

PROPOSED AMENDMENTS

NOTE: The Department of Agriculture supports the bill draft's removal of the definition of commonly understood terms and all other unnecessary language.

Section 1. AMENDMENT:

- Page 1, line 11, remove the overstrike over "~~Every~~", and remove "Any"
- Page 1, line 12, remove the overstrike over "~~in charge of or in possession of~~", remove "owning", and remove the overstrike over "~~, whether as landowner, lessee,~~"
- Page 1, line 13, remove the overstrike over "~~renter, or tenant, under statutory authority or otherwise~~"

NOTE: retain responsibility for noxious weed control to all persons

Section 2. AMENDMENT:

- Page 2, line 8, remove the overstrike over "~~eradicate~~"
- Page 2, line 27, after "service" insert "and the Agriculture Experiment Station"

NOTE: this is at their request

- Page 3, line 4, overstrike "'Pest' means"
- Page 3, remove lines 5-10

Section 3. AMENDMENT:

- Page 4, line 5, remove the overstrike over "~~Enforce this chapter;~~"
- Page 4, line 8, after "service" insert "and the Agriculture Experiment Station"
- Page 4, line 19 remove "and"
- Page 4, line 24, remove "to review noxious weed control efforts in this state."

Section 5. AMENDMENT:

- Page 5, line 9, overstrike "63-01.1-03.2." and overstrike "Agriculture commissioner"

- Page 5, line 10, remove "Request for reports." and overstrike "The commissioner may require operational reports and program reports"
 - Page 5, line 11, remove "regarding noxious weed control and pest control", overstrike "from", remove "county and city", and overstrike "weed control"
- NOTE: This section is unnecessary because, under sections 63-01.1-05 and 63-01.1-7.5, weed control officers are required to "prepare reports as requested by the commissioner."

Section 6. AMENDMENT:

- Page 6, line 10, after "chapter." insert "If a county contains more than one such city, the board does not have to have a member from each city."
- NOTE: Under the current law, it is unclear whether the board must have a member from each city.

Section 8. AMENDMENT:

- Page 8, lines 7 through 9, remove the overstrike over "Authorize the county weed control officer to cooperate with local law enforcement" personnel in stopping and inspecting vehicles suspected of transporting noxious "weed infested materials."
- Page 8, lines 12 through 13, remove overstrike over "person otherwise responsible for the expense" and remove "landowner."

Section 9. AMENDMENT:

- Page 9, line 2, after "service" insert "and the agricultural experiment station"
- Page 9, line 4, after "commissioner." insert "The commissioner may require a county weed board to remove a noxious weed from its list. Effective July 1, 2009, all state and county weed lists must be reviewed and approved by the commissioner every five years. The commissioner may adopt rules for review of state and county weed lists."

Section 11. AMENDMENT:

- Page 10, line 16, after "the" insert "pesticide"

Section 15. AMENDMENT:

- Page 14, remove the overstrike from lines 26 through 28

- Page 15, line 4, remove the overstrike over "~~person otherwise liable for the expense~~" and remove "landowner."

Section 16. AMENDMENT:

- Page 15, line 13, after "service" insert "and the agricultural experiment station"
- Page 15, line 15, after "commissioner." insert "The commissioner may require a city weed board to remove a noxious weed from its list. Effective July 1, 2009, all city weed lists must be reviewed and approved by the commissioner every five years. The commissioner may adopt rules for review of city weed lists."

Section 19. AMENDMENT:

- Page 18, line 5, at the beginning of the sentence insert "The commissioner or".
NOTE: The draft bill removes the department's right of entry, which could limit our ability to determine whether a quarantine order should be in place and when it should be removed.

Section 22. AMENDMENT:

- Page 22, lines 13 and 14, replace "grain screenings" with "plants, forage, screenings, dirt, and other articles".
NOTE: this language, like that in the current version of this section, would prohibit transporting anything – not just grain screenings – that may contain propagating parts of noxious weeds, in a manner that would allow them to disseminate.

Section 23. AMENDMENT:

- Page 23, lines 9-11, remove the overstrike over "~~If noxious weeds are likely to be introduced into this state by the importation of materials of farm products, the commissioner shall declare a quarantine against the importation of these materials or farm products.~~"
NOTE: the draft removed the commissioner's authority to issue a quarantine against importing materials into the state. What if someone in MN is planning on driving a truck full of noxious weeds through the state?

Section 25. AMENDMENT:

- Page 27, lines 1-3, remove the overstrike over "~~Upon being notified by a weed board of the federal agency's failure to control or eradicate noxious~~"

~~weeds, the commissioner may hold a public hearing to determine the reason for the failure".~~

NOTE: the commissioner would like to retain his authority to ask federal agencies to control weeds and hold a public hearing.

Section 27. AMENDMENT:

- Page 28, lines 4-6, replace "~~A custom or commercial operator of tillage, seeding, and harvesting equipment who violates subsection 2 or section 63-01.1-12 is guilty of a class B misdemeanor. A control authority may institute necessary criminal actions under this subsection.~~" with "Any person who violates subsection 2 of section 63-01.1-12 and section 63-01.1-12.1 is guilty of a class B misdemeanor"

NOTE: This should remain a criminal penalty so that law enforcement may stop a vehicle transporting noxious weeds in an illegal manner, arrest the person transporting the materials, and seize the contents. If law enforcement does not have this power, we will not have any means to stop someone transporting infested articles in violation of sections 63-01.1-12 and 63-01.1-12.1. This section should specifically state that a person violating a quarantine order is subject to a class B misdemeanor because there might be instances where a person's violation of a quarantine order would not fall within section 63-01.1-12. A quarantine is only issued when there is a serious danger that noxious weeds will be spread if infested materials are moved, and we need a tool to enable us to enforce it. Also, penalties can be assigned to an individual that doesn't own land.

Section 28. AMENDMENT:

- Page 29, line 8, remove "Conflict of Interest".
 - Page 30, lines 4-6, remove "because of a conflict of interest."
- NOTE: a board should still function if member has a conflict of interest.

Section 29. AMENDMENT:

- Page 30, lines 9-21, remove entire section.

Section 30. AMENDMENT:

- Page 30, lines 3-18, remove entire section.

Section 31. AMENDMENT:

- Page 31, lines 19-24, remove entire section.

Section 32. AMENDMENT:

- Page 32, lines 3-15, remove entire section.

Section 33. AMENDMENT:

- Page 32, lines 18-25, remove entire section.
- Page 33, lines 1-7, remove entire section.

Section 34. AMENDMENT:

- Page 33, lines 10-13, remove entire section.

Section 35. AMENDMENT:

- Page 33, lines 16-22, remove entire section.
- Page 34, lines 1-23, remove entire section.

NOTE: all reference to pest control, sections 29-35, would be removed. The authority for weed control authorities to manage pests has not been used and there does not appear to be an interest in using noxious weed resources for pest control.

Renumber accordingly