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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. 1743

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

1.1 A bill for an act
1.2 relating to agriculture; changing noxious weed eradication requirements;
1.3 amending Minnesota Statutes 2006, sections 18.80, subdivision 1; 18.81,
1.4 subdivisions 1, 3; 18.83, subdivisions 1, 3, 7; 18.84, subdivision 3; repealing
1.5 Minnesota Statutes 2006, sections 18.79, subdivisions 7, 8; 18.84, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2006, section 18.80, subdivision 1, is amended to read:

1.8 Subdivision 1. **County agricultural inspectors.** The county board ~~shall~~ may
1.9 appoint one or more county agricultural inspectors ~~that meet the qualifications prescribed~~
1.10 ~~by rule. The appointment must be for a period of time which is sufficient to accomplish~~
1.11 ~~the duties assigned to this position. A notice of the appointment must be delivered to the~~
1.12 ~~commissioner within ten days of the appointment and it must establish the initial number~~
1.13 ~~of hours to be worked annually.~~

1.14 Sec. 2. Minnesota Statutes 2006, section 18.81, subdivision 1, is amended to read:

1.15 Subdivision 1. **County agricultural inspectors.** ~~It is the duty of county agricultural~~
1.16 ~~inspectors~~ The county board shall specify the responsibilities of the county agricultural
1.17 inspector, which may include the following:

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

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

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

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

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

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

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

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

2.11 Sec. 3. Minnesota Statutes 2006, section 18.81, subdivision 3, is amended to read:

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

2.26 Sec. 4. Minnesota Statutes 2006, section 18.83, subdivision 1, is amended to read:

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

3.1 Sec. 5. Minnesota Statutes 2006, section 18.83, subdivision 3, is amended to read:

3.2 Subd. 3. **Appeal of individual notice; appeal committee.** ~~(1)~~ A recipient of an
 3.3 individual notice may appeal, in writing, the order for control or eradication of noxious
 3.4 weeds. This appeal must be filed with ~~a member of the appeal committee in the county~~
 3.5 ~~where the land is located~~ the jurisdiction that issued the notice within two working days
 3.6 of the time the notice is received. The ~~committee~~ jurisdiction must inspect the land
 3.7 specified in the notice and report back to the recipient and the inspector who issued the
 3.8 notice within five working days, either agreeing, disagreeing, or revising the order. The
 3.9 decision may be appealed in district court. If the ~~committee~~ jurisdiction agrees or revises
 3.10 the order, the control or eradication specified in the order, as approved or revised ~~by the~~
 3.11 ~~committee~~, may be carried out.

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

3.20 Sec. 6. Minnesota Statutes 2006, section 18.83, subdivision 7, is amended to read:

3.21 Subd. 7. **Expenses; reimbursements.** A claim for the expense of controlling or
 3.22 eradicating noxious weeds, ~~which may include the costs of serving notices, is a legal~~
 3.23 ~~charge against the county in which the land is located. The officers having the work done~~
 3.24 ~~must file with the county auditor a verified and itemized statement of cost for all services~~
 3.25 ~~rendered on each separate tract or lot of land. The county auditor shall immediately issue~~
 3.26 ~~proper warrants to the persons named on the statement as having rendered services. To~~
 3.27 ~~reimburse the county for its expenditure in this regard, the county auditor shall certify the~~
 3.28 ~~total amount due and, unless an appeal is made in accordance with section 18.84, enter it~~
 3.29 ~~on the tax roll as a tax upon the land and it must be collected as other real estate taxes are~~
 3.30 ~~collected.~~ that is not reimbursed by the owner of the land is a legal charge against the land.
 3.31 After the expense is incurred, the weed inspector shall file verified and itemized statements
 3.32 of the cost of all services rendered with the county auditor of the county in which the land
 3.33 is located. The county auditor shall place a lien in favor of the jurisdiction that ordered the
 3.34 control or eradication of noxious weeds against the land involved, which must be certified
 3.35 by the county auditor and collected according to section 429.101.

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

4.5 Sec. 7. Minnesota Statutes 2006, section 18.84, subdivision 3, is amended to read:

4.6 Subd. 3. **Court Appeal of costs to district court; petition.** (a) ~~A landowner who~~
4.7 ~~has appealed the cost of noxious weed control measures under subdivision 2~~ person who
4.8 is ordered to control noxious weeds under sections 18.76 to 18.88 and is charged for
4.9 noxious weed control may petition for judicial review of the charges. The petition must
4.10 be filed within 30 days after ~~the conclusion of the hearing before the county board~~ being
4.11 charged. The petition must be filed with the court administrator in the county in which the
4.12 land where the noxious weed control measures were undertaken is located, together with
4.13 proof of service of a copy of the petition on the county auditor. No responsive pleadings
4.14 may be required of the county, and no court fees may be charged for the appearance of
4.15 the county in this matter.

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

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

4.22 Sec. 8. **REPEALER.**

4.23 Minnesota Statutes 2006, sections 18.79, subdivisions 7 and 8; and 18.84,
4.24 subdivision 2, are repealed.