

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1016**

(SENATE AUTHORS: MAGNUS)

DATE	D-PG	OFFICIAL STATUS
03/23/2011	633	Introduction and first reading (For the Committee on Agriculture and Rural Economics) Referred to Finance
03/25/2011	710a	Comm report: To pass as amended
	754	Second reading
03/28/2011	770a	Special Order: Amended
	771	Third reading Passed
03/30/2011	1118	Returned from House with amendment
	1119	Senate not concur, conference committee of 5 requested
03/31/2011	1125	Senate conferees Magnus; Kubly; Dahms; Nienow; Miller
04/04/2011	1152	House conferees Hamilton; Anderson, P.; Shimanski; LeMieur; Eken
04/14/2011	1346c	Conference committee report, delete everything Senate adopted CC report and repassed bill
	1361	Third reading
04/18/2011	1372	House adopted SCC report and repassed bill
04/26/2011	1396	Governor's action Approval 04/15/11
	1396	Secretary of State Chapter 14 04/15/11

A bill for an act

relating to state government; appropriating money for agriculture, the Board of Animal Health, and the Agricultural Utilization Research Institute; modifying certain fees; modifying certain restrictions on farm disposal; clarifying the authority of certain entities; amending Minnesota Statutes 2010, sections 17.135; 18B.03, subdivision 1; 18C.005, by adding a subdivision; 18C.111, by adding a subdivision; 18C.131; 18C.425, by adding a subdivision; 18D.201, subdivision 5, by adding a subdivision; 18E.03, subdivision 4; 27.041, by adding a subdivision; 28A.08, subdivision 3; 38.01; 41A.09, subdivision 3a; 373.01, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

Section 1. **SUMMARY OF APPROPRIATIONS.**

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	\$ <u>46,412,000</u>	\$ <u>30,678,000</u>	\$ <u>77,090,000</u>
<u>Agricultural</u>	\$ <u>800,000</u>	\$ <u>800,000</u>	\$ <u>1,600,000</u>
<u>Remediation</u>	\$ <u>388,000</u>	\$ <u>388,000</u>	\$ <u>776,000</u>
<u>Total</u>	\$ <u>47,600,000</u>	\$ <u>31,866,000</u>	\$ <u>79,466,000</u>

Sec. 2. **AGRICULTURE APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013,

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2.1 respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013.
 2.2 "The biennium" is fiscal years 2012 and 2013.

2.3 **APPROPRIATIONS**
 2.4 **Available for the Year**
 2.5 **Ending June 30**
 2.6 **2012 2013**

2.7 **Sec. 3. DEPARTMENT OF AGRICULTURE**

2.8 **Subdivision 1. Total Appropriation \$ 40,408,000 \$ 24,674,000**

2.9	<u>Appropriations by Fund</u>	
2.10	<u>2012</u>	<u>2013</u>
2.11	<u>General</u> <u>39,220,000</u>	<u>23,486,000</u>
2.12	<u>Remediation</u> <u>388,000</u>	<u>388,000</u>
2.13	<u>Agricultural</u> <u>800,000</u>	<u>800,000</u>

2.14 The amounts that may be spent for each
 2.15 purpose are specified in the following
 2.16 subdivisions.

2.17 **Subd. 2. Protection Services 12,193,000 12,193,000**

2.18	<u>Appropriations by Fund</u>	
2.19	<u>General</u> <u>11,805,000</u>	<u>11,805,000</u>
2.20	<u>Remediation</u> <u>388,000</u>	<u>388,000</u>

2.21 \$388,000 the first year and \$388,000 the
 2.22 second year are from the remediation fund
 2.23 for administrative funding for the voluntary
 2.24 cleanup program.

2.25 \$75,000 the first year and \$75,000 the second
 2.26 year are for compensation for destroyed or
 2.27 crippled animals under Minnesota Statutes,
 2.28 section 3.737. If the amount in the first year
 2.29 is insufficient, the amount in the second year
 2.30 is available in the first year.

2.31 \$75,000 the first year and \$75,000 the second
 2.32 year are for compensation for crop damage
 2.33 under Minnesota Statutes, section 3.7371. If
 2.34 the amount in the first year is insufficient, the

3.1 amount in the second year is available in the
3.2 first year.

3.3 If the commissioner determines that claims
3.4 made under Minnesota Statutes, section
3.5 3.737 or 3.7371, are unusually high, amounts
3.6 appropriated for either program may be
3.7 transferred to the appropriation for the other
3.8 program.

3.9 \$245,000 the first year and \$245,000 the
3.10 second year are for an increase in retail
3.11 food handler inspections. No later than
3.12 February 1, 2013, the commissioner shall
3.13 report to the chairs and ranking minority
3.14 members of the legislative committees
3.15 with jurisdiction over agriculture finance
3.16 regarding the commissioner's progress in
3.17 addressing the department's shortfall of
3.18 necessary inspections.

3.19 **Subd. 3. Agricultural Marketing and**
3.20 **Development**

2,962,000

2,962,000

3.21 \$186,000 the first year and \$186,000 the
3.22 second year are for transfer to the Minnesota
3.23 grown account and may be used as grants
3.24 for Minnesota grown promotion under
3.25 Minnesota Statutes, section 17.102. Grants
3.26 may be made for one year. Notwithstanding
3.27 Minnesota Statutes, section 16A.28, the
3.28 appropriations encumbered under contract on
3.29 or before June 30, 2013, for Minnesota grown
3.30 grants in this paragraph are available until
3.31 June 30, 2015. \$50,000 of the appropriation
3.32 in each year is for efforts that identify
3.33 and promote Minnesota grown products in
3.34 retail food establishments including but not
3.35 limited to restaurants, grocery stores, and
3.36 convenience stores.

4.1 \$100,000 the first year and \$100,000 the
4.2 second year are to provide training and
4.3 technical assistance to county and town
4.4 officials relating to livestock siting issues
4.5 and local zoning and land use planning,
4.6 including maintenance of the checklist
4.7 template clarifying the federal, state,
4.8 and local government requirements for
4.9 consideration of an animal agriculture
4.10 modernization or expansion project. For the
4.11 training and technical assistance program,
4.12 the commissioner shall continue to seek
4.13 guidance, advice, and support of livestock
4.14 producer organizations, general agricultural
4.15 organizations, local government associations,
4.16 academic institutions, other government
4.17 agencies, and others with expertise in land
4.18 use and agriculture.

4.19 \$10,000 the first year and \$10,000 the
4.20 second year are for annual cost-share
4.21 payments to resident farmers or persons
4.22 who sell, process, or package agricultural
4.23 products in this state for the costs of organic
4.24 certification. Annual cost-share payments
4.25 per farmer must be two-thirds of the cost
4.26 of the certification or \$350, whichever is
4.27 less. In any year that a resident farmer or
4.28 person who sells, processes, or packages
4.29 agricultural products in this state receives
4.30 a federal organic certification cost-share
4.31 payment, that resident farmer or person is
4.32 not eligible for state cost-share payments. A
4.33 certified farmer is eligible to receive annual
4.34 certification cost-share payments for up to
4.35 five years. The commissioner may allocate
4.36 any excess appropriation in either fiscal year

5.1 for organic market and program development
5.2 including organic producer education efforts,
5.3 assistance for persons transitioning from
5.4 conventional to organic agriculture, or
5.5 sustainable agriculture demonstration grants
5.6 authorized under Minnesota Statutes, section
5.7 17.116, and pertaining to organic research or
5.8 demonstration. Any unencumbered balance
5.9 does not cancel at the end of the first year
5.10 and is available for the second year.

5.11 **Subd. 4. Bioenergy and Value-Added**
5.12 **Agriculture**

18,114,000

2,380,000

5.13 \$15,014,000 the first year is for ethanol
5.14 producer payments under Minnesota Statutes,
5.15 section 41A.09. If the total amount for
5.16 which all producers are eligible in a quarter
5.17 exceeds the amount available for payments,
5.18 the commissioner shall make payments on a
5.19 pro rata basis. If the appropriation exceeds
5.20 the total amount for which all producers are
5.21 eligible, the balance in the appropriation
5.22 is available to the commissioner for the
5.23 agricultural growth, research, and innovation
5.24 program under Minnesota Statutes, section
5.25 41A.12. The appropriation remains available
5.26 until spent.

5.27 \$3,000,000 the first year is for bioenergy
5.28 grants. The NextGen Energy Board,
5.29 established in Minnesota Statutes, section
5.30 41A.105, shall make recommendations to
5.31 the commissioner on grants for owners of
5.32 Minnesota facilities producing bioenergy,
5.33 organizations that provide for on-station,
5.34 on-farm field scale research and outreach to
5.35 develop and test the agronomic and economic
5.36 requirements of diverse stands of prairie

6.1 plants and other perennials for bioenergy
6.2 systems, or certain nongovernmental
6.3 entities. For the purposes of this paragraph,
6.4 "bioenergy" includes transportation fuels
6.5 derived from cellulosic material, as well as
6.6 the generation of energy for commercial heat,
6.7 industrial process heat, or electrical power
6.8 from cellulosic material via gasification or
6.9 other processes. Grants are limited to 50
6.10 percent of the cost of research, technical
6.11 assistance, or equipment related to bioenergy
6.12 production or \$500,000, whichever is less.
6.13 Grants to nongovernmental entities for
6.14 the development of business plans and
6.15 structures related to community ownership
6.16 of eligible bioenergy facilities together
6.17 may not exceed \$150,000. The board shall
6.18 make a good-faith effort to select projects
6.19 that have merit, and, when taken together,
6.20 represent a variety of bioenergy technologies,
6.21 biomass feedstocks, and geographic
6.22 regions of the state. Projects must have a
6.23 qualified engineer provide certification on
6.24 the technology and fuel source. Grantees
6.25 must provide reports at the request of the
6.26 commissioner. No later than February 1,
6.27 2013, the commissioner shall report on the
6.28 projects funded under this appropriation to
6.29 the legislative committees with jurisdiction
6.30 over agriculture finance. The commissioner's
6.31 costs in administering the program may
6.32 be paid from the appropriation. This is a
6.33 onetime appropriation and is available until
6.34 June 30, 2013.
6.35 \$2,380,000 the second year is for the
6.36 agricultural growth, research, and innovation

7.1 program in Minnesota Statutes, section
 7.2 41A.12. Priority must be given to livestock
 7.3 programs under Minnesota Statutes, section
 7.4 17.118. Priority for livestock grants must be
 7.5 given to persons who are beginning livestock
 7.6 producers and livestock producers who are
 7.7 rebuilding after a disaster that was due to
 7.8 natural or other unintended conditions. The
 7.9 commissioner may use up to 4.5 percent
 7.10 of this appropriation for costs incurred to
 7.11 administer the program. Any unencumbered
 7.12 balance does not cancel at the end of the first
 7.13 year and is available in the second year. The
 7.14 base budget for fiscal year 2014 and later is
 7.15 \$10,247,000 each year.

7.16 \$100,000 the first year is to provide a grant
 7.17 for a feasibility study, site identification, and
 7.18 site acquisition for a proposed biomass plant
 7.19 in Lake of the Woods County.

7.20 **Subd. 5. Administration and Financial**
 7.21 **Assistance**

7,139,000

7,139,000

7.22 Appropriations by Fund

	<u>2012</u>	<u>2013</u>
7.23 <u>General</u>	<u>6,339,000</u>	<u>6,339,000</u>
7.24 <u>Agricultural</u>	<u>800,000</u>	<u>800,000</u>

7.26 \$634,000 the first year and \$634,000 the
 7.27 second year are for continuation of the dairy
 7.28 development and profitability enhancement
 7.29 and dairy business planning grant programs
 7.30 established under Laws 1997, chapter
 7.31 216, section 7, subdivision 2, and Laws
 7.32 2001, First Special Session chapter 2,
 7.33 section 9, subdivision 2. The commissioner
 7.34 may allocate the available sums among
 7.35 permissible activities, including efforts to
 7.36 improve the quality of milk produced in the

8.1 state in the proportions that the commissioner
8.2 deems most beneficial to Minnesota's
8.3 dairy farmers. The commissioner must
8.4 submit a work plan detailing plans for
8.5 expenditures under this program to the chairs
8.6 of the legislative committees dealing with
8.7 agricultural policy and budget on or before
8.8 the start of each fiscal year. If significant
8.9 changes are made to the plans in the course
8.10 of the year, the commissioner must notify the
8.11 chairs.

8.12 \$47,000 the first year and \$47,000 the
8.13 second year are for the Northern Crops
8.14 Institute. These appropriations may be spent
8.15 to purchase equipment.

8.16 \$18,000 the first year and \$18,000 the
8.17 second year are for a grant to the Minnesota
8.18 Livestock Breeders Association.

8.19 \$235,000 the first year and \$235,000 the
8.20 second year are for grants to the Minnesota
8.21 Agricultural Education and Leadership
8.22 Council for programs of the council under
8.23 Minnesota Statutes, chapter 41D.

8.24 \$474,000 the first year and \$474,000 the
8.25 second year are for payments to county and
8.26 district agricultural societies and associations
8.27 under Minnesota Statutes, section 38.02,
8.28 subdivision 1. Aid payments to county and
8.29 district agricultural societies and associations
8.30 shall be disbursed no later than July 15 of
8.31 each year. These payments are the amount of
8.32 aid from the state for an annual fair held in
8.33 the previous calendar year.

9.1 \$1,000 the first year and \$1,000 the second
9.2 year are for grants to the Minnesota State
9.3 Poultry Association.

9.4 \$108,000 the first year and \$108,000 the
9.5 second year are for annual grants to the
9.6 Minnesota Turf Seed Council for basic
9.7 and applied research on: (1) the improved
9.8 production of forage and turf seed related to
9.9 new and improved varieties; and (2) native
9.10 plants, including plant breeding, nutrient
9.11 management, pest management, disease
9.12 management, yield, and viability. The grant
9.13 recipient may subcontract with a qualified
9.14 third party for some or all of the basic or
9.15 applied research.

9.16 \$500,000 the first year and \$500,000 the
9.17 second year are for grants to Second Harvest
9.18 Heartland on behalf of Minnesota's six
9.19 Second Harvest food banks for the purchase
9.20 of milk for distribution to Minnesota's food
9.21 shelves and other charitable organizations
9.22 that are eligible to receive food from the food
9.23 banks. Milk purchased under the grants must
9.24 be acquired from Minnesota milk processors
9.25 and based on low-cost bids. The milk must be
9.26 allocated to each Second Harvest food bank
9.27 serving Minnesota according to the formula
9.28 used in the distribution of United States
9.29 Department of Agriculture commodities
9.30 under The Emergency Food Assistance
9.31 Program (TEFAP). Second Harvest
9.32 Heartland must submit quarterly reports
9.33 to the commissioner on forms prescribed
9.34 by the commissioner. The reports must
9.35 include, but are not limited to, information
9.36 on the expenditure of funds, the amount

10.1 of milk purchased, and the organizations
10.2 to which the milk was distributed. Second
10.3 Harvest Heartland may enter into contracts
10.4 or agreements with food banks for shared
10.5 funding or reimbursement of the direct
10.6 purchase of milk. Each food bank receiving
10.7 money from this appropriation may use up to
10.8 two percent of the grant for administrative
10.9 expenses.

10.10 \$94,000 the first year and \$94,000 the
10.11 second year are for transfer to the Board of
10.12 Trustees of the Minnesota State Colleges and
10.13 Universities for mental health counseling
10.14 support to farm families and business
10.15 operators through farm business management
10.16 programs at Central Lakes College and
10.17 Ridgewater College.

10.18 \$17,000 the first year and \$17,000 the
10.19 second year are for grants to the Minnesota
10.20 Horticultural Society.

10.21 Notwithstanding Minnesota Statutes,
10.22 section 18C.131, \$800,000 the first year
10.23 and \$800,000 the second year are from the
10.24 fertilizer account in the agricultural fund
10.25 for grants for fertilizer research as awarded
10.26 by the Minnesota Agricultural Fertilizer
10.27 Research and Education Council under
10.28 Minnesota Statutes, section 18C.71. The
10.29 amount appropriated in either fiscal year
10.30 must not exceed 57 percent of the inspection
10.31 fee revenue collected under Minnesota
10.32 Statutes, section 18C.425, subdivision 6,
10.33 during the previous fiscal year. No later
10.34 than February 1, 2013, the commissioner
10.35 shall report to the legislative committees

11.1 with jurisdiction over agriculture finance.
11.2 The report must include the progress and
11.3 outcome of funded projects as well as the
11.4 sentiment of the council concerning the need
11.5 for additional research funds.

11.6 Sec. 4. **BOARD OF ANIMAL HEALTH** **\$** **4,799,000** **\$** **4,799,000**

11.7 \$2,276,000 the first year and \$2,276,000
11.8 the second year are for bovine tuberculosis
11.9 eradication efforts in cattle herds.

11.10 \$100,000 the first year and \$100,000 the
11.11 second year are for a program to control
11.12 paratuberculosis (Johne's disease) in
11.13 domestic bovine herds.

11.14 \$389,000 the first year and \$389,000 the
11.15 second year are for the purposes of cervidae
11.16 inspection as authorized in Minnesota
11.17 Statutes, section 35.155.

11.18 Sec. 5. **AGRICULTURAL UTILIZATION**
11.19 **RESEARCH INSTITUTE** **\$** **2,393,000** **\$** **2,393,000**

11.20 Money in this appropriation is available for
11.21 technical assistance and technology transfer
11.22 to bioenergy crop producers and users.

11.23 Sec. 6. Minnesota Statutes 2010, section 17.135, is amended to read:

11.24 **17.135 FARM DISPOSAL OF SOLID WASTE.**

11.25 (a) A permit is not required from a state agency, except under sections 88.16,
11.26 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or
11.27 burns and buries;

11.28 (1) solid waste generated from the person's household or as part of the person's
11.29 farming operation ~~if the burying is done~~; or

11.30 (2) concrete or reinforcing bar from a building or structure located on the land
11.31 used for farming.

11.32 Items in clauses (1) and (2) must be buried in a nuisance-free, pollution-free, and
11.33 aesthetic manner on the land used for farming. ~~This~~ The exception in clause (1) does not

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12.1 apply if regularly scheduled pickup of solid waste is reasonably available at the person's
12.2 farm, as determined by resolution of the county board of the county where the person's
12.3 farm is located.

12.4 (b) ~~This~~ The exemption in paragraph (a), clause (1), does not apply to burning tires
12.5 or plastics, except plastic baling twine, or to burning or burial of the following materials:

12.6 (1) household hazardous waste as defined in section 115A.96, subdivision 1;

12.7 (2) appliances, including but not limited to, major appliances as defined in section
12.8 115A.03, subdivision 17a;

12.9 (3) household batteries;

12.10 (4) used motor oil; and

12.11 (5) lead acid batteries from motor vehicles.

12.12 (c) An owner of land used for farming who buries material under the authority of
12.13 paragraph (a), clause (2), shall record, with the county recorder or registrar of titles of
12.14 the county in which the land is located, an affidavit containing a legal description of
12.15 the property and a map drawn from available information showing the boundary of the
12.16 property and the location of concrete or reinforcing bar buried on the property. The county
12.17 recorder or registrar of titles must record an affidavit presented under this paragraph in a
12.18 manner that ensures its disclosure in the ordinary course of a title search of the subject
12.19 property.

12.20 Sec. 7. Minnesota Statutes 2010, section 18B.03, subdivision 1, is amended to read:

12.21 Subdivision 1. **Administration by commissioner.** The commissioner shall
12.22 administer, implement, and enforce this chapter and the Department of Agriculture
12.23 is the lead state agency for the regulation of pesticides. The commissioner has the
12.24 sole regulatory authority over the terrestrial application of pesticides, including, but
12.25 not limited to, the application of pesticides to agricultural crops, structures, and other
12.26 nonaquatic environments. Except as provided in subdivision 3, a state agency other than
12.27 the Department of Agriculture shall not regulate or require permits for the terrestrial
12.28 application of pesticides, unless the target site includes the application of pesticides to
12.29 public waters, as defined in section 103G.005, subdivision 15.

12.30 Sec. 8. Minnesota Statutes 2010, section 18C.005, is amended by adding a subdivision
12.31 to read:

12.32 Subd. 1b. **Ammonia and anhydrous ammonia.** "Ammonia" and "anhydrous
12.33 ammonia" are used interchangeably and mean a compound formed by the chemical
12.34 combinations of the elements nitrogen and hydrogen in the molar proportion of one

13.1 part nitrogen to three parts hydrogen. This relationship is shown by the chemical
13.2 formula, NH₃. On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen
13.3 or approximately 82 percent nitrogen to 18 percent hydrogen. Ammonia may exist in
13.4 either a gaseous or a liquid state. Ammonia or anhydrous ammonia does not include
13.5 aqua ammonia or ammonium hydroxide, which are solutions of ammonia in water and
13.6 are sometimes called ammonia.

13.7 Sec. 9. Minnesota Statutes 2010, section 18C.111, is amended by adding a subdivision
13.8 to read:

13.9 Subd. 4. **Certification of regulatory compliance.** (a) The commissioner may,
13.10 under rules adopted under section 18C.121, subdivision 1, certify a person to offer or
13.11 perform a regulatory compliance inspection of any person or site that stores, handles, or
13.12 distributes ammonia or anhydrous ammonia fertilizer.

13.13 (b) Pursuant to that rule, a person certified under paragraph (a) may issue a
13.14 certification of compliance to an inspected person or site if the certified person documents
13.15 in writing full compliance with the provisions of this chapter and rules adopted under
13.16 this chapter.

13.17 (c) A person or site issued a certification of compliance must provide a copy of the
13.18 certification to the commissioner immediately upon request or within 90 days following
13.19 certification.

13.20 (d) Certifications of compliance are valid for a period of three years. The
13.21 commissioner may determine a different time period in the interest of public safety or for
13.22 other reasonable cause.

13.23 Sec. 10. Minnesota Statutes 2010, section 18C.131, is amended to read:

13.24 **18C.131 FERTILIZER INSPECTION ACCOUNT.**

13.25 A fertilizer inspection account is established in the state treasury. The fees and
13.26 surcharges collected under this chapter and interest attributable to money in the account
13.27 must be deposited in the state treasury and credited to the fertilizer inspection account in
13.28 the agricultural fund. Money in the account, including interest earned, is appropriated to
13.29 the commissioner for the administration and enforcement of this chapter.

13.30 Sec. 11. Minnesota Statutes 2010, section 18C.425, is amended by adding a subdivision
13.31 to read:

13.32 Subd. 7. **Payment of anhydrous ammonia public safety surcharge.** The person
13.33 responsible for payment of the inspection fees under subdivision 6 must also pay an

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14.1 anhydrous ammonia public safety surcharge of 75 cents per ton, with a minimum of \$10 on
14.2 all tonnage reports. Ammonia or anhydrous ammonia sold or distributed to manufacturers
14.3 or exchanges between them are exempt from the surcharge imposed by this subdivision if
14.4 the ammonia or anhydrous ammonia is used exclusively for manufacturing purposes.

14.5 Sec. 12. Minnesota Statutes 2010, section 18D.201, subdivision 5, is amended to read:

14.6 Subd. 5. **Violator liable for inspection costs.** (a) The cost of reinspection and
14.7 reinspection may be assessed by the commissioner if the person subject to the corrective
14.8 action order or remedial action order does not comply with the order in a reasonable time
14.9 as provided in the order.

14.10 (b) A \$400 reinspection fee may be assessed by the commissioner for a person or
14.11 site that stores, handles, or distributes ammonia or anhydrous ammonia fertilizer if the
14.12 commissioner determines that the person or site had serious violations of chapter 18C or
14.13 rules adopted thereunder upon initial inspection.

14.14 ~~(b)~~ (c) The commissioner may enter an order for recovery of the inspection and
14.15 investigation costs.

14.16 Sec. 13. Minnesota Statutes 2010, section 18D.201, is amended by adding a
14.17 subdivision to read:

14.18 Subd. 7. **Compliance and inspection frequency.** (a) The commissioner may
14.19 implement policies and procedures that provide for a decrease in the frequency of
14.20 regulatory inspection for a person or site issued a certification of compliance pursuant to
14.21 section 18C.111, subdivision 4.

14.22 (b) The commissioner must consider the compliance history, enforcement record,
14.23 and other public safety or environmental risk factors in determining the eligibility of a
14.24 person or site for the reduced frequency of inspection described in paragraph (a). If the
14.25 commissioner determines that a person or site is ineligible, the commissioner must notify
14.26 the person or site of that ineligibility and the reasons for that determination.

14.27 (c) The compliance findings of the commissioner's inspection of a person or site that
14.28 stores, handles, or distributes ammonia and anhydrous ammonia fertilizer may be used
14.29 as a basis for decreased frequency of regulatory inspection, as described in paragraphs
14.30 (a) and (b).

14.31 Sec. 14. Minnesota Statutes 2010, section 18E.03, subdivision 4, is amended to read:

14.32 Subd. 4. **Fee.** (a) The response and reimbursement fee consists of the surcharges and
14.33 any adjustments made by the commissioner in this subdivision and shall be collected by

15.1 the commissioner. The amount of the response and reimbursement fee shall be determined
15.2 and imposed annually by the commissioner as required to satisfy the requirements in
15.3 subdivision 3. The commissioner shall adjust the amount of the surcharges imposed in
15.4 proportion to the amount of the surcharges listed in this subdivision. License application
15.5 categories under paragraph (d) must be charged in proportion to the amount of surcharges
15.6 imposed up to a maximum of 50 percent of the license fees set under chapters 18B and
15.7 18C.

15.8 (b) The commissioner shall impose a surcharge on pesticides registered under
15.9 chapter 18B to be collected as a surcharge on the gross sales under section 18B.26,
15.10 subdivision 3, that is equal to 0.1 percent of sales of the pesticide in the state and sales
15.11 of pesticides for use in the state during the previous calendar year, except the surcharge
15.12 may not be imposed on pesticides that are sanitizers or disinfectants as determined by the
15.13 commissioner. No surcharge is required if the surcharge amount based on percent of
15.14 annual gross sales of a nonagricultural pesticide is less than \$10. Sales of pesticides in
15.15 the state for use outside of the state are exempt from the surcharge in this paragraph if
15.16 the registrant, agricultural pesticide dealer, or pesticide dealer properly documents the
15.17 sale location and the distributors.

15.18 (c) The commissioner shall impose a ten cents per ton surcharge on the inspection
15.19 fee under section 18C.425, subdivision 6, for fertilizers, soil amendments, and plant
15.20 amendments.

15.21 (d) The commissioner shall impose a surcharge on the license application of persons
15.22 licensed under chapters 18B and 18C consisting of:

15.23 (1) a \$75 surcharge for each site where pesticides are stored or distributed, to
15.24 be imposed as a surcharge on pesticide dealer application fees under section 18B.31,
15.25 subdivision 5, and the agricultural pesticide dealer application fee under section 18B.316,
15.26 subdivision 10;

15.27 (2) a \$75 surcharge for each site where a fertilizer, plant amendment, or soil
15.28 amendment is distributed, to be imposed on persons licensed under sections 18C.415
15.29 and 18C.425;

15.30 (3) a \$50 surcharge to be imposed on a structural pest control applicator license
15.31 application under section 18B.32, subdivision 6, for business license applications only;

15.32 (4) a \$20 surcharge to be imposed on commercial applicator license application fees
15.33 under section 18B.33, subdivision 7; and

15.34 (5) a \$20 surcharge to be imposed on noncommercial applicator license application
15.35 fees under section 18B.34, subdivision 5, except a surcharge may not be imposed on a

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16.1 noncommercial applicator that is a state agency, political subdivision of the state, the
 16.2 federal government, or an agency of the federal government.

16.3 (e) A \$1,000 fee shall be imposed on each site where pesticides are stored and sold
 16.4 for use outside of the state unless:

16.5 (1) the distributor properly documents that it has less than \$2,000,000 per year in
 16.6 wholesale value of pesticides stored and transferred through the site; or

16.7 (2) the registrant pays the surcharge under paragraph (b) and the registration fee
 16.8 under section 18B.26, subdivision 3, for all of the pesticides stored at the site and sold for
 16.9 use outside of the state.

16.10 (f) Paragraphs (c) to (e) apply to sales, licenses issued, applications received for
 16.11 licenses, and inspection fees imposed on or after July 1, 1990.

16.12 Sec. 15. Minnesota Statutes 2010, section 27.041, is amended by adding a subdivision
 16.13 to read:

16.14 Subd. 3. **Account; appropriation.** A wholesale produce dealers account is created
 16.15 in the agricultural fund. All fees, charges, and penalties collected under sections 27.01 to
 16.16 27.069 and 27.11 to 27.19, including interest attributable to that money, must be deposited
 16.17 in the wholesale produce dealers account. Money in the account is appropriated to the
 16.18 commissioner for the purposes of sections 27.01 to 27.069 and 27.11 to 27.19.

16.19 Sec. 16. Minnesota Statutes 2010, section 28A.08, subdivision 3, is amended to read:

16.20 Subd. 3. **Fees effective July 1, ~~2003~~ 2011.**

		Penalties		
Type of food handler	License Fee Effective July 1, 2003 <u>2011</u>	Late Renewal	No License	
1. Retail food handler				
(a) Having gross sales of only prepackaged nonperishable food of less than \$15,000 for the immediately previous license or fiscal year and filing a statement with the commissioner	\$50 <u>\$ 57</u>	\$17 <u>\$ 19</u>	\$33 <u>\$ 37</u>	
(b) Having under \$15,000 gross sales or service including food preparation or having \$15,000 to \$50,000 gross sales or service for the immediately previous license or fiscal year	\$77 <u>\$ 88</u>	\$25 <u>\$ 28</u>	\$51 <u>\$ 58</u>	
(c) Having \$50,001 to \$250,000 gross sales or service for the immediately previous license or fiscal year	\$155 <u>\$178</u>	\$51 <u>\$ 58</u>	\$102 <u>\$117</u>	

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17.1	(d) Having \$250,001 to \$1,000,000 gross				
17.2	sales or service for the immediately				
17.3	previous license or fiscal year	\$276 <u>\$317</u>	\$91 <u>\$104</u>	\$182 <u>\$209</u>	
17.4	(e) Having \$1,000,001 to \$5,000,000				
17.5	gross sales or service for the immediately				
17.6	previous license or fiscal year	\$799 <u>\$918</u>	\$264 <u>\$303</u>	\$527 <u>\$606</u>	
17.7	(f) Having \$5,000,001 to \$10,000,000				
17.8	gross sales or service for the immediately	\$1,162			
17.9	previous license or fiscal year	<u>\$1,336</u>	\$383 <u>\$440</u>	\$767 <u>\$882</u>	
17.10	(g) Having \$10,000,001 to \$15,000,000				
17.11	gross sales or service for the immediately	\$1,376			
17.12	previous license or fiscal year	<u>\$1,582</u>	\$454 <u>\$522</u>	\$908 <u>\$1,044</u>	
17.13	(h) Having \$15,000,001 to \$20,000,000				
17.14	gross sales or service for the immediately	\$1,607			\$1,061
17.15	previous license or fiscal year	<u>\$1,848</u>	\$530 <u>\$609</u>		<u>\$1,220</u>
17.16	(i) Having \$20,000,001 to \$25,000,000				
17.17	gross sales or service for the immediately	\$1,847			\$1,219
17.18	previous license or fiscal year	<u>\$2,124</u>	\$610 <u>\$702</u>		<u>\$1,401</u>
17.19	(j) Having over \$25,000,001 gross sales				
17.20	or service for the immediately previous	\$2,001			\$1,321
17.21	license or fiscal year	<u>\$2,301</u>	\$660 <u>\$759</u>		<u>\$1,519</u>
17.22	2. Wholesale food handler				
17.23	(a) Having gross sales or service of less				
17.24	than \$25,000 for the immediately previous				
17.25	license or fiscal year	\$ 57	\$ 19	\$ 38	
17.26	(b) Having \$25,001 to \$250,000 gross sales				
17.27	or service for the immediately previous				
17.28	license or fiscal year	\$284	\$ 94	\$187	
17.29	(c) Having \$250,001 to \$1,000,000 gross				
17.30	sales or service from a mobile unit without				
17.31	a separate food facility for the immediately				
17.32	previous license or fiscal year	\$444	\$147	\$293	
17.33	(d) Having \$250,001 to \$1,000,000				
17.34	gross sales or service not covered under				
17.35	paragraph (c) for the immediately previous				
17.36	license or fiscal year	\$590	\$195	\$389	
17.37	(e) Having \$1,000,001 to \$5,000,000				
17.38	gross sales or service for the immediately				
17.39	previous license or fiscal year	\$769	\$254	\$508	
17.40	(f) Having \$5,000,001 to \$10,000,000				
17.41	gross sales or service for the immediately				
17.42	previous license or fiscal year	\$920	\$304	\$607	
17.43	(g) Having \$10,000,001 to \$15,000,000				
17.44	gross sales or service for the immediately				
17.45	previous license or fiscal year	\$990	\$327	\$653	
17.46	(h) Having \$15,000,001 to \$20,000,000				
17.47	gross sales or service for the immediately				
17.48	previous license or fiscal year	\$1,156	\$381	\$763	
17.49	(i) Having \$20,000,001 to \$25,000,000				
17.50	gross sales or service for the immediately				
17.51	previous license or fiscal year	\$1,329	\$439	\$877	

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18.1	(j) Having over \$25,000,001 or more			
18.2	gross sales or service for the immediately			
18.3	previous license or fiscal year	\$1,502	\$496	\$991
18.4	3. Food broker	\$150	\$ 50	\$ 99
18.5	4. Wholesale food processor or manufacturer			
18.6	(a) Having gross sales or service of			
18.7	less than \$125,000 for the immediately			
18.8	previous license or fiscal year	\$169	\$ 56	\$112
18.9	(b) Having \$125,001 to \$250,000 gross			
18.10	sales or service for the immediately			
18.11	previous license or fiscal year	\$392	\$129	\$259
18.12	(c) Having \$250,001 to \$1,000,000 gross			
18.13	sales or service for the immediately			
18.14	previous license or fiscal year	\$590	\$195	\$389
18.15	(d) Having \$1,000,001 to \$5,000,000			
18.16	gross sales or service for the immediately			
18.17	previous license or fiscal year	\$769	\$254	\$508
18.18	(e) Having \$5,000,001 to \$10,000,000			
18.19	gross sales or service for the immediately			
18.20	previous license or fiscal year	\$920	\$304	\$607
18.21	(f) Having \$10,000,001 to \$15,000,000			
18.22	gross sales or service for the immediately			
18.23	previous license or fiscal year	\$1,377	\$454	\$909
18.24	(g) Having \$15,000,001 to \$20,000,000			
18.25	gross sales or service for the immediately			
18.26	previous license or fiscal year	\$1,608	\$531	\$1,061
18.27	(h) Having \$20,000,001 to \$25,000,000			
18.28	gross sales or service for the immediately			
18.29	previous license or fiscal year	\$1,849	\$610	\$1,220
18.30	(i) Having \$25,000,001 to \$50,000,000			
18.31	gross sales or service for the immediately			
18.32	previous license or fiscal year	\$2,090	\$690	\$1,379
18.33	(j) Having \$50,000,001 to \$100,000,000			
18.34	gross sales or service for the immediately			
18.35	previous license or fiscal year	\$2,330	\$769	\$1,538
18.36	(k) Having \$100,000,000 or more gross			
18.37	sales or service for the immediately			
18.38	previous license or fiscal year	\$2,571	\$848	\$1,697
18.39	5. Wholesale food processor of meat or			
18.40	poultry products under supervision of the			
18.41	U.S. Department of Agriculture			
18.42	(a) Having gross sales or service of			
18.43	less than \$125,000 for the immediately			
18.44	previous license or fiscal year	\$112	\$ 37	\$ 74
18.45	(b) Having \$125,001 to \$250,000 gross			
18.46	sales or service for the immediately			
18.47	previous license or fiscal year	\$214	\$ 71	\$141
18.48	(c) Having \$250,001 to \$1,000,000 gross			
18.49	sales or service for the immediately			
18.50	previous license or fiscal year	\$333	\$110	\$220

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19.1	(d) Having \$1,000,001 to \$5,000,000			
19.2	gross sales or service for the immediately			
19.3	previous license or fiscal year	\$425	\$140	\$281
19.4	(e) Having \$5,000,001 to \$10,000,000			
19.5	gross sales or service for the immediately			
19.6	previous license or fiscal year	\$521	\$172	\$344
19.7	(f) Having over \$10,000,001 gross sales			
19.8	or service for the immediately previous			
19.9	license or fiscal year	\$765	\$252	\$505
19.10	(g) Having \$15,000,001 to \$20,000,000			
19.11	gross sales or service for the immediately			
19.12	previous license or fiscal year	\$893	\$295	\$589
19.13	(h) Having \$20,000,001 to \$25,000,000			
19.14	gross sales or service for the immediately			
19.15	previous license or fiscal year	\$1,027	\$339	\$678
19.16	(i) Having \$25,000,001 to \$50,000,000			
19.17	gross sales or service for the immediately			
19.18	previous license or fiscal year	\$1,161	\$383	\$766
19.19	(j) Having \$50,000,001 to \$100,000,000			
19.20	gross sales or service for the immediately			
19.21	previous license or fiscal year	\$1,295	\$427	\$855
19.22	(k) Having \$100,000,001 or more gross			
19.23	sales or service for the immediately			
19.24	previous license or fiscal year	\$1,428	\$471	\$942
19.25	6. Wholesale food processor or manufacturer			
19.26	operating only at the State Fair	\$125	\$ 40	\$ 50
19.27	7. Wholesale food manufacturer having the			
19.28	permission of the commissioner to use the			
19.29	name Minnesota Farmstead cheese	\$ 30	\$ 10	\$ 15
19.30	8. Nonresident frozen dairy manufacturer	\$200	\$ 50	\$ 75
19.31	9. Wholesale food manufacturer processing			
19.32	less than 700,000 pounds per year of raw			
19.33	milk	\$ 30	\$ 10	\$ 15
19.34	10. A milk marketing organization without			
19.35	facilities for processing or manufacturing			
19.36	that purchases milk from milk producers			
19.37	for delivery to a licensed wholesale food			
19.38	processor or manufacturer	\$ 50	\$ 15	\$ 25

19.39 Sec. 17. Minnesota Statutes 2010, section 38.01, is amended to read:

19.40 **38.01 COUNTY AGRICULTURAL SOCIETIES; FORMATION, POWERS.**

19.41 (a) An agricultural society or association may be incorporated by citizens of any
 19.42 county, or two or more counties jointly, but only one agricultural society shall be organized
 19.43 in any county. An agricultural society may sue and be sued in its corporate name; may
 19.44 adopt bylaws, rules, and regulations, alter and amend the same; may purchase and hold,
 19.45 lease and control any real or personal property deemed to promote the objects of the
 19.46 society, and may rent, lease, sell, exchange, and convey the same. Any income from

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20.1 the rental or lease of the property may be used for any or all of the following purposes:
20.2 (1) Acquisition of additional real property; (2) Construction of additional buildings; or
20.3 (3) Maintenance and care of the society's property. This section shall not be construed
20.4 to preclude the continuance of any agricultural society now existing or the granting of
20.5 aid to the society.

20.6 (b) An agricultural society shall have jurisdiction and control of the grounds upon
20.7 which its fairs are held and of the streets and adjacent grounds during the fair, so far
20.8 as may be necessary for fair purposes, and are exempt from local zoning ordinances
20.9 throughout the year as provided in section 38.16.

20.10 (c) The society may contract with the sheriff, local municipality, or security guard as
20.11 defined in section 626.88 to provide the society with police service. A person providing
20.12 police service pursuant to a contract is not, by reason of the contract, classified as an
20.13 employee of the agricultural society for any purpose other than the discharge of powers
20.14 and duties under the contract.

20.15 (d) Any person who shall willfully violate any rule or regulation made by agricultural
20.16 societies during the days of a fair shall be guilty of a misdemeanor.

20.17 The provisions of this section supersede all special laws on the same subject.

20.18 Sec. 18. Minnesota Statutes 2010, section 41A.09, subdivision 3a, is amended to read:

20.19 Subd. 3a. **Ethanol producer payments.** (a) The commissioner shall make cash
20.20 payments to producers of ethanol located in the state that have begun production at a
20.21 specific location by June 30, 2000. For the purpose of this subdivision, an entity that holds
20.22 a controlling interest in more than one ethanol plant is considered a single producer.
20.23 The amount of the payment for each producer's annual production, except as provided
20.24 in paragraph (c), is 20 cents per gallon for each gallon of ethanol produced at a specific
20.25 location on or before June 30, 2000, or ten years after the start of production, whichever is
20.26 later. Annually, within 90 days of the end of its fiscal year, an ethanol producer receiving
20.27 payments under this subdivision must file a disclosure statement on a form provided by
20.28 the commissioner. The initial disclosure statement must include a summary description
20.29 of the organization of the business structure of the claimant, a listing of the percentages
20.30 of ownership by any person or other entity with an ownership interest of five percent or
20.31 greater, and a copy of its annual audited financial statements, including the auditor's report
20.32 and footnotes. The disclosure statement must include information demonstrating what
20.33 percentage of the entity receiving payments under this section is owned by farmers or
20.34 other entities eligible to farm or own agricultural land in Minnesota under the provisions
20.35 of section 500.24. ~~Subsequent annual reports must affirm that majority ownership of the~~

21.1 ~~entity is held by farmers or other entities eligible to farm or own agricultural land under~~
21.2 ~~section 500.24 or individuals residing within 30 miles of the plant.~~ The report need not
21.3 disclose the identity of the persons or entities eligible to farm or own agricultural land
21.4 with ownership interests, individuals residing within 30 miles of the plant, or of any
21.5 other entity with less than ten percent ownership interest, but the claimant must retain
21.6 information within its files confirming the accuracy of the data provided. This data
21.7 must be made available to the commissioner upon request. Not later than the 15th day
21.8 of February in each year the commissioner shall deliver to the chairs of the standing
21.9 committees of the senate and the house of representatives that deal with agricultural
21.10 policy and agricultural finance issues an annual report summarizing aggregated data from
21.11 plants receiving payments under this section during the preceding calendar year. Audited
21.12 financial statements and notes and disclosure statements submitted to the commissioner
21.13 are nonpublic data under section 13.02, subdivision 9. Notwithstanding the provisions of
21.14 chapter 13 relating to nonpublic data, summaries of the submitted audited financial reports
21.15 and notes and disclosure statements will be contained in the report to the committee chairs
21.16 and will be public data.

21.17 (b) No payments shall be made for ethanol production that occurs after June 30,
21.18 2010. A producer of ethanol shall not transfer the producer's eligibility for payments
21.19 under this section to an ethanol plant at a different location.

21.20 (c) If the level of production at an ethanol plant increases due to an increase in the
21.21 production capacity of the plant, the payment under paragraph (a) applies to the additional
21.22 increment of production until ten years after the increased production began. Once a
21.23 plant's production capacity reaches 15,000,000 gallons per year, no additional increment
21.24 will qualify for the payment.

21.25 (d) Total payments under paragraphs (a) and (c) to a producer in a fiscal year may
21.26 not exceed \$3,000,000.

21.27 (e) By the last day of October, January, April, and July, each producer shall file a
21.28 claim for payment for ethanol production during the preceding three calendar months.
21.29 A producer that files a claim under this subdivision shall include a statement of the
21.30 producer's total ethanol production in Minnesota during the quarter covered by the claim.
21.31 For each claim and statement of total ethanol production filed under this subdivision,
21.32 the volume of ethanol production must be examined by an independent certified public
21.33 accountant in accordance with standards established by the American Institute of Certified
21.34 Public Accountants.

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22.1 (f) Payments shall be made November 15, February 15, May 15, and August 15. A
22.2 separate payment shall be made for each claim filed. Except as provided in paragraph (g),
22.3 the total quarterly payment to a producer under this paragraph may not exceed \$750,000.

22.4 (g) Notwithstanding the quarterly payment limits of paragraph (f), the commissioner
22.5 shall make an additional payment in the fourth quarter of each fiscal year to ethanol
22.6 producers for the lesser of: (1) 20 cents per gallon of production in the fourth quarter of the
22.7 year that is greater than 3,750,000 gallons; or (2) the total amount of payments lost during
22.8 the first three quarters of the fiscal year due to plant outages, repair, or major maintenance.
22.9 Total payments to an ethanol producer in a fiscal year, including any payment under this
22.10 paragraph, must not exceed the total amount the producer is eligible to receive based on
22.11 the producer's approved production capacity. The provisions of this paragraph apply only
22.12 to production losses that occur in quarters beginning after December 31, 1999.

22.13 (h) The commissioner shall reimburse ethanol producers for any deficiency in
22.14 payments during earlier quarters if the deficiency occurred because of unallotment or
22.15 because appropriated money was insufficient to make timely payments in the full amount
22.16 provided in paragraph (a). Notwithstanding the quarterly or annual payment limitations in
22.17 this subdivision, the commissioner shall begin making payments for earlier deficiencies
22.18 in each fiscal year that appropriations for ethanol payments exceed the amount required
22.19 to make eligible scheduled payments. Payments for earlier deficiencies must continue
22.20 until the deficiencies for each producer are paid in full, except the commissioner shall not
22.21 make a deficiency payment to an entity that no longer produces ethanol on a commercial
22.22 scale at the location for which the entity qualified for producer payments or to an assignee
22.23 of the entity, ~~or an entity that is not majority owned by farmers or other entities eligible~~
22.24 ~~to farm or own agricultural land under section 500.24 or individuals residing within 30~~
22.25 ~~miles of the plant.~~

22.26 (i) The commissioner may provide financial assistance under the agricultural growth,
22.27 research, and innovation program in section 41A.12 with any amount of the annual
22.28 appropriation for ethanol producer payments that is in excess of the amount required to
22.29 make scheduled ethanol producer payments and deficiency payments under paragraphs
22.30 (a) to (h).

22.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

22.32 Sec. 19. **[115A.033] LIVESTOCK MORTALITIES.**

22.33 Notwithstanding any other law, the executive director of the Board of Animal Health
22.34 is responsible for the regulation and oversight of livestock mortality disposal.

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23.1 Sec. 20. Minnesota Statutes 2010, section 373.01, subdivision 1, is amended to read:

23.2 Subdivision 1. **Public corporation; listed powers.** (a) Each county is a body politic
23.3 and corporate and may:

23.4 (1) Sue and be sued.

23.5 (2) Acquire and hold real and personal property for the use of the county, and lands
23.6 sold for taxes as provided by law.

23.7 (3) Purchase and hold for the benefit of the county real estate sold by virtue of
23.8 judicial proceedings, to which the county is a party.

23.9 (4) Sell, lease, and convey real or personal estate owned by the county, and give
23.10 contracts or options to sell, lease, or convey it, and make orders respecting it as deemed
23.11 conducive to the interests of the county's inhabitants.

23.12 (5) Make all contracts and do all other acts in relation to the property and concerns
23.13 of the county necessary to the exercise of its corporate powers.

23.14 (b) No sale, lease, or conveyance of real estate owned by the county, except the lease
23.15 of a residence acquired for the furtherance of an approved capital improvement project, nor
23.16 any contract or option for it, shall be valid, without first advertising for bids or proposals in
23.17 the official newspaper of the county for three consecutive weeks and once in a newspaper
23.18 of general circulation in the area where the property is located. The notice shall state the
23.19 time and place of considering the proposals, contain a legal description of any real estate,
23.20 and a brief description of any personal property. Leases that do not exceed \$15,000 for any
23.21 one year may be negotiated and are not subject to the competitive bid procedures of this
23.22 section. All proposals estimated to exceed \$15,000 in any one year shall be considered at
23.23 the time set for the bid opening, and the one most favorable to the county accepted, but the
23.24 county board may, in the interest of the county, reject any or all proposals.

23.25 (c) Sales of personal property the value of which is estimated to be \$15,000 or
23.26 more shall be made only after advertising for bids or proposals in the county's official
23.27 newspaper, on the county's Web site, or in a recognized industry trade journal. At the same
23.28 time it posts on its Web site or publishes in a trade journal, the county must publish in the
23.29 official newspaper, either as part of the minutes of a regular meeting of the county board
23.30 or in a separate notice, a summary of all requests for bids or proposals that the county
23.31 advertises on its Web site or in a trade journal. After publication in the official newspaper,
23.32 on the Web site, or in a trade journal, bids or proposals may be solicited and accepted by
23.33 the electronic selling process authorized in section 471.345, subdivision 17. Sales of
23.34 personal property the value of which is estimated to be less than \$15,000 may be made
23.35 either on competitive bids or in the open market, in the discretion of the county board.
23.36 "Web site" means a specific, addressable location provided on a server connected to the

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24.1 Internet and hosting World Wide Web pages and other files that are generally accessible
24.2 on the Internet all or most of a day.

24.3 (d) Notwithstanding anything in this section to the contrary herein, the county
24.4 ~~may, when acquiring real property for county highway right-of-way~~, exchange parcels
24.5 of real property of substantially similar or equal value without advertising for bids. The
24.6 estimated values for these parcels ~~shall~~ must be determined by the county assessor or
24.7 private appraisal performed by a licensed Minnesota real estate appraiser. Before giving
24.8 final approval to any exchange of land, the county board shall hold a public hearing on
24.9 the exchange. At least two weeks before the hearing, the county auditor shall post a
24.10 notice in the auditor's office and the official newspaper of the county of the hearing that
24.11 contains a description of the lands affected.

24.12 (e) If real estate or personal property remains unsold after advertising for and
24.13 consideration of bids or proposals the county may employ a broker to sell the property.
24.14 The broker may sell the property for not less than 90 percent of its appraised market value
24.15 as determined by the county. The broker's fee shall be set by agreement with the county but
24.16 may not exceed ten percent of the sale price and must be paid from the proceeds of the sale.

24.17 (f) A county or its agent may rent a county-owned residence acquired for the
24.18 furtherance of an approved capital improvement project subject to the conditions set
24.19 by the county board and not subject to the conditions for lease otherwise provided by
24.20 paragraph (a), clause (4), and paragraphs (b), (c), (d), (e), and (g).

24.21 (g) In no case shall lands be disposed of without there being reserved to the county
24.22 all iron ore and other valuable minerals in and upon the lands, with right to explore for,
24.23 mine and remove the iron ore and other valuable minerals, nor shall the minerals and
24.24 mineral rights be disposed of, either before or after disposition of the surface rights,
24.25 otherwise than by mining lease, in similar general form to that provided by section 93.20
24.26 for mining leases affecting state lands. The lease shall be for a term not exceeding 50
24.27 years, and be issued on a royalty basis, the royalty to be not less than 25 cents per ton of
24.28 2,240 pounds, and fix a minimum amount of royalty payable during each year, whether
24.29 mineral is removed or not. Prospecting options for mining leases may be granted for
24.30 periods not exceeding one year. The options shall require, among other things, periodical
24.31 showings to the county board of the results of exploration work done.

24.32 (h) Notwithstanding anything in this subdivision to the contrary, the county may,
24.33 when selling real property owned in fee simple that cannot be improved because of
24.34 noncompliance with local ordinances regarding minimum area, shape, frontage, or access,
24.35 proceed to sell the nonconforming parcel without advertising for bid. At the county's
24.36 discretion, the real property may be restricted to sale to adjoining landowners or may be

25.1 sold to any other interested party. The property shall be sold to the highest bidder, but
25.2 in no case shall the property be sold for less than 90 percent of its fair market value as
25.3 determined by the county assessor. All owners of land adjoining the land to be sold shall
25.4 be given a written notice at least 30 days before the sale. This paragraph shall be liberally
25.5 construed to encourage the sale of nonconforming real property and promote its return to
25.6 the tax roles.

25.7 Sec. 21. **CLEAN WATER FUND; EXTENSION OF APPROPRIATION**
25.8 **AVAILABILITY.**

25.9 The appropriations under Laws 2009, chapter 172, article 2, section 2, paragraph (d),
25.10 for research and pilot projects related to ways agricultural practices contribute to restoring
25.11 impaired waters and assist with the development of TMDL plans, are available until spent.