil, zebra mussels, or undesirable exotic species on a road or highway, as defined in section 160.02, subdivision 7, or on forest roads.

Subd. 1a. **Placement prohibited.** A person may not place undesirable exotic species in public waters within the state.

Subd. 2. **Exception.** Except as otherwise prohibited by law, a person may transport water milfoil or undesirable exotic species for disposal as part of a harvest or control activity conducted under a permit or as specified by the commissioner.

Subd. 3. **Launching of watercraft with water milfoil or undesirable species prohibited.** (a) A person may not place a trailer or launch a watercraft into waters of the state if the

trailer or watercraft has attached to it water milfoil, zebra mussels, or other undesirable exotic species. A conservation officer or other licensed peace officer may order the removal of water milfoil, zebra mussels, or other undesirable exotic species from a trailer or watercraft before the trailer or watercraft is placed or launched into waters of the state.

(b) A commercial harvester shall clean aquatic plant harvesting equipment of all aquatic vegetation at a suitable location before launching the equipment in another body of water.

**Subd. 3a. Inspection of watercraft and equipment.** Watercraft and associated equipment, including weed harvesters, that are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other undesirable exotic aquatic plants or wild animals identified by the commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.

**Subd. 4. Enforcement.** This section may be enforced by conservation officers under sections 97A.205, 97A.211, and 97A.221, subdivision 1, paragraph (a), clause (1), and by other licensed peace officers.

**Subd. 5. Penalty.** A person who violates subdivision 1, 1a, 3, or 3a is guilty of a misdemeanor. A person who refuses to obey the order of a peace officer or conservation officer to remove water milfoil, zebra mussels, or other undesirable exotic species from a trailer or watercraft is guilty of a misdemeanor.

**History:** *1Sp1995 c 1 s 3*