

1.1 CONFERENCE COMMITTEE REPORT ON S.F. No. 3683

1.2 A bill for an act

1.3 relating to the operation of state government; changing certain provisions  
1.4 and programs related to agriculture; creating a livestock investment grant  
1.5 program; modifying pesticide and fertilizer regulation; changing certain payment  
1.6 provisions for certain agricultural chemical corrective action costs; changing  
1.7 certain food sanitary provisions; changing certain fee provisions; defining certain  
1.8 terms; regulating egg sales and handling; increasing the somatic cell count limit  
1.9 for goat milk; providing for control of bovine tuberculosis; adding a member  
1.10 to the NextGen Energy Board; modifying the expiration date for the NextGen  
1.11 Energy Board; modifying the expiration date for the Minnesota Agriculture  
1.12 Education Leadership Council; establishing requirements for practicing animal  
1.13 chiropractic care; recognizing a Program for the Assessment of Veterinary  
1.14 Education Equivalence certification; limiting use of certain drugs; changing  
1.15 certain requirements; regulating prescription of veterinary drugs; modifying  
1.16 definition of biodiesel; increasing minimum biodiesel content; creating a tiered  
1.17 biodiesel content goal; requiring counties to consider natural heritage data in  
1.18 adopting or amending comprehensive plans; requiring local governments to  
1.19 consider comprehensive plans to limit development on agricultural, forest,  
1.20 wildlife, and open space land; regulating certain racetracks; modifying 2007  
1.21 appropriation language; creating the Veterans Health Care Advisory Council;  
1.22 changing certain provisions and programs related to veterans; providing for  
1.23 certain medallions; authorizing the placement of a plaque in the court of  
1.24 honor on the Capitol grounds by Minnesota's Mexican-American veterans  
1.25 to honor all Minnesota veterans who have served at any time in the United  
1.26 States armed forces; appropriating money; amending Minnesota Statutes 2006,  
1.27 sections 18B.07, subdivision 2; 18D.305, subdivision 2; 18E.04, subdivision 2;  
1.28 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision;  
1.29 28A.09, subdivision 1; 29.23; 31.05; 31.171; 41D.01, subdivision 4; 148.01,  
1.30 subdivision 1, by adding subdivisions; 156.001, by adding a subdivision; 156.02,  
1.31 subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions  
1.32 2, 4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions  
1.33 1, 2; 156.19; 168.1255, subdivisions 1, 3, by adding subdivisions; 196.021;  
1.34 196.03; 197.236; 198.32, subdivision 1; 239.77, as amended; 240.06, subdivision  
1.35 5a, by adding a subdivision; 240.13, subdivision 6; 394.232, subdivision 6;  
1.36 462.355, subdivision 1; 462.357, by adding subdivisions; Minnesota Statutes  
1.37 2007 Supplement, sections 31.175; 35.244; 41A.105; 296A.01, subdivision 8a;  
1.38 394.23; Laws 2007, chapter 45, article 1, section 3, subdivisions 3, 4; proposing  
1.39 coding for new law in Minnesota Statutes, chapters 17; 18C; 32; 148; 196;  
1.40 394; repealing Minnesota Statutes 2006, sections 198.001, subdivisions 6, 9;  
1.41 198.002, subdivisions 1, 3, 6; 198.003, subdivisions 5, 6; 198.004, subdivision 2;

2.1 Minnesota Statutes 2007 Supplement, sections 198.002, subdivision 2; 198.004,  
2.2 subdivision 1; Minnesota Rules, part 9050.0040, subpart 15.

2.3 May 6, 2008

2.4 The Honorable James P. Metzen  
2.5 President of the Senate

2.6 The Honorable Margaret Anderson Kelliher  
2.7 Speaker of the House of Representatives

2.8 We, the undersigned conferees for S.F. No. 3683 report that we have agreed upon  
2.9 the items in dispute and recommend as follows:

2.10 That the House recede from its amendments and that S.F. No. 3683 be further  
2.11 amended as follows:

2.12 Delete everything after the enacting clause and insert:

2.13 "ARTICLE 1  
2.14 AGRICULTURE POLICY

2.15 Section 1. [17.118] LIVESTOCK INVESTMENT GRANT PROGRAM.

2.16 Subdivision 1. Establishment. The commissioner may award a livestock investment  
2.17 grant to a person who raises livestock in this state equal to ten percent of the first \$500,000  
2.18 of qualifying expenditures, provided the person makes qualifying expenditures of at least  
2.19 \$4,000. The commissioner may award multiple livestock investment grants to a person  
2.20 over the life of the program as long as the cumulative amount does not exceed \$50,000.

2.21 Subd. 2. Definitions. (a) For the purposes of this section, the terms defined in this  
2.22 subdivision have the meanings given them.

2.23 (b) "Livestock" means beef cattle, dairy cattle, swine, poultry, goats, mules, farmed  
2.24 cervidae, ratitae, bison, sheep, horses, and llamas.

2.25 (c) "Qualifying expenditures" means the amount spent for:

2.26 (1) the acquisition, construction, or improvement of buildings or facilities for the  
2.27 production of livestock or livestock products;

2.28 (2) the development of pasture for use by livestock including, but not limited to, the  
2.29 acquisition, development, or improvement of:

2.30 (i) lanes used by livestock that connect pastures to a central location;

2.31 (ii) watering systems for livestock on pasture including water lines and booster  
2.32 pumps well installations;

2.33 (iii) livestock stream crossing stabilization; and

2.34 (iv) fences; or

2.35 (3) the acquisition of equipment for livestock housing, confinement, feeding, and  
2.36 waste management including, but not limited to, the following:

- 3.1 (i) freestall barns;
- 3.2 (ii) watering facilities;
- 3.3 (iii) feed storage and handling equipment;
- 3.4 (iv) milking parlors;
- 3.5 (v) robotic equipment;
- 3.6 (vi) scales;
- 3.7 (vii) milk storage and cooling facilities;
- 3.8 (viii) bulk tanks;
- 3.9 (ix) computer hardware and software and associated equipment used to monitor
- 3.10 the productivity and feeding of livestock;
- 3.11 (x) manure pumping and storage facilities;
- 3.12 (xi) swine farrowing facilities;
- 3.13 (xii) swine and cattle finishing barns;
- 3.14 (xiii) calving facilities;
- 3.15 (xiv) digesters;
- 3.16 (xv) equipment used to produce energy;
- 3.17 (xvi) on-farm processing facilities equipment;
- 3.18 (xvii) fences; and
- 3.19 (xviii) livestock pens and corrals and sorting, restraining, and loading chutes.

3.20 Except for qualifying pasture development expenditures under clause (2), qualifying

3.21 expenditures only include amounts that are allowed to be capitalized and deducted under

3.22 either section 167 or 179 of the Internal Revenue Code in computing federal taxable

3.23 income. Qualifying expenditures do not include an amount paid to refinance existing debt.

3.24 (d) "Qualifying period" means, for a grant awarded during a fiscal year, that full

3.25 calendar year of which the first six months precede the first day of the current fiscal year.

3.26 For example, an eligible person who makes qualifying expenditures during calendar

3.27 year 2008 is eligible to receive a livestock investment grant between July 1, 2008, and

3.28 June 30, 2009.

3.29 Subd. 3. **Eligibility.** (a) To be eligible for a livestock investment grant, a person

3.30 must:

3.31 (1) be a resident of Minnesota or an entity specifically defined in section 500.24,

3.32 subdivision 2, that is eligible to own farmland and operate a farm in this state under

3.33 section 500.24;

3.34 (2) be the principal operator of the farm;

3.35 (3) hold a feedlot registration, if required; and

4.1 (4) apply to the commissioner on forms prescribed by the commissioner including a  
4.2 statement of the qualifying expenditures made during the qualifying period along with any  
4.3 proof or other documentation the commissioner may require.

4.4 (b) The \$50,000 maximum grant applies at the entity level for partnerships, S  
4.5 corporations, C corporations, trusts, and estates as well as at the individual level. In the  
4.6 case of married individuals, the grant is limited to \$50,000 for a married couple.

4.7 Subd. 4. **Process.** The commissioner, in consultation with the chairs and ranking  
4.8 minority members of the house and senate committees with jurisdiction over agriculture  
4.9 finance, shall develop competitive eligibility criteria and may allocate grants on a needs  
4.10 basis. The commissioner shall certify eligible applications up to the amount appropriated  
4.11 for a fiscal year. The commissioner must place any additional eligible applications on a  
4.12 waiting list and, notwithstanding subdivision 2, paragraph (c), give them priority during  
4.13 the next fiscal year. The commissioner shall notify in writing any applicant who applies for  
4.14 a grant and is ineligible under the provisions of this section as well as any applicant whose  
4.15 application is received or reviewed after the fiscal year funding limit has been reached.

4.16 Sec. 2. Minnesota Statutes 2007 Supplement, section 18B.065, subdivision 1, is  
4.17 amended to read:

4.18 Subdivision 1. **Collection and disposal.** The commissioner of agriculture shall  
4.19 establish and operate a program to collect and dispose of waste pesticides. The program  
4.20 must be made available to ~~agriculture~~ agricultural and residential pesticide end users  
4.21 whose waste generating activity occurs in this state.

4.22 **EFFECTIVE DATE.** This section is effective July 1, 2008, and applies to all  
4.23 cooperative agreements entered into by the commissioner of agriculture and local units of  
4.24 government for waste pesticide collection and disposal after that date.

4.25 Sec. 3. Minnesota Statutes 2006, section 18B.065, subdivision 2, is amended to read:

4.26 Subd. 2. **Implementation.** (a) The commissioner may obtain a United States  
4.27 Environmental Protection Agency hazardous waste identification number to manage the  
4.28 waste pesticides collected.

4.29 (b) The commissioner may not limit the type and quantity of waste pesticides  
4.30 accepted for collection and may not assess pesticide end users for portions of the costs  
4.31 incurred.

4.32 Sec. 4. Minnesota Statutes 2007 Supplement, section 18B.065, subdivision 2a, is  
4.33 amended to read:

5.1 Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the  
5.2 commissioner must designate a place in each county of the state that is available at least  
5.3 every other year for persons to dispose of unused portions of agricultural pesticides  
5.4 in accordance with subdivision 1. The commissioner shall consult with the person  
5.5 responsible for solid waste management and disposal in each county to determine an  
5.6 appropriate location and to advertise each collection event.

5.7 (b) For residential waste pesticides, the commissioner must provide periodic  
5.8 disposal opportunities each year in each county. As provided under subdivision 7, the  
5.9 commissioner may enter into agreements with county or regional solid waste management  
5.10 entities to provide these collections and shall provide these entities with funding for  
5.11 reasonable costs incurred including, but not limited to, related supplies, transportation,  
5.12 advertising, and disposal costs as well as reasonable overhead costs.

5.13 (c) A person who collects waste pesticide under paragraph (a) or (b) shall record  
5.14 information on each waste pesticide product collected including, but not limited to,  
5.15 the product name, active ingredient or ingredients, quantity, and the United States  
5.16 Environmental Protection Agency registration number, on a form provided by the  
5.17 commissioner. The person must submit this information to the commissioner at least  
5.18 annually.

5.19 **EFFECTIVE DATE.** This section is effective July 1, 2008, and applies to all  
5.20 cooperative agreements entered into by the commissioner of agriculture and local units of  
5.21 government for waste pesticide collection and disposal after that date.

5.22 Sec. 5. Minnesota Statutes 2006, section 18B.065, subdivision 7, is amended to read:

5.23 Subd. 7. **Cooperative agreements.** The commissioner may enter into cooperative  
5.24 agreements with state agencies and local units of government for administration of the  
5.25 waste pesticide collection program. The commissioner shall ensure that the program is  
5.26 carried out in all counties. If the commissioner cannot contract with another party to  
5.27 administer the program in a county, the commissioner shall perform collections according  
5.28 to the provisions of this section.

5.29 Sec. 6. Minnesota Statutes 2006, section 18B.07, subdivision 2, is amended to read:

5.30 Subd. 2. **Prohibited pesticide use.** (a) A person may not use, store, handle,  
5.31 distribute, or dispose of a pesticide, rinsate, pesticide container, or pesticide application  
5.32 equipment in a manner:

5.33 (1) that is inconsistent with a label or labeling as defined by FIFRA;

6.1 (2) that endangers humans, damages agricultural products, food, livestock, fish,  
6.2 or wildlife; or

6.3 (3) that will cause unreasonable adverse effects on the environment.

6.4 (b) A person may not direct a pesticide onto property beyond the boundaries of the  
6.5 target site. A person may not apply a pesticide resulting in damage to adjacent property.

6.6 (c) A person may not directly apply a pesticide on a human by overspray or target  
6.7 site spray, except when:

6.8 (1) the pesticide is intended for use on a human;

6.9 (2) the pesticide application is for mosquito control operations;

6.10 (3) the pesticide application is for control of gypsy moth, forest tent caterpillar,  
6.11 or other pest species, as determined by the commissioner, and the pesticide used is a  
6.12 biological agent; or

6.13 (4) the pesticide application is for a public health risk, as determined by the  
6.14 commissioner of health, and the commissioner of health, in consultation with the  
6.15 commissioner of agriculture, determines that the application is warranted based on  
6.16 the commissioner's balancing of the public health risk with the risk that the pesticide  
6.17 application poses to the health of the general population, with special attention to the  
6.18 health of children.

6.19 (d) For pesticide applications under paragraph (c), clause (2), the following  
6.20 conditions apply:

6.21 (1) no practicable and effective alternative method of control exists;

6.22 (2) the pesticide is among the least toxic available for control of the target pest; and

6.23 (3) notification to residents in the area to be treated is provided at least 24 hours  
6.24 before application through direct notification, posting daily on the treating organization's  
6.25 Web site, if any, and by sending a broadcast e-mail to those persons who request  
6.26 notification of such, of those areas to be treated by adult mosquito control techniques  
6.27 during the next calendar day. For control operations related to human disease, notice under  
6.28 this paragraph may be given less than 24 hours in advance.

6.29 (e) For pesticide applications under paragraph (c), clauses (3) and (4), the following  
6.30 conditions apply:

6.31 (1) no practicable and effective alternative method of control exists;

6.32 (2) the pesticide is among the least toxic available for control of the target pest; and

6.33 (3) notification of residents in the area to be treated is provided by direct notification  
6.34 and through publication in a newspaper of general circulation within the affected area.

6.35 (f) For purposes of this subdivision, "direct notification" may include mailings,  
6.36 public meetings, posted placards, neighborhood newsletters, or other means of contact

7.1 designed to reach as many residents as possible. Public meetings held to meet this  
7.2 requirement for adult mosquito control, under paragraph (d), must be held within each  
7.3 city or town where the pesticide treatments are to be made, at a time and location that is  
7.4 convenient for residents of the area where the treatments will occur.

7.5 (g) A person may not apply a pesticide in a manner so as to expose a worker in an  
7.6 immediately adjacent, open field.

7.7 (h) Notwithstanding that the application is done in a manner consistent with the  
7.8 label or labeling, it is a violation of this chapter to directly apply a pesticide to a site where  
7.9 an application has not been: (1) requested, ordered, contracted for, or permitted; or (2)  
7.10 performed pursuant to paragraph (c), clause (2), (3), or (4).

7.11 Sec. 7. Minnesota Statutes 2007 Supplement, section 18B.26, subdivision 3, is  
7.12 amended to read:

7.13 Subd. 3. **Application fee.** (a) A registrant shall pay an annual application fee for  
7.14 each pesticide to be registered, and this fee is set at 0.4 percent of annual gross sales  
7.15 within the state and annual gross sales of pesticides used in the state, with a minimum  
7.16 nonrefundable fee of \$250. The registrant shall determine when and which pesticides  
7.17 are sold or used in this state. The registrant shall secure sufficient sales information of  
7.18 pesticides distributed into this state from distributors and dealers, regardless of distributor  
7.19 location, to make a determination. Sales of pesticides in this state and sales of pesticides  
7.20 for use in this state by out-of-state distributors are not exempt and must be included in the  
7.21 registrant's annual report, as required under paragraph (c), and fees shall be paid by the  
7.22 registrant based upon those reported sales. Sales of pesticides in the state for use outside  
7.23 of the state are exempt from the application fee in this paragraph if the registrant properly  
7.24 documents the sale location and distributors. A registrant paying more than the minimum  
7.25 fee shall pay the balance due by March 1 based on the gross sales of the pesticide by the  
7.26 registrant for the preceding calendar year. The fee for disinfectants and sanitizers shall be  
7.27 the minimum. The minimum fee is due by December 31 preceding the year for which  
7.28 the application for registration is made. ~~The commissioner shall spend at least \$400,000,~~  
7.29 ~~not including the commissioner's administrative costs, per fiscal year from the pesticide~~  
7.30 ~~regulatory account for the purposes of the waste pesticide collection program. In each~~  
7.31 fiscal year, the commissioner shall allocate from the pesticide regulatory account a sum  
7.32 sufficient to collect and dispose of waste pesticides under section 18B.065. However,  
7.33 notwithstanding section 18B.065, if the commissioner determines that the balance in the  
7.34 pesticide regulatory account at the end of the fiscal year will be less than \$500,000, the  
7.35 commissioner may suspend waste pesticide collections or provide partial payment to a

8.1 person for waste pesticide collection. The commissioner must notify as soon as possible  
8.2 and no later than August 1 a person under contract to collect waste pesticides of an  
8.3 anticipated suspension or payment reduction.

8.4 (b) An additional fee of \$100 must be paid by the applicant for each pesticide to be  
8.5 registered if the application is a renewal application that is submitted after December 31.

8.6 (c) A registrant must annually report to the commissioner the amount and type of  
8.7 each registered pesticide sold, offered for sale, or otherwise distributed in the state. The  
8.8 report shall be filed by March 1 for the previous year's registration. The commissioner  
8.9 shall specify the form of the report and require additional information deemed necessary  
8.10 to determine the amount and type of pesticides annually distributed in the state. The  
8.11 information required shall include the brand name, amount, and formulation of each  
8.12 pesticide sold, offered for sale, or otherwise distributed in the state, but the information  
8.13 collected, if made public, shall be reported in a manner which does not identify a specific  
8.14 brand name in the report.

8.15 (d) A registrant who is required to pay more than the minimum fee for any pesticide  
8.16 under paragraph (a) must pay a late fee penalty of \$100 for each pesticide application fee  
8.17 paid after March 1 in the year for which the license is to be issued.

8.18 **EFFECTIVE DATE.** This section is effective July 1, 2008, and applies to all  
8.19 cooperative agreements entered into by the commissioner of agriculture and local units of  
8.20 government for waste pesticide collection and disposal after that date.

8.21 Sec. 8. Minnesota Statutes 2006, section 18D.305, subdivision 2, is amended to read:

8.22 Subd. 2. **Revocation and suspension.** (a) The commissioner may, after written  
8.23 notice and hearing, revoke, suspend, or refuse to grant or renew a registration, permit,  
8.24 license, or certification if a person violates a provision of this chapter or has a history  
8.25 within the last three years of violations of this chapter.

8.26 (b) The commissioner may refuse to accept an application for a registration, permit,  
8.27 license, or certification, and may revoke or suspend a previously issued registration,  
8.28 permit, license, or certification of a person from another state if that person has:

8.29 (1) had a registration, permit, license, or certification denied, revoked, or suspended  
8.30 by another state for an offense reasonably related to the requirements, qualifications, or  
8.31 duties of a registration, permit, license, or certification issued under chapter 18B or 18C; or

8.32 (2) been convicted of a violation, had a history of violations, or been subject to a  
8.33 final order imposing civil penalties authorized under the Federal Insecticide, Fungicide  
8.34 and Rodenticide Act (FIFRA), as amended.

9.1 Sec. 9. Minnesota Statutes 2006, section 18E.04, subdivision 2, is amended to read:

9.2 Subd. 2. **Payment of corrective action costs.** (a) On request by an eligible person,  
9.3 the board may pay the eligible person for the reasonable and necessary cash disbursements  
9.4 for corrective action costs incurred by the eligible person as provided under subdivision 4  
9.5 if the board determines:

9.6 (1) the eligible person pays the first \$1,000 of the corrective action costs;

9.7 (2) the eligible person provides the board with a sworn affidavit and other convincing  
9.8 evidence that the eligible person is unable to pay additional corrective action costs;

9.9 (3) the eligible person continues to assume responsibility for carrying out the  
9.10 requirements of corrective action orders issued to the eligible person or that are in effect;

9.11 (4) the incident was reported as required in chapters 18B, 18C, and 18D; and

9.12 (5) the eligible person submits an application for payment or reimbursement to the  
9.13 department, along with associated invoices, within three years of (i) ~~incurring eligible~~  
9.14 ~~corrective action costs~~ performance of the eligible work, or (ii) approval of ~~a~~ the related  
9.15 corrective action design or plan for that work, whichever is later.

9.16 (b) ~~The eligible person must submit an application for payment or reimbursement of~~  
9.17 ~~eligible cost incurred prior to July 1, 2001, no later than June 1, 2004.~~

9.18 ~~(e)~~ An eligible person is not eligible for payment or reimbursement and must refund  
9.19 amounts paid or reimbursed by the board if false statements or misrepresentations are  
9.20 made in the affidavit or other evidence submitted to the commissioner to show an inability  
9.21 to pay corrective action costs.

9.22 ~~(d)~~ (c) The board may pay the eligible person and one or more designees by  
9.23 multiparty check.

9.24 Sec. 10. Minnesota Statutes 2006, section 28A.03, is amended by adding a subdivision  
9.25 to read:

9.26 Subd. 10. **Vending machine.** "Vending machine" means a self-service device that,  
9.27 upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of  
9.28 food in bulk or in packages without the necessity of replenishing the device between  
9.29 each vending operation.

9.30 Sec. 11. Minnesota Statutes 2006, section 28A.05, is amended to read:

9.31 **28A.05 CLASSIFICATION.**

9.32 All persons required to have a license under section 28A.04 shall be classified  
9.33 into one of the following classes of food handlers, according to their principal mode of  
9.34 business.

10.1 (a) Retail food handlers are persons who sell or process and sell food directly to the  
10.2 ultimate consumer or who custom process meat or poultry. The term includes a person  
10.3 who sells food directly to the ultimate consumer through the use of ~~coin-actuated~~ vending  
10.4 machines, and a person who sells food for consumption on-site or off-site if the sale is  
10.5 conducted on the premises that are part of a grocery or convenience store operation.

10.6 (b) Wholesale food handlers are persons who sell to others for resale. A person who  
10.7 handles food in job lots (jobbers) is included in this classification.

10.8 (c) Wholesale food processors or manufacturers are persons who process or  
10.9 manufacture raw materials and other food ingredients into food items, or who reprocess  
10.10 food items, or who package food for sale to others for resale, or who commercially  
10.11 slaughter animals or poultry. Included herein are persons who can, extract, ferment,  
10.12 distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack, bottle, recondition, or  
10.13 otherwise treat or preserve food for sale to others for resale, cold storage warehouse  
10.14 operators as defined in section 28.01, subdivision 3, salvage food processors as defined in  
10.15 section 31.495, subdivision 1, dairy plants as defined in section 32.01, subdivision 6, and  
10.16 nonresident manufacturers of frozen foods as described in section 32.59.

10.17 (d) A food broker is a person who buys and sells food and who negotiates between  
10.18 a buyer and a seller of food, but who at no time has custody of the food being bought  
10.19 and sold.

10.20 Sec. 12. Minnesota Statutes 2006, section 28A.08, is amended to read:

10.21 **28A.08 LICENSE FEES; PENALTIES.**

10.22 Subdivision 1. **General.** License fees, penalties for late renewal of licenses, and  
10.23 penalties for not obtaining a license before conducting business in food handling that are  
10.24 set in this section apply to the sections named except as provided under section 28A.09.  
10.25 Except as specified herein, bonds and assessments based on number of units operated or  
10.26 volume handled or processed which are provided for in said laws shall not be affected,  
10.27 nor shall any penalties for late payment of said assessments, nor shall inspection fees, be  
10.28 affected by this chapter. The penalties may be waived by the commissioner. Fees for all  
10.29 new licenses must be based on the anticipated future gross annual food sales. If a firm is  
10.30 found to be operating for multiple years without paying license fees, the state may collect  
10.31 the appropriate fees and penalties for each year of operation.

10.32 Subd. 3. **Fees effective July 1, 2003.**

		Penalties		
	Type of food handler	License Fee Effective July 1, 2003	Late Renewal	No License
11.1				
11.2	Type of food handler	License Fee	Late	No License
11.3		Effective	Renewal	
11.4		July 1, 2003		
11.5	1. Retail food handler			
11.6	(a) Having gross sales of only			
11.7	prepackaged nonperishable food of			
11.8	less than \$15,000 for the immediately			
11.9	previous license or fiscal year and filing a			
11.10	statement with the commissioner	\$ 50	\$ 17	\$ 33
11.11	(b) Having under \$15,000 gross sales			
11.12	<u>or service</u> including food preparation or			
11.13	having \$15,000 to \$50,000 gross sales			
11.14	<u>or service</u> for the immediately previous			
11.15	license or fiscal year	\$ 77	\$ 25	\$ 51
11.16	(c) Having \$50,001 to \$250,000 gross			
11.17	sales <u>or service</u> for the immediately			
11.18	previous license or fiscal year	\$155	\$ 51	\$102
11.19	(d) Having \$250,001 to \$1,000,000 gross			
11.20	sales <u>or service</u> for the immediately			
11.21	previous license or fiscal year	\$276	\$ 91	\$ 182
11.22	(e) Having \$1,000,001 to \$5,000,000			
11.23	gross sales <u>or service</u> for the immediately			
11.24	previous license or fiscal year	\$799	\$264	\$527
11.25	(f) Having \$5,000,001 to \$10,000,000			
11.26	gross sales <u>or service</u> for the immediately			
11.27	previous license or fiscal year	\$1,162	\$383	\$767
11.28	(g) Having \$10,000,001 to \$15,000,000			
11.29	gross sales <u>or service</u> for the immediately			
11.30	previous license or fiscal year	\$1,376	\$454	\$908
11.31	(h) Having \$15,000,001 to \$20,000,000			
11.32	gross sales <u>or service</u> for the immediately			
11.33	previous license or fiscal year	\$1,607	\$530	\$1,061

12.1	(i) Having \$20,000,001 to \$25,000,000			
12.2	gross sales <u>or service</u> for the immediately			
12.3	previous license or fiscal year	\$1,847	\$610	\$1,219
12.4	(j) Having over \$25,000,001 gross sales			
12.5	<u>or service</u> for the immediately previous			
12.6	license or fiscal year	\$2,001	\$660	\$1,321
12.7	2. Wholesale food handler			
12.8	(a) Having gross sales or service of			
12.9	less than \$25,000 for the immediately			
12.10	previous license or fiscal year	\$ 57	\$ 19	\$ 38
12.11	(b) Having \$25,001 to \$250,000 gross			
12.12	sales or service for the immediately			
12.13	previous license or fiscal year	\$284	\$ 94	\$187
12.14	(c) Having \$250,001 to \$1,000,000			
12.15	gross sales or service from a mobile unit			
12.16	without a separate food facility for the			
12.17	immediately previous license or fiscal			
12.18	year	\$444	\$147	\$293
12.19	(d) Having \$250,001 to \$1,000,000			
12.20	gross sales or service not covered			
12.21	under paragraph (c) for the immediately			
12.22	previous license or fiscal year	\$590	\$195	\$389
12.23	(e) Having \$1,000,001 to \$5,000,000			
12.24	gross sales or service for the immediately			
12.25	previous license or fiscal year	\$769	\$254	\$508
12.26	(f) Having \$5,000,001 to \$10,000,000			
12.27	gross sales <u>or service</u> for the immediately			
12.28	previous license or fiscal year	\$920	\$304	\$607
12.29	(g) Having \$10,000,001 to \$15,000,000			
12.30	gross sales or service for the immediately			
12.31	previous license or fiscal year	\$990	\$327	\$653

13.1	(h) Having \$15,000,001 to \$20,000,000			
13.2	gross sales or service for the immediately			
13.3	previous license or fiscal year	\$1,156	\$381	\$763
13.4	(i) Having \$20,000,001 to \$25,000,000			
13.5	gross sales or service for the immediately			
13.6	previous license or fiscal year	\$1,329	\$439	\$877
13.7	(j) Having over \$25,000,001 or more			
13.8	gross sales or service for the immediately			
13.9	previous license or fiscal year	\$1,502	\$496	\$991
13.10	3. Food broker	\$150	\$ 50	\$ 99
13.11	4. Wholesale food processor or manufacturer			
13.12	(a) Having gross sales <u>or service</u> of			
13.13	less than \$125,000 for the immediately			
13.14	previous license or fiscal year	\$169	\$ 56	\$112
13.15	(b) Having \$125,001 to \$250,000 gross			
13.16	sales <u>or service</u> for the immediately			
13.17	previous license or fiscal year	\$392	\$129	\$259
13.18	(c) Having \$250,001 to \$1,000,000 gross			
13.19	sales <u>or service</u> for the immediately			
13.20	previous license or fiscal year	\$590	\$195	\$389
13.21	(d) Having \$1,000,001 to \$5,000,000			
13.22	gross sales <u>or service</u> for the immediately			
13.23	previous license or fiscal year	\$769	\$254	\$508
13.24	(e) Having \$5,000,001 to \$10,000,000			
13.25	gross sales <u>or service</u> for the immediately			
13.26	previous license or fiscal year	\$920	\$304	\$607
13.27	(f) Having \$10,000,001 to \$15,000,000			
13.28	gross sales <u>or service</u> for the immediately			
13.29	previous license or fiscal year	\$1,377	\$454	\$909
13.30	(g) Having \$15,000,001 to \$20,000,000			
13.31	gross sales or service for the immediately			
13.32	previous license or fiscal year	\$1,608	\$531	\$1,061

14.1	(h) Having \$20,000,001 to \$25,000,000			
14.2	gross sales or service for the immediately			
14.3	previous license or fiscal year	\$1,849	\$610	\$1,220
14.4	(i) Having \$25,000,001 to \$50,000,000			
14.5	gross sales or service for the immediately			
14.6	previous license or fiscal year	\$2,090	\$690	\$1,379
14.7	(j) Having \$50,000,001 to \$100,000,000			
14.8	gross sales or service for the immediately			
14.9	previous license or fiscal year	\$2,330	\$769	\$1,538
14.10	(k) Having \$100,000,000 or more gross			
14.11	sales or service for the immediately			
14.12	previous license or fiscal year	\$2,571	\$848	\$1,697
14.13	5. Wholesale food processor of meat or			
14.14	poultry products under supervision of the			
14.15	U.S. Department of Agriculture			
14.16	(a) Having gross sales <u>or service</u> of			
14.17	less than \$125,000 for the immediately			
14.18	previous license or fiscal year	\$112	\$ 37	\$ 74
14.19	(b) Having \$125,001 to \$250,000 gross			
14.20	sales <u>or service</u> for the immediately			
14.21	previous license or fiscal year	\$214	\$ 71	\$141
14.22	(c) Having \$250,001 to \$1,000,000 gross			
14.23	sales <u>or service</u> for the immediately			
14.24	previous license or fiscal year	\$333	\$110	\$220
14.25	(d) Having \$1,000,001 to \$5,000,000			
14.26	gross sales <u>or service</u> for the immediately			
14.27	previous license or fiscal year	\$425	\$140	\$281
14.28	(e) Having \$5,000,001 to \$10,000,000			
14.29	gross sales <u>or service</u> for the immediately			
14.30	previous license or fiscal year	\$521	\$172	\$344
14.31	(f) Having over \$10,000,001 gross sales			
14.32	<u>or service</u> for the immediately previous			
14.33	license or fiscal year	\$765	\$252	\$505

15.1	(g) Having \$15,000,001 to \$20,000,000			
15.2	gross sales <u>or service</u> for the immediately			
15.3	previous license or fiscal year	\$893	\$295	\$589
15.4	(h) Having \$20,000,001 to \$25,000,000			
15.5	gross sales <u>or service</u> for the immediately			
15.6	previous license or fiscal year	\$1,027	\$339	\$678
15.7	(i) Having \$25,000,001 to \$50,000,000			
15.8	gross sales <u>or service</u> for the immediately			
15.9	previous license or fiscal year	\$1,161	\$383	\$766
15.10	(j) Having \$50,000,001 to \$100,000,000			
15.11	gross sales <u>or service</u> for the immediately			
15.12	previous license or fiscal year	\$1,295	\$427	\$855
15.13	(k) Having \$100,000,001 or more gross			
15.14	sales <u>or service</u> for the immediately			
15.15	previous license or fiscal year	\$1,428	\$471	\$942
15.16	6. Wholesale food processor or manufacturer			
15.17	operating only at the State Fair	\$125	\$ 40	\$ 50
15.18	7. Wholesale food manufacturer having the			
15.19	permission of the commissioner to use the			
15.20	name Minnesota Farmstead cheese	\$ 30	\$ 10	\$ 15
15.21	8. Nonresident frozen dairy manufacturer	\$200	\$ 50	\$ 75
15.22	9. Wholesale food manufacturer processing			
15.23	less than 700,000 pounds per year of raw			
15.24	milk	\$ 30	\$ 10	\$ 15
15.25	10. A milk marketing organization without			
15.26	facilities for processing or manufacturing			
15.27	that purchases milk from milk producers			
15.28	for delivery to a licensed wholesale food			
15.29	processor or manufacturer	\$ 50	\$ 15	\$ 25

15.30 Sec. 13. Minnesota Statutes 2006, section 28A.082, is amended by adding a  
 15.31 subdivision to read:

16.1            Subd. 3. **Disaster areas.** If the governor declares a disaster in an area of the  
16.2 state, the commissioner of agriculture may waive the plan review fee and direct agency  
16.3 personnel to expedite the plan review process.

16.4            Sec. 14. Minnesota Statutes 2006, section 28A.09, subdivision 1, is amended to read:

16.5            Subdivision 1. **Annual fee; exceptions.** Every ~~coin-operated~~ food vending machine  
16.6 is subject to an annual state inspection fee of \$25 for each nonexempt machine except  
16.7 nut vending machines which are subject to an annual state inspection fee of \$10 for each  
16.8 machine, provided that:

16.9            (a) Food vending machines may be inspected by either a home rule charter or  
16.10 statutory city, or a county, but not both, and if inspected by a home rule charter or statutory  
16.11 city, or a county they shall not be subject to the state inspection fee, but the home rule  
16.12 charter or statutory city, or the county may impose an inspection or license fee of no more  
16.13 than the state inspection fee. A home rule charter or statutory city or county that does  
16.14 not inspect food vending machines shall not impose a food vending machine inspection  
16.15 or license fee.

16.16            (b) Vending machines dispensing only gum balls, hard candy, unsorted candy, or ice  
16.17 manufactured and packaged by another ~~shall be~~, and water dispensing machines serviced  
16.18 by a cashier, are exempt from the state inspection fee, but may be inspected by the state. A  
16.19 home rule charter or statutory city may impose by ordinance an inspection or license fee  
16.20 of no more than the state inspection fee for nonexempt machines on the vending machines  
16.21 and water dispensing machines described in this paragraph. A county may impose  
16.22 by ordinance an inspection or license fee of no more than the state inspection fee for  
16.23 nonexempt machines on the vending machines and water dispensing machines described  
16.24 in this paragraph which are not located in a home rule charter or statutory city.

16.25            (c) Vending machines dispensing only bottled or canned soft drinks are exempt from  
16.26 the state, home rule charter or statutory city, and county inspection fees, but may be  
16.27 inspected by the commissioner or the commissioner's designee.

16.28            Sec. 15. Minnesota Statutes 2006, section 29.23, is amended to read:

16.29            **29.23 GRADING.**

16.30            Subdivision 1. **Grades, weight classes and standards for quality.** All eggs  
16.31 purchased on the basis of grade by the first licensed buyer shall be graded in accordance  
16.32 with grade and weight classes established by the commissioner. The commissioner shall  
16.33 establish, by rule, and from time to time, may amend or revise, grades, weight classes,  
16.34 and standards for quality. When grades, weight classes, and standards for quality have

17.1 been fixed by the secretary of the Department of Agriculture of the United States, they  
17.2 ~~may~~ must be accepted and published by the commissioner as definitions or standards for  
17.3 eggs in interstate and intrastate commerce.

17.4 Subd. 2. **Equipment.** The commissioner shall also by rule provide for minimum  
17.5 plant and equipment requirements for candling, grading, handling and storing eggs, and  
17.6 shall define candling. Equipment in use by a wholesale food handler before July 1, 1991,  
17.7 that does not meet the design and fabrication requirements of this chapter may remain in  
17.8 use if it is in good repair, capable of being maintained in a sanitary condition, and capable  
17.9 of maintaining a temperature of 45 degrees Fahrenheit (7 degrees Celsius) or less.

17.10 Subd. 3. **Egg temperature.** Eggs must be held at a temperature not to exceed 45  
17.11 degrees Fahrenheit (7 degrees Celsius) after being received by the egg handler except for  
17.12 cleaning, sanitizing, grading, and further processing when they must immediately be  
17.13 placed under refrigeration that is maintained at 45 degrees Fahrenheit (7 degrees Celsius)  
17.14 or below. Eggs offered for ~~retail~~ sale by a retail food handler must be held at a temperature  
17.15 not to exceed ~~45~~ 41 degrees Fahrenheit (7 degrees Celsius). Equipment in use prior to  
17.16 August 1, 1991, is not subject to this requirement. Shell eggs that have been frozen must  
17.17 not be offered for sale except as approved by the commissioner.

17.18 Subd. 4. **Vehicle temperature.** A vehicle used ~~for the transportation of~~ to transport  
17.19 shell eggs from a warehouse, retail store, candling and grading facility, or egg holding  
17.20 facility must have an ambient air temperature of 45 degrees Fahrenheit (7 degrees Celsius)  
17.21 or below.

17.22 Sec. 16. Minnesota Statutes 2006, section 31.05, is amended to read:

17.23 **31.05 EMBARGOES AND CONDEMNATIONS.**

17.24 Subdivision 1. **Definitions.** As used in this section, "animals" means cattle; swine;  
17.25 sheep; goats; poultry; farmed cervidae, as defined in section 35.153, subdivision 3;  
17.26 llamas, as defined in section 17.455, subdivision 2; ratitae, as defined in section 17.453,  
17.27 subdivision 3; equines; and other large domesticated animals.

17.28 Subd. 1a. **Tag or notice.** A duly authorized agent of the commissioner who finds or  
17.29 has probable cause to believe that any food, animal, or consumer commodity is adulterated  
17.30 or so misbranded as to be dangerous or fraudulent, or is in violation of section 31.131  
17.31 shall affix to such article or animal a tag or other appropriate marking giving notice that  
17.32 such article or animal is, or is suspected of being, adulterated or misbranded and has  
17.33 been detained or embargoed, and warning all persons not to remove or dispose of such  
17.34 article or animal by sale or otherwise until permission for removal or disposal is given by

18.1 such agent or the court. It shall be unlawful for any person to remove or dispose of such  
18.2 detained or embargoed article or animal by sale or otherwise without such permission.

18.3 Subd. 2. **Action for condemnation.** When an article or animal detained or  
18.4 embargoed under subdivision 1 has been found by such agent to be adulterated, or  
18.5 misbranded, the agent shall petition the district court in the county in which the article or  
18.6 animal is detained or embargoed for an order and decree for the condemnation of such  
18.7 article or animal. Any such agent who has found that an article or animal so detained or  
18.8 embargoed is not adulterated or misbranded, shall remove the tag or other marking.

18.9 Subd. 3. **Remedies.** If the court finds that a detained or embargoed article or animal  
18.10 is adulterated or misbranded, such article or animal shall, after entry of the decree, be  
18.11 destroyed at the expense of the claimant thereof, under the supervision of such agent, and  
18.12 all court costs and fees, and storage and other proper expenses, shall be taxed against  
18.13 the claimant of such article or animal or the claimant's agent; provided, that when the  
18.14 adulteration or misbranding can be corrected by proper labeling or processing of the article  
18.15 or animal, the court, after entry of the decree and after such costs, fees, and expenses have  
18.16 been paid and a good and sufficient bond, conditioned that such article or animal shall be  
18.17 so labeled or processed, has been executed, may by order direct that such article or animal  
18.18 be delivered to claimant thereof for such labeling or processing under the supervision of  
18.19 an agent of the commissioner. The expense of such supervision shall be paid by claimant.  
18.20 The article or animal shall be returned to the claimant and the bond shall be discharged on  
18.21 the representation to the court by the commissioner that the article or animal is no longer  
18.22 in violation and that the expenses of such supervision have been paid.

18.23 Subd. 4. **Duties of commissioner.** Whenever the commissioner or any of the  
18.24 commissioner's authorized agents shall find in any room, building, vehicle of transportation  
18.25 or other structure, any meat, seafood, poultry, vegetable, fruit, or other perishable articles  
18.26 of food which are unsound, or contain any filthy, decomposed, or putrid substance, or that  
18.27 may be poisonous or deleterious to health or otherwise unsafe, the same being hereby  
18.28 declared to be a nuisance, the commissioner, or the commissioner's authorized agent, shall  
18.29 forthwith condemn or destroy the same, or in any other manner render the same unsalable  
18.30 as human food, and no one shall have any cause of action against the commissioner or the  
18.31 commissioner's authorized agent on account of such action.

18.32 Subd. 5. **Emergency response.** In the event of an emergency declared by the  
18.33 governor's order under section 12.31, if the commissioner finds or has probable cause to  
18.34 believe that a livestock, food, or a consumer commodity within a specific area is likely  
18.35 to be adulterated because of the emergency or so misbranded as to be dangerous or

19.1 fraudulent, or is in violation of section 31.131, subdivision 1, the commissioner may  
19.2 embargo a geographic area that is included in the declared emergency. The commissioner  
19.3 shall provide notice to the public and to those with custody of the product in as thorough a  
19.4 manner as is practical under the emergency circumstances.

19.5 Sec. 17. Minnesota Statutes 2006, section 31.171, is amended to read:

19.6 **31.171 EMPLOYMENT OF DISEASED PERSON.**

19.7 It shall be unlawful for any person to work in or about any place where any fruit  
19.8 or any food products are manufactured, packed, stored, deposited, collected, prepared,  
19.9 produced or sold, whose condition is such that disease may be spread to associates direct,  
19.10 or through the medium of milk, cream, butter, other food or food products, likely to be  
19.11 eaten without being cooked after handling, whether such condition be due to a contagious,  
19.12 ~~or infectious, or venereal~~ disease, in its active or convalescent stage, or to the presence of  
19.13 disease germs, whether accompanied by, or without, any symptoms of the disease itself.

19.14 It shall be the duty of the commissioner, or the commissioner's assistant, inspector, or  
19.15 agent, to report to the state commissioner of health for investigation, any person suspected  
19.16 to be dangerous to the public health, as provided for in this section, and immediately to  
19.17 exclude such person from such employment pending investigation and during the period  
19.18 of infectiousness, if such person is certified by the state commissioner of health, or an  
19.19 authorized agent, to be dangerous to the public health.

19.20 Sec. 18. Minnesota Statutes 2007 Supplement, section 31.175, is amended to read:

19.21 **31.175 WATER, PLUMBING, AND SEWAGE.**

19.22 A person who is required by statutes administered by the Department of Agriculture,  
19.23 or by rules adopted pursuant to those statutes, to provide a suitable water supply,  
19.24 or plumbing or sewage disposal system, ~~may~~ shall not engage in the business of  
19.25 manufacturing, processing, selling, handling, or storing food at wholesale or retail  
19.26 unless the person's water supply is satisfactory ~~under plumbing codes~~ pursuant to rules  
19.27 adopted by the Department of Health, the person's plumbing is satisfactory pursuant to  
19.28 rules adopted by the Department of Labor and Industry, and the person's sewage disposal  
19.29 system satisfies the rules of the Pollution Control Agency.

19.30 Sec. 19. **[32.416] SOMATIC CELL COUNT, GOAT MILK.**

19.31 Notwithstanding any federal standard incorporated by reference in this chapter, the  
19.32 maximum allowable somatic cell count for raw goat milk is 1,500,000 cells per milliliter.

19.33 Sec. 20. Minnesota Statutes 2006, section 41A.09, subdivision 3a, is amended to read:

20.1           Subd. 3a. **Ethanol producer payments.** (a) The commissioner shall make cash  
20.2 payments to producers of ethanol located in the state that have begun production at a  
20.3 specific location by June 30, 2000. For the purpose of this subdivision, an entity that holds  
20.4 a controlling interest in more than one ethanol plant is considered a single producer.  
20.5 The amount of the payment for each producer's annual production, except as provided  
20.6 in paragraph (c), is 20 cents per gallon for each gallon of ethanol produced at a specific  
20.7 location on or before June 30, 2000, or ten years after the start of production, whichever is  
20.8 later. Annually, within 90 days of the end of its fiscal year, an ethanol producer receiving  
20.9 payments under this subdivision must file a disclosure statement on a form provided by  
20.10 the commissioner. The initial disclosure statement must include a summary description  
20.11 of the organization of the business structure of the claimant, a listing of the percentages  
20.12 of ownership by any person or other entity with an ownership interest of five percent or  
20.13 greater, and a copy of its annual audited financial statements, including the auditor's report  
20.14 and footnotes. The disclosure statement must include information demonstrating what  
20.15 percentage of the entity receiving payments under this section is owned by farmers or  
20.16 other entities eligible to farm or own agricultural land in Minnesota under the provisions  
20.17 of section 500.24. Subsequent annual reports must reflect noncumulative changes in  
20.18 ownership of ten percent or more of the entity. The report need not disclose the identity of  
20.19 the persons or entities eligible to farm or own agricultural land with ownership interests,  
20.20 individuals residing within 30 miles of the plant, or of any other entity with less than  
20.21 ten percent ownership interest, but the claimant must retain information within its files  
20.22 confirming the accuracy of the data provided. This data must be made available to the  
20.23 commissioner upon request. Not later than the 15th day of February in each year the  
20.24 commissioner shall deliver to the chairs of the standing committees of the senate and the  
20.25 house of representatives that deal with agricultural policy and agricultural finance issues  
20.26 an annual report summarizing aggregated data from plants receiving payments under this  
20.27 section during the preceding calendar year. Audited financial statements and notes and  
20.28 disclosure statements submitted to the commissioner are nonpublic data under section  
20.29 13.02, subdivision 9. Notwithstanding the provisions of chapter 13 relating to nonpublic  
20.30 data, summaries of the submitted audited financial reports and notes and disclosure  
20.31 statements will be contained in the report to the committee chairs and will be public data.  
20.32           (b) No payments shall be made for ethanol production that occurs after June 30,  
20.33 2010. A producer of ethanol shall not transfer the producer's eligibility for payments  
20.34 under this section to an ethanol plant at a different location.  
20.35           (c) If the level of production at an ethanol plant increases due to an increase in the  
20.36 production capacity of the plant, the payment under paragraph (a) applies to the additional

21.1 increment of production until ten years after the increased production began. Once a  
21.2 plant's production capacity reaches 15,000,000 gallons per year, no additional increment  
21.3 will qualify for the payment.

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

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

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

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

21.26 (h) The commissioner shall reimburse ethanol producers for any deficiency in  
21.27 payments during earlier quarters if the deficiency occurred because of unallotment or  
21.28 because appropriated money was insufficient to make timely payments in the full amount  
21.29 provided in paragraph (a). Notwithstanding the quarterly or annual payment limitations in  
21.30 this subdivision, the commissioner shall begin making payments for earlier deficiencies in  
21.31 each fiscal year that appropriations for ethanol payments exceed the amount required to  
21.32 make eligible scheduled payments. Payments for earlier deficiencies must continue until  
21.33 the deficiencies for each producer are paid in full, except the commissioner shall not make  
21.34 a deficiency payment to an entity that no longer produces ethanol on a commercial scale  
21.35 at the location for which the entity qualified for producer payments, or to an assignee of  
21.36 the entity.

22.1 (i) The commissioner may make direct payments to producers of rural economic  
22.2 infrastructure with any amount of the annual appropriation for ethanol producer payments  
22.3 and rural economic infrastructure that is in excess of the amount required to make  
22.4 scheduled ethanol producer payments and deficiency payments under paragraphs (a) to (h).

22.5 Sec. 21. Minnesota Statutes 2007 Supplement, section 41A.105, is amended to read:

22.6 **41A.105 NEXTGEN ENERGY.**

22.7 Subdivision 1. **Purpose.** It is the goal of the state through the Department of  
22.8 Agriculture to research and develop energy sources to displace fossil fuels with renewable  
22.9 technology.

22.10 Subd. 2. **NextGen Energy Board.** There is created a NextGen Energy Board  
22.11 consisting of the commissioners of agriculture, commerce, natural resources, the Pollution  
22.12 Control Agency, and employment and economic development; the chairs of the house and  
22.13 senate committees with jurisdiction over energy finance; the chairs of the house and senate  
22.14 committees with jurisdiction over agriculture finance; one member of the second largest  
22.15 political party in the house, as appointed by the chairs of the house committees with  
22.16 jurisdiction over agriculture finance and energy finance; one member of the second largest  
22.17 political party in the senate, as appointed by the chairs of the senate committees with  
22.18 jurisdiction over agriculture finance and energy finance; and the executive director of the  
22.19 Agricultural Utilization Research Institute. In addition, the governor shall appoint ~~seven~~  
22.20 eight members: two representing statewide agriculture organizations; two representing  
22.21 statewide environment and natural resource conservation organizations; one representing  
22.22 the University of Minnesota; one representing the Minnesota Institute for Sustainable  
22.23 Agriculture; ~~and~~ one representing the Minnesota State Colleges and Universities system;  
22.24 and one representing the forest products industry.

22.25 Subd. 3. **Duties.** The board shall research and report to the commissioner of  
22.26 agriculture and to the legislature recommendations as to how the state can invest its  
22.27 resources to most efficiently achieve energy independence, agricultural and natural  
22.28 resources sustainability, and rural economic vitality. The board shall:

22.29 (1) examine the future of fuels, such as synthetic gases, biobutanol, hydrogen,  
22.30 methanol, biodiesel, and ethanol within Minnesota;

22.31 (2) develop equity grant programs to assist locally owned facilities;

22.32 (3) study the proper role of the state in creating financing and investing and  
22.33 providing incentives;

23.1 (4) evaluate how state and federal programs, including the Farm Bill, can best work  
23.2 together and leverage resources;

23.3 (5) work with other entities and committees to develop a clean energy program; and

23.4 (6) report to the legislature before February 1 each year with recommendations as  
23.5 to appropriations and results of past actions and projects.

23.6 Subd. 4. **Commissioner's duties.** The commissioner of agriculture shall administer  
23.7 this section.

23.8 Subd. 5. **Expiration.** This section expires June 30, ~~2009~~ 2014.

23.9 Sec. 22. Minnesota Statutes 2006, section 41D.01, subdivision 4, is amended to read:

23.10 Subd. 4. **Expiration.** This section expires on June 30, ~~2008~~ 2013.

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

23.12 Sec. 23. Minnesota Statutes 2006, section 97A.028, subdivision 3, is amended to read:

23.13 Subd. 3. **Emergency deterrent materials assistance.** (a) For the purposes of this  
23.14 subdivision, "cooperative damage management agreement" means an agreement between  
23.15 a landowner or tenant and the commissioner that establishes a program for addressing the  
23.16 problem of destruction of the landowner's or tenant's specialty crops or stored forage crops  
23.17 by wild animals, or destruction of agricultural crops by flightless Canada geese.

23.18 (b) A landowner or tenant may apply to the commissioner for emergency deterrent  
23.19 materials assistance in controlling destruction of the landowner's or tenant's specialty  
23.20 crops or stored forage crops by wild animals, or destruction of agricultural crops by  
23.21 flightless Canada geese. Subject to the availability of money appropriated for this purpose,  
23.22 the commissioner shall provide suitable deterrent materials when the commissioner  
23.23 determines that:

23.24 (1) immediate action is necessary to prevent significant damage from continuing  
23.25 ~~or to prevent the spread of bovine tuberculosis~~; and

23.26 (2) a cooperative damage management agreement cannot be implemented  
23.27 immediately.

23.28 (c) A person may receive emergency deterrent materials assistance under this  
23.29 subdivision more than once, but the cumulative total value of deterrent materials provided  
23.30 to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops, ~~\$5,000 for~~  
23.31 ~~measures to prevent the spread of bovine tuberculosis within a five-mile radius of a cattle~~  
23.32 ~~herd that is infected with bovine tuberculosis as determined by the Board of Animal~~  
23.33 ~~Health~~, \$750 for protecting stored forage crops, or \$500 for agricultural crops damaged by

24.1 flightless Canada geese. If a person is a co-owner or cotenant with respect to the specialty  
24.2 crops for which the deterrent materials are provided, the deterrent materials are deemed to  
24.3 be "provided" to the person for the purposes of this paragraph.

24.4 (d) As a condition of receiving emergency deterrent materials assistance under this  
24.5 subdivision, a landowner or tenant shall enter into a cooperative damage management  
24.6 agreement with the commissioner. Deterrent materials provided by the commissioner may  
24.7 include repellents, fencing materials, or other materials recommended in the agreement  
24.8 to alleviate the damage problem. If requested by a landowner or tenant, any fencing  
24.9 materials provided must be capable of providing long-term protection of specialty crops.  
24.10 A landowner or tenant who receives emergency deterrent materials assistance under  
24.11 this subdivision shall comply with the terms of the cooperative damage management  
24.12 agreement.

24.13 Sec. 24. Minnesota Statutes 2006, section 148.01, subdivision 1, is amended to read:

24.14 Subdivision 1. **Definitions.** For the purposes of sections 148.01 to 148.10:

24.15 (1) "chiropractic" is defined as the science of adjusting any abnormal articulations of  
24.16 the human body, especially those of the spinal column, for the purpose of giving freedom  
24.17 of action to impinged nerves that may cause pain or deranged function; and

24.18 (2) "animal chiropractic diagnosis and treatment" means treatment that includes  
24.19 identifying and resolving vertebral subluxation complexes, spinal manipulation, and  
24.20 manipulation of the extremity articulations of nonhuman vertebrates. Animal chiropractic  
24.21 diagnosis and treatment does not include:

24.22 (i) performing surgery;

24.23 (ii) dispensing or administering of medications; or

24.24 (iii) performing traditional veterinary care and diagnosis.

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

24.26 Sec. 25. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision  
24.27 to read:

24.28 Subd. 1a. **Animal chiropractic practice.** A licensed chiropractor may engage in  
24.29 the practice of animal chiropractic diagnosis and treatment if registered to do so by the  
24.30 board, and the animal has been referred to the chiropractor by a veterinarian.

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

24.32 Sec. 26. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision  
24.33 to read:

25.1            Subd. 1b. **Scope of practice; animal chiropractic.** Criteria for registration  
25.2 to engage in the practice of animal chiropractic diagnosis and treatment must be set  
25.3 by the board, and must include, but are not limited to: active chiropractic license;  
25.4 education and training in the field of animal chiropractic from an American Veterinary  
25.5 Chiropractic Association, International Veterinary Chiropractic Association, or higher  
25.6 institution-approved course consisting of no less than 210 hours, meeting continuing  
25.7 education requirements; and other conditions and rules set by the board. The board  
25.8 shall consult with the State Board of Veterinary Medicine in preparing proposed rules  
25.9 on animal chiropractic.

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

25.11           Sec. 27. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision  
25.12 to read:

25.13           Subd. 1c. **Titles.** Notwithstanding the limitations established in section 156.12,  
25.14 subdivision 4, a doctor of chiropractic properly registered to provide chiropractic care to  
25.15 animals in accordance with this chapter and rules of the board may use the title "animal  
25.16 chiropractor."

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

25.18           Sec. 28. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision  
25.19 to read:

25.20           Subd. 1d. **Provisional interim statute.** Upon approval by the board, a licensed  
25.21 chiropractor who has already taken and passed the education and training requirement  
25.22 set forth in subdivision 1b may engage in the practice of animal chiropractic during the  
25.23 time that the rules are being promulgated by the board. Enforcement actions may not  
25.24 be taken against persons who have completed the approved program of study by the  
25.25 American Veterinary Chiropractic Association or the International Veterinary Chiropractic  
25.26 Association until the rules have been adopted by the board.

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

25.28           Sec. 29. **[148.032] EDUCATIONAL CRITERIA FOR LICENSURE IN ANIMAL**  
25.29 **CHIROPRACTIC DIAGNOSIS AND TREATMENT; RECORDS; TREATMENT**  
25.30 **NOTES.**

26.1           (a) The following educational criteria must be applied to any licensed chiropractor  
26.2 who requests registration in animal chiropractic diagnosis and treatment. The criteria must  
26.3 include education and training in the following subjects:

- 26.4           (1) anatomy;
- 26.5           (2) anatomy laboratory;
- 26.6           (3) biomechanics and gait;
- 26.7           (4) chiropractic educational basics;
- 26.8           (5) animal chiropractic diversified adjusting technique, including:
  - 26.9           (i) lecture cervical;
  - 26.10           (ii) thoracic;
  - 26.11           (iii) lumbosacral;
  - 26.12           (iv) pelvic; and
  - 26.13           (v) extremity;
- 26.14           (6) animal chiropractic diversified adjusting technique, including:
  - 26.15           (i) laboratory cervical;
  - 26.16           (ii) thoracic;
  - 26.17           (iii) lumbosacral;
  - 26.18           (iv) pelvic; and
  - 26.19           (v) extremity;
- 26.20           (7) case management and case studies;
- 26.21           (8) chiropractic philosophy;
- 26.22           (9) ethics and legalities;
- 26.23           (10) neurology, neuroanatomy, and neurological conditions;
- 26.24           (11) pathology;
- 26.25           (12) radiology;
- 26.26           (13) research in current chiropractic and veterinary topics;
- 26.27           (14) rehabilitation, current topics, evaluation, and assessment;
- 26.28           (15) normal foot anatomy and normal foot care;
- 26.29           (16) saddle fit and evaluation, lecture, and laboratory;
- 26.30           (17) veterinary educational basics;
- 26.31           (18) vertebral subluxation complex; and
- 26.32           (19) zoonotic diseases.

26.33           (b) A licensed chiropractor requesting registration in animal chiropractic diagnosis  
26.34 and treatment must have completed and passed a course of study from an American  
26.35 Veterinary Chiropractic Association, International Veterinary Chiropractic Association, or

27.1 higher institution-approved program, consisting of no less than 210 hours of education  
27.2 and training as set forth in paragraph (a).

27.3 (c) A licensed chiropractor engaged in the practice of animal chiropractic diagnosis  
27.4 and treatment must maintain complete and accurate records and patient files in the  
27.5 chiropractor's office for at least three years.

27.6 (d) A licensed chiropractor engaged in the practice of animal chiropractic diagnosis  
27.7 and treatment must make treatment notes and records available to the patient's owner  
27.8 upon request and must communicate their findings and treatment plan with the referring  
27.9 veterinarian if requested by the patient's owner.

27.10 (e) A licensed chiropractor who treats both animal and human patients in the same  
27.11 facility must post a conspicuous sign in the reception area of that facility informing  
27.12 customers that nonhuman patients are treated on the premises.

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

27.14 Sec. 30. **[148.033] ANIMAL CHIROPRACTIC CONTINUING EDUCATION**  
27.15 **HOURS.**

27.16 Any chiropractor engaged in the practice of animal chiropractic diagnosis and  
27.17 treatment applying for renewal of a registration related to animal chiropractic diagnosis  
27.18 and treatment must have completed a minimum of six hours annually of continuing  
27.19 education in animal chiropractic diagnosis and treatment, in addition to the required 20  
27.20 hours annually of continuing education in human chiropractic under this chapter. The  
27.21 continuing education course attended for purposes of complying with this section must be  
27.22 approved by the board prior to attendance by the chiropractor.

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

27.24 Sec. 31. **[148.035] SEPARATE TREATMENT ROOM REQUIRED.**

27.25 A licensed chiropractor who provides animal chiropractic treatment in the same  
27.26 facility where human patients are treated, shall maintain a separate noncarpeted room for  
27.27 the purpose of adjusting animals. The table and equipment used for animals shall not be  
27.28 used for human patients.

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

27.30 Sec. 32. Minnesota Statutes 2006, section 156.001, is amended by adding a subdivision  
27.31 to read:

27.32 Subd. 10a. **Program for the Assessment of Veterinary Education Equivalence;**  
27.33 **PAVE certificate.** A "Program for the Assessment of Veterinary Education Equivalence"

28.1 or "PAVE" certificate is issued by the American Association of Veterinary State Boards,  
28.2 indicating that the holder has demonstrated knowledge and skill equivalent to that  
28.3 possessed by a graduate of an accredited or approved college of veterinary medicine.

28.4 Sec. 33. Minnesota Statutes 2006, section 156.02, subdivision 1, is amended to read:

28.5 Subdivision 1. **License application.** Application for a license to practice veterinary  
28.6 medicine in this state shall be made in writing to the Board of Veterinary Medicine upon a  
28.7 form furnished by the board, accompanied by satisfactory evidence that the applicant is at  
28.8 least 18 years of age, is of good moral character, and has one of the following:

28.9 (1) a diploma conferring the degree of doctor of veterinary medicine, or an  
28.10 equivalent degree, from an accredited or approved college of veterinary medicine;

28.11 (2) an ECFVG or PAVE certificate; or

28.12 (3) a certificate from the dean of an accredited or approved college of veterinary  
28.13 medicine stating that the applicant is a student in good standing expecting to be graduated  
28.14 at the completion of the current academic year of the college in which the applicant is  
28.15 enrolled.

28.16 The application shall contain the information and material required by subdivision  
28.17 2 and any other information that the board may, in its sound judgment, require. The  
28.18 application shall be filed with the board at least 60 days before the date of the examination.  
28.19 If the board deems it advisable, it may require that such application be verified by the  
28.20 oath of the applicant.

28.21 Sec. 34. Minnesota Statutes 2006, section 156.02, subdivision 2, is amended to read:

28.22 Subd. 2. **Required with application.** Every application shall contain the following  
28.23 information and material:

28.24 (1) the application fee set by the board in the form of a check or money order payable  
28.25 to the board, which fee is not returnable in the event permission to take the examination  
28.26 is denied for good cause;

28.27 (2) a copy of a diploma from an accredited or approved college of veterinary  
28.28 medicine or a certificate from the dean or secretary of an accredited or approved college of  
28.29 veterinary medicine showing the time spent in the school and the date when the applicant  
28.30 was duly and regularly graduated or will duly and regularly graduate or verification of  
28.31 ECFVG or PAVE certification;

28.32 (3) affidavits of at least two veterinarians and three adults who are not related to  
28.33 the applicant setting forth how long a time, when, and under what circumstances they

29.1 have known the applicant, and any other facts as may be proper to enable the board to  
29.2 determine the qualifications of the applicant; and

29.3 (4) if the applicant has served in the armed forces, a copy of discharge papers.

29.4 Sec. 35. Minnesota Statutes 2006, section 156.04, is amended to read:

29.5 **156.04 BOARD TO ISSUE LICENSE.**

29.6 The Board of Veterinary Medicine shall issue to every applicant who has successfully  
29.7 passed the required examination, who has received a diploma conferring the degree of  
29.8 doctor of veterinary medicine or an equivalent degree from an accredited or approved  
29.9 college of veterinary medicine or an ECFVG or PAVE certificate, and who shall have been  
29.10 adjudged to be duly qualified to practice veterinary medicine, a license to practice.

29.11 Sec. 36. Minnesota Statutes 2006, section 156.072, subdivision 2, is amended to read:

29.12 Subd. 2. **Required with application.** Such doctor of veterinary medicine shall  
29.13 accompany the application by the following:

29.14 (1) a copy of a diploma from an accredited or approved college of veterinary  
29.15 medicine or certification from the dean, registrar, or secretary of an accredited or approved  
29.16 college of veterinary medicine attesting to the applicant's graduation from an accredited  
29.17 or approved college of veterinary medicine, or a certificate of satisfactory completion of  
29.18 the ECFVG or PAVE program.

29.19 (2) affidavits of two licensed practicing doctors of veterinary medicine residing in  
29.20 the United States or Canadian licensing jurisdiction in which the applicant is currently  
29.21 practicing, attesting that they are well acquainted with the applicant, that the applicant is a  
29.22 person of good moral character, and has been actively engaged in practicing or teaching in  
29.23 such jurisdiction for the period above prescribed;

29.24 (3) a certificate from the regulatory agency having jurisdiction over the conduct of  
29.25 practice of veterinary medicine that such applicant is in good standing and is not the  
29.26 subject of disciplinary action or pending disciplinary action;

29.27 (4) a certificate from all other jurisdictions in which the applicant holds a currently  
29.28 active license or held a license within the past ten years, stating that the applicant is and  
29.29 was in good standing and has not been subject to disciplinary action;

29.30 (5) in lieu of clauses (3) and (4), certification from the Veterinary Information  
29.31 Verification Agency that the applicant's licensure is in good standing;

29.32 (6) a fee as set by the board in form of check or money order payable to the board,  
29.33 no part of which shall be refunded should the application be denied;

30.1 (7) score reports on previously taken national examinations in veterinary medicine,  
30.2 certified by the Veterinary Information Verification Agency; and

30.3 (8) if requesting waiver of examination, provide evidence of meeting licensure  
30.4 requirements in the state of the applicant's original licensure that were substantially equal  
30.5 to the requirements for licensure in Minnesota in existence at that time.

30.6 Sec. 37. Minnesota Statutes 2006, section 156.073, is amended to read:

30.7 **156.073 TEMPORARY PERMIT.**

30.8 The board may issue without examination a temporary permit to practice veterinary  
30.9 medicine in this state to a person who has submitted an application approved by the  
30.10 board for license pending examination, and holds a doctor of veterinary medicine degree  
30.11 or an equivalent degree from an approved or accredited college of veterinary medicine  
30.12 or an ECFVG or PAVE certification. The temporary permit shall expire the day after  
30.13 publication of the notice of results of the first examination given after the permit is  
30.14 issued. No temporary permit may be issued to any applicant who has previously failed  
30.15 the national examination and is currently not licensed in any licensing jurisdiction of the  
30.16 United States or Canada or to any person whose license has been revoked or suspended  
30.17 or who is currently subject to a disciplinary order in any licensing jurisdiction of the  
30.18 United States or Canada.

30.19 Sec. 38. Minnesota Statutes 2006, section 156.12, subdivision 2, is amended to read:

30.20 Subd. 2. **Authorized activities.** No provision of this chapter shall be construed to  
30.21 prohibit:

30.22 (a) a person from rendering necessary gratuitous assistance in the treatment of any  
30.23 animal when the assistance does not amount to prescribing, testing for, or diagnosing,  
30.24 operating, or vaccinating and when the attendance of a licensed veterinarian cannot be  
30.25 procured;

30.26 (b) a person who is a regular student in an accredited or approved college of  
30.27 veterinary medicine from performing duties or actions assigned by instructors or  
30.28 preceptors or working under the direct supervision of a licensed veterinarian;

30.29 (c) a veterinarian regularly licensed in another jurisdiction from consulting with a  
30.30 licensed veterinarian in this state;

30.31 (d) the owner of an animal and the owner's regular employee from caring for and  
30.32 administering to the animal belonging to the owner, except where the ownership of the  
30.33 animal was transferred for purposes of circumventing this chapter;

31.1 (e) veterinarians who are in compliance with subdivision 6 and who are employed by  
31.2 the University of Minnesota from performing their duties with the College of Veterinary  
31.3 Medicine, College of Agriculture, Agricultural Experiment Station, Agricultural Extension  
31.4 Service, Medical School, School of Public Health, or other unit within the university; or  
31.5 a person from lecturing or giving instructions or demonstrations at the university or in  
31.6 connection with a continuing education course or seminar to veterinarians or pathologists  
31.7 at the University of Minnesota Veterinary Diagnostic Laboratory;

31.8 (f) any person from selling or applying any pesticide, insecticide or herbicide;

31.9 (g) any person from engaging in bona fide scientific research or investigations which  
31.10 reasonably requires experimentation involving animals;

31.11 (h) any employee of a licensed veterinarian from performing duties other than  
31.12 diagnosis, prescription or surgical correction under the direction and supervision of the  
31.13 veterinarian, who shall be responsible for the performance of the employee;

31.14 (i) a graduate of a foreign college of veterinary medicine from working under the  
31.15 direct personal instruction, control, or supervision of a veterinarian faculty member of  
31.16 the College of Veterinary Medicine, University of Minnesota in order to complete the  
31.17 requirements necessary to obtain an ECFVG or PAVE certificate;

31.18 (j) a licensed chiropractor registered under section 148.01, subdivision 1a, from  
31.19 practicing animal chiropractic.

31.20 Sec. 39. Minnesota Statutes 2006, section 156.12, subdivision 4, is amended to read:

31.21 Subd. 4. **Titles.** It is unlawful for a person who has not received a professional  
31.22 degree from an accredited or approved college of veterinary medicine, or ECFVG or PAVE  
31.23 certification, to use any of the following titles or designations: Veterinary, veterinarian,  
31.24 animal doctor, animal surgeon, animal dentist, animal chiropractor, animal acupuncturist,  
31.25 or any other title, designation, word, letter, abbreviation, sign, card, or device tending to  
31.26 indicate that the person is qualified to practice veterinary medicine.

31.27 Sec. 40. Minnesota Statutes 2006, section 156.12, subdivision 6, is amended to read:

31.28 Subd. 6. **Faculty licensure.** (a) Veterinary Medical Center clinicians at the College  
31.29 of Veterinary Medicine, University of Minnesota, who are engaged in the practice of  
31.30 veterinary medicine as defined in subdivision 1 and who treat animals owned by clients of  
31.31 the Veterinary Medical Center must possess the same license required by other veterinary  
31.32 practitioners in the state of Minnesota except for persons covered by paragraphs (b) and (c).

31.33 (b) A specialty practitioner in a hard-to-fill faculty position who has been employed  
31.34 at the College of Veterinary Medicine, University of Minnesota, for five years or

32.1 more prior to 2003 or is specialty board certified by the American Veterinary Medical  
32.2 Association or the European Board of Veterinary Specialization may be granted a specialty  
32.3 faculty Veterinary Medical Center clinician license which will allow the licensee to  
32.4 practice veterinary medicine in the state of Minnesota in the specialty area of the licensee's  
32.5 training and only within the scope of employment at the Veterinary Medical Center.

32.6 (c) A specialty practitioner in a hard-to-fill faculty position at the College of  
32.7 Veterinary Medicine, University of Minnesota, who has graduated from a board-approved  
32.8 foreign veterinary school may be granted a temporary faculty Veterinary Medical Center  
32.9 clinician license. The temporary faculty Veterinary Medical Center clinician license  
32.10 expires in two years and allows the licensee to practice veterinary medicine as defined  
32.11 in subdivision 1 and treat animals owned by clients of the Veterinary Medical Center.  
32.12 The temporary faculty Veterinary Medical Center clinician license allows the licensee to  
32.13 practice veterinary medicine in the state of Minnesota in the specialty area of the licensee's  
32.14 training and only within the scope of employment at the Veterinary Medical Center while  
32.15 under the direct supervision of a veterinarian currently licensed and actively practicing  
32.16 veterinary medicine in Minnesota, as defined in section 156.04. The direct supervising  
32.17 veterinarian must not have any current or past conditions, restrictions, or probationary  
32.18 status imposed on the veterinarian's license by the board within the past five years. The  
32.19 holder of a temporary faculty Veterinary Medical Center clinician license who is enrolled  
32.20 in a PhD program may apply for up to two additional consecutive two-year extensions  
32.21 of an expiring temporary faculty Veterinary Medical Center clinician license. Any other  
32.22 holder of a temporary faculty Veterinary Medical Center clinician license may apply for  
32.23 one two-year extension of the expiring temporary faculty Veterinary Medical Center  
32.24 clinician license. Temporary faculty Veterinary Medical Center clinician licenses that are  
32.25 allowed to expire may not be renewed. The board shall grant an extension to a licensee  
32.26 who demonstrates suitable progress toward completing the requirements of their academic  
32.27 program, specialty board certification, or full licensure in Minnesota by a graduate of a  
32.28 foreign veterinary college.

32.29 (d) Temporary and specialty faculty Veterinary Medical Center clinician licensees  
32.30 must abide by all the laws governing the practice of veterinary medicine in the state  
32.31 of Minnesota and are subject to the same disciplinary action as any other veterinarian  
32.32 licensed in the state of Minnesota.

32.33 (e) The fee for a license issued under this subdivision is the same as for a regular  
32.34 license to practice veterinary medicine in Minnesota. License payment deadlines, late  
32.35 payment fees, and other license requirements are also the same as for regular licenses.

33.1 Sec. 41. Minnesota Statutes 2006, section 156.15, subdivision 2, is amended to read:

33.2 Subd. 2. **Service.** Service of an order under this section is effective if the order is  
33.3 served on the person or counsel of record personally or by ~~certified~~ United States mail to  
33.4 the most recent address provided to the board for the person or counsel of record.

33.5 Sec. 42. Minnesota Statutes 2006, section 156.16, subdivision 3, is amended to read:

33.6 Subd. 3. **Dispensing.** "Dispensing" means distribution of veterinary prescription  
33.7 drugs or over-the-counter drugs, human drugs for extra-label use, for extra-label use by a  
33.8 person licensed as a pharmacist by the Board of Pharmacy or a person licensed by the  
33.9 Board of Veterinary Medicine.

33.10 Sec. 43. Minnesota Statutes 2006, section 156.16, subdivision 10, is amended to read:

33.11 Subd. 10. **Prescription.** "Prescription" means an order from a veterinarian to a  
33.12 pharmacist or another veterinarian authorizing the dispensing of ~~a~~ veterinary prescription  
33.13 ~~drug~~ drugs, human drugs for extra-label use, or over-the-counter drugs for extra-label use  
33.14 to a client for use on or in a patient.

33.15 Sec. 44. Minnesota Statutes 2006, section 156.18, subdivision 1, is amended to read:

33.16 Subdivision 1. **Prescription.** (a) A person may not dispense a veterinary  
33.17 prescription drug to a client without a prescription or other veterinary authorization. A  
33.18 person may not make extra-label use of an animal or human drug for an animal without a  
33.19 prescription from a veterinarian. A veterinarian or the veterinarian's authorized employee  
33.20 may dispense ~~a~~ veterinary prescription ~~drug to~~ drugs, human drugs for extra-label use, or  
33.21 an over-the-counter drug for extra-label use by a client ~~or oversee the extra-label use of~~  
33.22 ~~a veterinary drug directly by a client~~ without a separate written prescription, providing  
33.23 there is documentation of the prescription in the medical record and there is an existing  
33.24 veterinarian-client-patient relationship. The prescribing veterinarian must monitor the use  
33.25 of veterinary prescription drugs, human drugs for extra-label use, or over-the-counter  
33.26 drugs for extra-label use by a client.

33.27 (b) A veterinarian may dispense prescription veterinary drugs and prescribe and  
33.28 dispense extra-label use drugs to a client without personally examining the animal if  
33.29 a bona fide veterinarian-client-patient relationship exists and in the judgment of the  
33.30 veterinarian the client has sufficient knowledge to use the drugs properly.

33.31 (c) A veterinarian may issue a prescription or other veterinary authorization by oral or  
33.32 written communication to the dispenser, or by computer connection. If the communication

34.1 is oral, the veterinarian must enter it into the patient's record. The dispenser must record  
34.2 the veterinarian's prescription or other veterinary authorization within 72 hours.

34.3 (d) A prescription or other veterinary authorization must include:

34.4 (1) the name, address, and, if written, the signature of the prescriber;

34.5 (2) the name and address of the client;

34.6 (3) identification of the species for which the drug is prescribed or ordered;

34.7 (4) the name, strength, and quantity of the drug;

34.8 (5) the date of issue;

34.9 (6) directions for use; ~~and~~

34.10 (7) withdrawal time;

34.11 (8) expiration date of prescription; and

34.12 (9) number of authorized refills.

34.13 (e) A veterinarian may, in the course of professional practice and an existing  
34.14 veterinarian-client-patient relationship, prepare medicaments that combine drugs approved  
34.15 by the United States Food and Drug Administration and other legally obtained ingredients  
34.16 with appropriate vehicles.

34.17 (f) A veterinarian or a bona fide employee of a veterinarian may dispense veterinary  
34.18 prescription drugs to a person on the basis of a prescription issued by a licensed  
34.19 veterinarian. The provisions of paragraphs (c) and (d) apply.

34.20 (g) This section does not limit the authority of the Minnesota Racing Commission to  
34.21 regulate veterinarians providing services at a licensed racetrack.

34.22 Sec. 45. Minnesota Statutes 2006, section 156.18, subdivision 2, is amended to read:

34.23 Subd. 2. **Label of dispensed veterinary drugs.** (a) A veterinarian or the  
34.24 veterinarian's authorized agent or employee dispensing a veterinary prescription drug  
34.25 ~~or prescribing the extra-label use of an over-the-counter drug, an over-the-counter drug~~  
34.26 for extra-label use, or a human drug for extra-label use must provide written information  
34.27 which includes the name and address of the veterinarian, date of filling, species of patient,  
34.28 name or names of drug, strength of drug or drugs, directions for use, withdrawal time,  
34.29 and cautionary statements, if any, appropriate for the drug.

34.30 (b) If the veterinary drug has been prepared, mixed, formulated, or packaged by the  
34.31 dispenser, all of the information required in paragraph (a) must be provided on a label  
34.32 affixed to the container.

34.33 (c) If the veterinary drug is in the manufacturer's original package, the information  
34.34 required in paragraph (a) must be supplied in writing but need not be affixed to the  
34.35 container. Information required in paragraph (a) that is provided by the manufacturer on

35.1 the original package does not need to be repeated in the separate written information.  
35.2 Written information required by this paragraph may be written on the sales invoice.

35.3 Sec. 46. Minnesota Statutes 2006, section 156.19, is amended to read:

35.4 **156.19 EXTRA-LABEL USE.**

35.5 A person, other than a veterinarian or ~~a person working under the control~~ an  
35.6 employee of a veterinarian, must not make extra-label use of a veterinary drug in or  
35.7 on a food-producing animal, unless permitted by the prescription of a veterinarian. A  
35.8 veterinarian may prescribe the extra-label use of a ~~veterinary~~ drug if:

35.9 (1) the veterinarian makes a careful medical diagnosis within the context of a valid  
35.10 veterinarian-client-patient relationship;

35.11 (2) the veterinarian determines that there is no marketed drug specifically labeled to  
35.12 treat the condition diagnosed, or that drug therapy as recommended by the labeling has, in  
35.13 the judgment of the attending veterinarian, been found to be clinically ineffective;

35.14 (3) the veterinarian recommends procedures to ensure that the identity of the treated  
35.15 animal will be carefully maintained; ~~and~~

35.16 (4) the veterinarian prescribes a significantly extended time period for drug  
35.17 withdrawal before marketing meat, milk, or eggs; and

35.18 (5) the veterinarian has met the criteria established in Code of Federal Regulations,  
35.19 title 21, part 530, which define the extra-label use of medication in or on animals.

35.20 Sec. 47. Minnesota Statutes 2006, section 239.051, subdivision 15, is amended to read:

35.21 Subd. 15. **Ethanol blender.** "Ethanol blender" means a person who blends and  
35.22 distributes, transports, sells, or offers to sell gasoline containing ~~ten percent~~ ethanol ~~by~~  
35.23 ~~volume~~.

35.24 Sec. 48. Minnesota Statutes 2007 Supplement, section 239.761, subdivision 4, is  
35.25 amended to read:

35.26 Subd. 4. **Gasoline blended with ethanol; general.** (a) Gasoline may be blended  
35.27 with ~~up to ten percent, by volume,~~ agriculturally derived, denatured ethanol that complies  
35.28 with the requirements of subdivision 5.

35.29 (b) A gasoline-ethanol blend must:

35.30 (1) comply with the volatility requirements in Code of Federal Regulations, title  
35.31 40, part 80;

36.1 (2) comply with ASTM specification D4814-06, or the gasoline base stock from  
36.2 which a gasoline-ethanol blend was produced must comply with ASTM specification  
36.3 D4814-06; and

36.4 (3) not be blended with casinghead gasoline, absorption gasoline, condensation  
36.5 gasoline, drip gasoline, or natural gasoline after the gasoline-ethanol blend has been sold,  
36.6 transferred, or otherwise removed from a refinery or terminal.

36.7 Sec. 49. Minnesota Statutes 2007 Supplement, section 239.761, is amended by adding  
36.8 a subdivision to read:

36.9 **Subd. 4a. Gasoline blended with ethanol; standard combustion engines.**  
36.10 Gasoline combined with ethanol for use in standard combustion engines may be blended  
36.11 with up to ten percent agriculturally derived, denatured ethanol, by volume, or any  
36.12 percentage specifically authorized in a waiver granted by the United States Environmental  
36.13 Protection Agency under section 211(f)(4) of the Clean Air Act, United States Code, title  
36.14 42, section 7545, subsection (f), paragraph (4). The gasoline-ethanol blend must comply  
36.15 with the general provisions in subdivision 4.

36.16 Sec. 50. Minnesota Statutes 2007 Supplement, section 239.761, is amended by adding  
36.17 a subdivision to read:

36.18 **Subd. 4b. Gasoline blended with ethanol; alternative fuel vehicles.** (a) Gasoline  
36.19 blended for use in an alternative fuel vehicle, as defined in section 296A.01, subdivision 5,  
36.20 may contain any percentage of agriculturally derived, denatured ethanol, by volume, not  
36.21 to exceed 85 percent. The gasoline-ethanol blend must comply with the general provisions  
36.22 in subdivision 4. The gasoline and ethanol may be blended by an ethanol blender or at the  
36.23 point of retail sale in an ethanol-blending fuel dispenser clearly labeled "FLEX-FUEL  
36.24 VEHICLES ONLY." If blended by an ethanol blender, the percentage of ethanol in the  
36.25 resulting gasoline-ethanol blend must be clearly identified.

36.26 (b) If a person responsible for the product utilizes an ethanol-blending fuel dispenser  
36.27 to dispense both gasoline blended with ethanol for use in alternative fuel vehicles and  
36.28 gasoline blended with ethanol for use in standard combustion engines, the person must  
36.29 ensure that the gasoline blended with ethanol for use in standard combustion engines is  
36.30 dispensed from a fuel-dispensing hose and nozzle or other conveyance dedicated solely  
36.31 to gasoline blended with ethanol for use in standard combustion engines and clearly  
36.32 labeled as such.

37.1 (c) A person responsible for the product who complies with the provisions in  
37.2 paragraph (b) is not responsible for a self-service fueling action taken by that person's  
37.3 retail fuel customer.

37.4 Sec. 51. Minnesota Statutes 2006, section 239.77, as amended by Laws 2007, chapter  
37.5 62, sections 3 and 4, is amended to read:

37.6 **239.77 BIODIESEL CONTENT MANDATE.**

37.7 Subdivision 1. **Biodiesel fuel.** "Biodiesel fuel" means a renewable, biodegradable,  
37.8 mono alkyl ester combustible liquid fuel that is derived from agricultural and other plant  
37.9 oils or animal fats and that meets American Society For Testing and Materials specification  
37.10 D6751-07 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

37.11 Biodiesel produced from palm oil is not biodiesel fuel for the purposes of this  
37.12 section, unless the palm oil is contained within waste oil and grease collected within the  
37.13 United States or Canada.

37.14 Subd. 2. **Minimum content.** (a) Except as otherwise provided in this section, all  
37.15 diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines  
37.16 must contain at least ~~2.0 percent~~ the stated percentage of biodiesel fuel oil by volume  
37.17 on and after the following dates:

37.18	<u>(1)</u>	<u>September 29, 2005</u>	<u>2 percent</u>
37.19	<u>(2)</u>	<u>May 1, 2009</u>	<u>5 percent</u>
37.20	<u>(3)</u>	<u>May 1, 2012</u>	<u>10 percent</u>
37.21	<u>(4)</u>	<u>May 1, 2015</u>	<u>20 percent</u>

37.22 The minimum content levels in clauses (3) and (4) are effective during the months of  
37.23 April, May, June, July, August, September, and October only. The minimum content for  
37.24 the remainder of the year is five percent. However, if the commissioners of agriculture,  
37.25 commerce, and pollution control determine, after consultation with the biodiesel task  
37.26 force and other technical experts, that an American Society for Testing and Materials  
37.27 specification or equivalent federal standard exists for the specified biodiesel blend level in  
37.28 those clauses that adequately addresses technical issues associated with Minnesota's cold  
37.29 weather and publish a notice in the State Register to that effect, the commissioners may  
37.30 allow the specified biodiesel blend level in those clauses to be effective year-round.

37.31 (b) The minimum content levels in paragraph (a), clauses (3) and (4), become  
37.32 effective on the date specified only if the commissioners of agriculture, commerce, and  
37.33 pollution control publish notice in the State Register and provide written notice to the

38.1 chairs of the house and senate committees with jurisdiction over agriculture, commerce,  
38.2 and transportation policy and finance, at least 270 days prior to the date of each scheduled  
38.3 increase, that all of the following conditions have been met and the state is prepared to  
38.4 move to the next scheduled minimum content level:

38.5 (1) an American Society for Testing and Materials specification or equivalent federal  
38.6 standard exists for the next minimum diesel-biodiesel blend;

38.7 (2) a sufficient supply of biodiesel is available and the amount of biodiesel produced  
38.8 in this state from feedstock with at least 75 percent that is produced in the United States  
38.9 and Canada is equal to at least 50 percent of anticipated demand at the next minimum  
38.10 content level;

38.11 (3) adequate blending infrastructure and regulatory protocol are in place in order to  
38.12 promote biodiesel quality and avoid any potential economic disruption; and

38.13 (4) at least five percent of the amount of biodiesel necessary for that minimum  
38.14 content level will be produced from a biological resource other than an agricultural  
38.15 resource traditionally grown or raised in the state, including, but not limited to, algae  
38.16 cultivated for biofuels production, waste oils, and tallow.

38.17 The condition in clause (2) may be waived if the commissioner finds that, due to  
38.18 weather-related conditions, the necessary feed stock is unavailable.

38.19 The condition in clause (4) may be waived if the commissioners find that the use of  
38.20 these nontraditional feedstocks would be uneconomic under market conditions existing at  
38.21 the time notice is given under this paragraph.

38.22 (c) The commissioners of agriculture, commerce, and pollution control must consult  
38.23 with the biodiesel task force when assessing and certifying conditions in paragraph (b),  
38.24 and in general must seek the guidance of the biodiesel task force regarding biodiesel  
38.25 labeling, enforcement, and other related issues.

38.26 (d) During a period of biodiesel fuel shortage or a problem with biodiesel quality  
38.27 that negatively affects the availability of biodiesel fuel, the commissioner of commerce  
38.28 may temporarily suspend the minimum content requirement in subdivision 2 until there  
38.29 is sufficient biodiesel fuel, as defined in subdivision 1, available to fulfill the minimum  
38.30 content requirement.

38.31 (e) By February 1, 2012, and periodically thereafter, the commissioner of commerce  
38.32 shall determine the wholesale diesel price at various pipeline and refinery terminals in the  
38.33 region, and the biodiesel price determined after credits and incentives are subtracted at  
38.34 biodiesel plants in the region. The commissioner shall report wholesale price differences to  
38.35 the governor who, after consultation with the commissioners of commerce and agriculture,  
38.36 may by executive order adjust the biodiesel mandate if a price disparity reported by the

39.1 commissioner will cause economic hardship to retailers of diesel fuel in this state. Any  
39.2 adjustment must be for a specified period of time, after which the percentage of biodiesel  
39.3 fuel to be blended into diesel fuel returns to the amount required in subdivision 2. The  
39.4 biodiesel mandate must not be adjusted to less than five percent.

39.5 Subd. 3. **Exceptions.** (a) The minimum content ~~requirement~~ requirements of  
39.6 subdivision 2 ~~does~~ do not apply to fuel used in the following equipment:

39.7 (1) motors located at an electric generating plant regulated by the Nuclear  
39.8 Regulatory Commission;

39.9 (2) railroad locomotives; ~~and~~

39.10 (3) off-road taconite and copper mining equipment and machinery;

39.11 (4) off-road logging equipment and machinery; and

39.12 (5) until May 1, 2010, vehicles and equipment used exclusively on an aircraft  
39.13 landing field.

39.14 (b) The exemption in paragraph (a), clause (1), expires 30 days after the Nuclear  
39.15 Regulatory Commission has approved the use of biodiesel fuel in motors at electric  
39.16 generating plants under its regulation.

39.17 (c) This subdivision expires on May 1, 2012.

39.18 Subd. 4. **Disclosure.** A refinery or terminal shall provide, at the time diesel fuel  
39.19 is sold or transferred from the refinery or terminal, a bill of lading or shipping manifest  
39.20 to the person who receives the fuel. For biodiesel-blended products, the bill of lading or  
39.21 shipping manifest must disclose biodiesel content, stating volume percentage, gallons of  
39.22 biodiesel per gallons of petroleum diesel base-stock, or an ASTM "Bxx" designation  
39.23 where "xx" denotes the volume percent biodiesel included in the blended product. This  
39.24 subdivision does not apply to sales or transfers of biodiesel blend stock between refineries,  
39.25 between terminals, or between a refinery and a terminal.

39.26 Subd. 5. **Annual report.** Beginning in 2009, the commissioner of agriculture  
39.27 must report by January 15 of each year to the chairs and ranking minority members of  
39.28 the legislative committees and divisions with jurisdiction over agriculture policy and  
39.29 finance regarding the implementation of the minimum content requirements in subdivision  
39.30 2, including information about the price and supply of biodiesel fuel. The report shall  
39.31 include information about the impacts of the biodiesel mandate on the development of  
39.32 biodiesel production capacity in the state, and on the use of feedstock grown or raised in  
39.33 the state for biodiesel production. The report must include any written comments received  
39.34 from members of the biodiesel fuel task force by January 1 of that year designated by  
39.35 them for inclusion in the report.

40.1 Sec. 52. Minnesota Statutes 2006, section 239.7911, subdivision 2, is amended to read:

40.2 Subd. 2. **Promotion of renewable liquid fuels.** (a) The commissioner of  
40.3 agriculture, in consultation with the commissioners of commerce and the Pollution  
40.4 Control Agency, shall identify and implement activities necessary for the widespread use  
40.5 of renewable liquid fuels in the state. Beginning November 1, 2005, and continuing  
40.6 through 2015, the commissioners, or their designees, shall work with representatives  
40.7 from the renewable fuels industry, petroleum retailers, refiners, automakers, small engine  
40.8 manufacturers, and other interested groups, to develop annual recommendations for  
40.9 administrative and legislative action.

40.10 (b) The activities of the commissioners under this subdivision shall include, but not  
40.11 be limited to:

40.12 (1) developing recommendations for incentives for retailers to install equipment  
40.13 necessary for dispensing renewable liquid fuels to the public;

40.14 (2) expanding the renewable-fuel options available to Minnesota consumers by  
40.15 obtaining federal approval for the use of E20 and additional blends that contain a greater  
40.16 percentage of ethanol, including but not limited to E30 and E50, as gasoline;

40.17 (3) developing recommendations for ensuring that motor vehicles and small engine  
40.18 equipment have access to an adequate supply of fuel;

40.19 (4) working with the owners and operators of large corporate automotive fleets in the  
40.20 state to increase their use of renewable fuels; and

40.21 (5) working to maintain an affordable retail price for liquid fuels.

40.22 Sec. 53. Minnesota Statutes 2006, section 296A.01, subdivision 2, is amended to read:

40.23 Subd. 2. **Agricultural alcohol gasoline.** "Agricultural alcohol gasoline" means a  
40.24 gasoline-ethanol blend ~~of up to ten percent agriculturally derived fermentation~~ satisfying  
40.25 the provisions of section 239.761, subdivision 4a or 4b, with ethanol derived from  
40.26 agricultural products, such as potatoes, cereal, grains, cheese whey, sugar beets, forest  
40.27 products, or other renewable resources, ~~that:~~

40.28 ~~(1) meets the specifications in ASTM specification D4806-04a; and~~

40.29 ~~(2) is denatured as specified in Code of Federal Regulations, title 27, parts 20 and 21.~~

40.30 Sec. 54. Minnesota Statutes 2007 Supplement, section 296A.01, subdivision 8a,  
40.31 is amended to read:

40.32 Subd. 8a. **Biodiesel fuel.** "Biodiesel fuel" ~~means a renewable, biodegradable, mono~~  
40.33 ~~alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats~~  
40.34 ~~and that meets American Society for Testing and Materials specification D6751-07 for~~

41.1 ~~Biodiesel Fuel (B100) Blend Stock for Distillate Fuels~~ has the meaning given in section  
41.2 239.77, subdivision 1.

41.3 Sec. 55. Minnesota Statutes 2007 Supplement, section 296A.01, subdivision 25,  
41.4 is amended to read:

41.5 Subd. 25. **Gasoline blended with ethanol.** "Gasoline blended with ethanol" means  
41.6 ~~gasoline blended with up to 20 percent, by volume, agriculturally derived, denatured~~  
41.7 ~~ethanol. The blend must comply with the volatility requirements in Code of Federal~~  
41.8 ~~Regulations, title 40, part 80. The blend must also comply with ASTM specification~~  
41.9 ~~D4814-06, or the gasoline base stock from which a gasoline-ethanol blend was produced~~  
41.10 ~~must comply with ASTM specification D4814-06; and the gasoline-ethanol blend must~~  
41.11 ~~not be blended with casinghead gasoline, absorption gasoline, condensation gasoline, drip~~  
41.12 ~~gasoline, or natural gasoline after the gasoline-ethanol blend has been sold, transferred, or~~  
41.13 ~~otherwise removed from a refinery or terminal. The blend need not comply with ASTM~~  
41.14 ~~specification D4814-06 if it is subjected to a standard distillation test. For a distillation~~  
41.15 ~~test, a gasoline-ethanol blend is not required to comply with the temperature specification~~  
41.16 ~~at the 50 percent liquid recovery point, if the gasoline from which the gasoline-ethanol~~  
41.17 ~~blend was produced complies with all of the distillation specifications~~ a gasoline-ethanol  
41.18 blend satisfying the provisions of section 239.761, subdivision 4a or 4b.

41.19 Sec. 56. Minnesota Statutes 2007 Supplement, section 394.23, is amended to read:

41.20 **394.23 COMPREHENSIVE PLAN.**

41.21 The board has the power and authority to prepare and adopt by ordinance, a  
41.22 comprehensive plan. A comprehensive plan or plans when adopted by ordinance must be  
41.23 the basis for official controls adopted under the provisions of sections 394.21 to 394.37.  
41.24 The commissioner of natural resources must provide the natural heritage data from the  
41.25 county biological survey, if available, to each county for use in the comprehensive plan.  
41.26 When adopting or updating the comprehensive plan, the board must, if the data is available  
41.27 to the county, consider natural heritage data resulting from the county biological survey.  
41.28 In a county that is not a greater than 80 percent area, as defined in section 103G.005,  
41.29 subdivision 10b, the board must consider adopting goals and objectives that will protect  
41.30 open space and the environment.

41.31 Sec. 57. **[394.231] COMPREHENSIVE PLANS IN GREATER MINNESOTA;**  
41.32 **OPEN SPACE.**

42.1 A county adopting or updating a comprehensive plan in a county outside the  
42.2 metropolitan area as defined by section 473.121, subdivision 2, and that is not a greater  
42.3 than 80 percent area, as defined in section 103G.005, subdivision 10b, shall consider  
42.4 adopting goals and objectives for the preservation of agricultural, forest, wildlife, and  
42.5 open space land, and minimizing development in sensitive shoreland areas. Within three  
42.6 years of updating the comprehensive plan, the county shall consider adopting ordinances  
42.7 as part of the county's official controls that encourage the implementation of the goals and  
42.8 objectives. The county shall consider the following goals and objectives:

42.9 (1) minimizing the fragmentation and development of agricultural, forest, wildlife,  
42.10 and open space lands, including consideration of appropriate minimum lot sizes;

42.11 (2) minimizing further development in sensitive shoreland areas;

42.12 (3) minimizing development near wildlife management areas, scientific and natural  
42.13 areas, and nature centers;

42.14 (4) identification of areas of preference for higher density, including consideration  
42.15 of existing and necessary water and wastewater services, infrastructure, other services,  
42.16 and to the extent feasible, encouraging full development of areas previously zoned for  
42.17 nonagricultural uses;

42.18 (5) encouraging development close to places of employment, shopping centers,  
42.19 schools, mass transit, and other public and private service centers;

42.20 (6) identification of areas where other developments are appropriate; and

42.21 (7) other goals and objectives a county may identify.

42.22 Sec. 58. Minnesota Statutes 2006, section 394.232, subdivision 6, is amended to read:

42.23 Subd. 6. **Plan update.** The county board, or the board of the joint planning district,  
42.24 shall review and update the community-based comprehensive plan periodically, but at  
42.25 least every ten years, and submit the updated plan to the office of strategic and long-range  
42.26 planning for review and comment. When updating the plan, the county board or the board  
42.27 of the joint planning district must consider natural heritage data resulting from the county  
42.28 biological survey. In a county that is not a greater than 80 percent area, as defined in  
42.29 section 103G.005, subdivision 10b, the board must consider adopting goals and objectives  
42.30 that will protect open space and the environment.

42.31 Sec. 59. Minnesota Statutes 2006, section 462.355, subdivision 1, is amended to read:

42.32 Subdivision 1. **Preparation and review.** The planning agency shall prepare the  
42.33 comprehensive municipal plan. In discharging this duty the planning agency shall  
42.34 consult with and coordinate the planning activities of other departments and agencies

43.1 of the municipality to insure conformity with and to assist in the development of the  
43.2 comprehensive municipal plan. In its planning activities the planning agency shall take due  
43.3 cognizance of the planning activities of adjacent units of government and other affected  
43.4 public agencies. The planning agency shall periodically review the plan and recommend  
43.5 amendments whenever necessary. When preparing or recommending amendments to the  
43.6 comprehensive plan, the planning agency of a municipality located within a county that is  
43.7 not a greater than 80 percent area, as defined in section 103G.005, subdivision 10b, must  
43.8 consider adopting goals and objectives that will protect open space and the environment.

43.9 Sec. 60. Minnesota Statutes 2006, section 462.357, is amended by adding a subdivision  
43.10 to read:

43.11 Subd. 1h. **Comprehensive plans in greater Minnesota; open spaces.** When  
43.12 adopting or updating a comprehensive plan in a municipality located within a county that  
43.13 is not a greater than 80 percent area, as defined in section 103G.005, subdivision 10b, and  
43.14 that is located outside the metropolitan area, as defined by section 473.121, subdivision  
43.15 2, the municipality shall consider adopting goals and objectives for the preservation of  
43.16 agricultural, forest, wildlife, and open space land and the minimization of development  
43.17 in sensitive shoreland areas. Within three years of updating the comprehensive plan,  
43.18 the municipality shall consider adopting ordinances as part of the municipality's official  
43.19 controls that encourage the implementation of the goals and objectives.

43.20 Sec. 61. Minnesota Statutes 2006, section 462.357, is amended by adding a subdivision  
43.21 to read:

43.22 Subd. 9. **Development goals and objectives.** In adopting official controls after July  
43.23 1, 2008, in a municipality outside the metropolitan area, as defined by section 473.121,  
43.24 subdivision 2, the municipality shall consider restricting new residential, commercial, and  
43.25 industrial development so that the new development takes place in areas subject to the  
43.26 following goals and objectives:

43.27 (1) minimizing the fragmentation and development of agricultural, forest, wildlife,  
43.28 and open space lands, including consideration of appropriate minimum lot sizes;

43.29 (2) minimizing further development in sensitive shoreland areas;

43.30 (3) minimizing development near wildlife management areas, scientific and natural  
43.31 areas, and nature centers;

43.32 (4) identification of areas of preference for higher density, including consideration  
43.33 of existing and necessary water and wastewater services, infrastructure, other services,

44.1 and to the extent feasible, encouraging full development of areas previously zoned for  
44.2 nonagricultural uses;

44.3 (5) encouraging development close to places of employment, shopping centers,  
44.4 schools, mass transit, and other public and private service centers;

44.5 (6) identification of areas where other developments are appropriate; and

44.6 (7) other goals and objectives a municipality may identify.

44.7 Sec. 62. TITLE.

44.8 Sections 56 to 61 shall be known as the President Theodore Roosevelt Memorial  
44.9 Bill to Preserve Agricultural, Forest, Wildlife, and Open Space Land.

44.10 Sec. 63. Laws 2007, chapter 45, article 1, section 3, subdivision 3, is amended to read:

44.11 Subd. 3. **Agricultural Marketing and**

44.12 **Development** 8,547,000 5,157,000

44.13 \$186,000 the first year and \$186,000 the  
44.14 second year are for transfer to the Minnesota  
44.15 grown account and may be used as grants  
44.16 for Minnesota grown promotion under  
44.17 Minnesota Statutes, section 17.102. Grants  
44.18 may be made for one year. Notwithstanding  
44.19 Minnesota Statutes, section 16A.28, the  
44.20 appropriations encumbered under contract on  
44.21 or before June 30, 2009, for Minnesota grown  
44.22 grants in this paragraph are available until  
44.23 June 30, 2011. \$50,000 of the appropriation  
44.24 in each year is for efforts that identify  
44.25 and promote Minnesota grown products  
44.26 in retail food establishments including but  
44.27 not limited to restaurants, grocery stores,  
44.28 and convenience stores. The balance in the  
44.29 Minnesota grown matching account in the  
44.30 agricultural fund is canceled to the Minnesota  
44.31 grown account in the agricultural fund and  
44.32 the Minnesota grown matching account is  
44.33 abolished.

45.1 \$160,000 the first year and \$160,000 the  
45.2 second year are for grants to farmers for  
45.3 demonstration projects involving sustainable  
45.4 agriculture as authorized in Minnesota  
45.5 Statutes, section 17.116. Of the amount  
45.6 for grants, up to \$20,000 may be used for  
45.7 dissemination of information about the  
45.8 demonstration projects. Notwithstanding  
45.9 Minnesota Statutes, section 16A.28, the  
45.10 appropriations encumbered under contract  
45.11 on or before June 30, 2009, for sustainable  
45.12 agriculture grants in this paragraph are  
45.13 available until June 30, 2011.

45.14 \$100,000 the first year and \$100,000  
45.15 the second year are to provide training  
45.16 and technical assistance to county and  
45.17 town officials relating to livestock siting  
45.18 issues and local zoning and land use  
45.19 planning, including a checklist template that  
45.20 would clarify the federal, state, and local  
45.21 government requirements for consideration  
45.22 of an animal agriculture modernization  
45.23 or expansion project. In developing  
45.24 the training and technical assistance  
45.25 program, the commissioner shall seek  
45.26 guidance, advice, and support of livestock  
45.27 producer organizations, general agricultural  
45.28 organizations, local government associations,  
45.29 academic institutions, other government  
45.30 agencies, and others with expertise in land  
45.31 use and agriculture.

45.32 \$103,000 the first year and \$106,000 the  
45.33 second year are for additional integrated pest  
45.34 management activities.

46.1 \$2,500,000 the first year is for the agricultural  
46.2 best management practices loan program. At  
46.3 least \$2,000,000 is available for pass-through  
46.4 to local governments and lenders for  
46.5 low-interest loans and is available until spent.  
46.6 Any unencumbered balance that is not used  
46.7 for pass-through to local governments does  
46.8 not cancel at the end of the first year and is  
46.9 available for the second year.

46.10 \$1,000,000 the first year is for the agricultural  
46.11 best management practices loan program for  
46.12 capital equipment loans for persons using  
46.13 native, perennial cropping systems for energy  
46.14 or seed production. This appropriation is  
46.15 available until spent. \* (The preceding text  
46.16 beginning "\$1,000,000 the first year" was  
46.17 indicated as vetoed by the governor.)

46.18 \$100,000 the first year and \$100,000 the  
46.19 second year are for annual cost-share  
46.20 payments to resident farmers or persons  
46.21 who sell, process, or package agricultural  
46.22 products in this state for the costs of organic  
46.23 certification. Annual cost-share payments  
46.24 per farmer must be two-thirds of the cost  
46.25 of the certification or \$350, whichever is  
46.26 less. In any year that a resident farmer or  
46.27 person who sells, processes, or packages  
46.28 agricultural products in this state receives  
46.29 a federal organic certification cost-share  
46.30 payment, that resident farmer or person is  
46.31 not eligible for state cost-share payments.  
46.32 A certified farmer is eligible to receive  
46.33 annual certification cost-share payments for  
46.34 up to five years. \$15,000 each year is for  
46.35 organic market and program development.  
46.36 The commissioner may allocate any excess

47.1 appropriation in either fiscal year for organic  
47.2 producer education efforts, assistance for  
47.3 persons transitioning from conventional  
47.4 to organic agriculture, or sustainable  
47.5 agriculture demonstration grants authorized  
47.6 under Minnesota Statutes, section 17.116,  
47.7 and pertaining to organic research or  
47.8 demonstration. Any unencumbered balance  
47.9 does not cancel at the end of the first year  
47.10 and is available for the second year.

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

47.12 Sec. 64. Laws 2007, chapter 45, article 1, section 3, subdivision 4, is amended to read:

47.13 Subd. 4. **Bioenergy and Value-Added**

47.14 <b>Agricultural Products</b>	19,918,000	15,168,000
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47.15 \$15,168,000 the first year and \$15,168,000  
47.16 the second year are for ethanol producer  
47.17 payments under Minnesota Statutes, section  
47.18 41A.09. If the total amount for which all  
47.19 producers are eligible in a quarter exceeds  
47.20 the amount available for payments, the  
47.21 commissioner shall make payments on a  
47.22 pro rata basis. If the appropriation exceeds  
47.23 the total amount for which all producers  
47.24 are eligible in a fiscal year for scheduled  
47.25 payments and for deficiencies in payments  
47.26 during previous fiscal years, the balance  
47.27 in the appropriation is available to the  
47.28 commissioner for value-added agricultural  
47.29 programs including the value-added  
47.30 agricultural product processing and  
47.31 marketing grant program under Minnesota  
47.32 Statutes, section 17.101, subdivision 5. The  
47.33 appropriation remains available until spent.

48.1 \$3,000,000 the first year is for grants to  
48.2 bioenergy projects. The NextGen Energy  
48.3 Board shall make recommendations to  
48.4 the commissioner on grants for owners of  
48.5 Minnesota facilities producing bioenergy,  
48.6 organizations that provide for on-station,  
48.7 on-farm field scale research and outreach to  
48.8 develop and test the agronomic and economic  
48.9 requirements of diverse stands of prairie  
48.10 plants and other perennials for bioenergy  
48.11 systems, or certain nongovernmental  
48.12 entities. For the purposes of this paragraph,  
48.13 "bioenergy" includes transportation fuels  
48.14 derived from cellulosic material as well as  
48.15 the generation of energy for commercial heat,  
48.16 industrial process heat, or electrical power  
48.17 from cellulosic material via gasification  
48.18 or other processes. The board must give  
48.19 priority to a bioenergy facility that is at  
48.20 least 60 percent owned and controlled by  
48.21 farmers, as defined in Minnesota Statutes,  
48.22 section 500.24, subdivision 2, paragraph  
48.23 (n), or natural persons residing in the  
48.24 county or counties contiguous to where the  
48.25 facility is located. Grants are limited to 50  
48.26 percent of the cost of research, technical  
48.27 assistance, or equipment related to bioenergy  
48.28 production or \$500,000, whichever is less.  
48.29 Grants to nongovernmental entities for the  
48.30 development of business plans and structures  
48.31 related to community ownership of eligible  
48.32 bioenergy facilities together may not exceed  
48.33 \$150,000. The board shall make a good  
48.34 faith effort to select projects that have  
48.35 merit and when taken together represent a  
48.36 variety of bioenergy technologies, biomass

49.1 feedstocks, and geographic regions of the  
49.2 state. Projects must have a qualified engineer  
49.3 certification on the technology and fuel  
49.4 source. Grantees shall provide reports at  
49.5 the request of the commissioner and must  
49.6 actively participate in the Agricultural  
49.7 Utilization Research Institute's Renewable  
49.8 Energy Roundtable. No later than February  
49.9 1, 2009, the commissioner shall report on  
49.10 the projects funded under this appropriation  
49.11 to the house and senate committees with  
49.12 jurisdiction over agriculture finance. The  
49.13 commissioner's costs in administering the  
49.14 program may be paid from the appropriation.  
49.15 Any unencumbered balance does not cancel  
49.16 at the end of the first year and is available in  
49.17 the second year.

49.18 \$350,000 the first year is for grants to  
49.19 the Minnesota Institute for Sustainable  
49.20 Agriculture at the University of Minnesota  
49.21 to provide funds for on-station and on-farm  
49.22 field scale research and outreach to develop  
49.23 and test the agronomic and economic  
49.24 requirements of diverse stands of prairie  
49.25 plants and other perennials for bioenergy  
49.26 systems including, but not limited to,  
49.27 multiple species selection and establishment,  
49.28 ecological management between planting  
49.29 and harvest, harvest technologies, financial  
49.30 and agronomic risk management, farmer  
49.31 goal setting and adoption of technologies,  
49.32 integration of wildlife habitat into  
49.33 management approaches, evaluation of  
49.34 carbon and other benefits, and robust policies  
49.35 needed to induce farmer conversion on  
49.36 marginal lands. \* (The preceding text

50.1 beginning "\$350,000 the first year" was  
50.2 indicated as vetoed by the governor.)

50.3 \$200,000 the first year is for a grant to the  
50.4 Minnesota Turf Seed Council for basic  
50.5 and applied agronomic research on native  
50.6 plants, including plant breeding, nutrient  
50.7 management, pest management, disease  
50.8 management, yield, and viability. The grant  
50.9 recipient may subcontract with a qualified  
50.10 third party for some or all of the basic  
50.11 or applied research. The grant recipient  
50.12 must actively participate in the Agricultural  
50.13 Utilization Research Institute's Renewable  
50.14 Energy Roundtable and no later than  
50.15 February 1, 2009, must report to the house  
50.16 and senate committees with jurisdiction  
50.17 over agriculture finance. This is a onetime  
50.18 appropriation and is available until spent.

50.19 \$200,000 the first year is for a grant to a joint  
50.20 venture combined heat and power energy  
50.21 facility located in Scott or LeSueur County  
50.22 for the creation of a centrally located biomass  
50.23 fuel supply depot with the capability of  
50.24 unloading, processing, testing, scaling, and  
50.25 storing renewable biomass fuels. The grant  
50.26 must be matched by at least \$3 of nonstate  
50.27 funds for every \$1 of state funds. The grant  
50.28 recipient must actively participate in the  
50.29 Agricultural Utilization Research Institute's  
50.30 Renewable Energy Roundtable and no  
50.31 later than February 1, 2009, must report  
50.32 to the house and senate committees with  
50.33 jurisdiction over agriculture finance. This is  
50.34 a onetime appropriation and is available until  
50.35 spent.

51.1 \$300,000 the first year is for a grant to the  
51.2 Bois Forte Band of Chippewa for a feasibility  
51.3 study of a renewable energy biofuels  
51.4 demonstration facility on the Bois Forte  
51.5 Reservation in St. Louis and Koochiching  
51.6 Counties. The grant shall be used by the Bois  
51.7 Forte Band to conduct a detailed feasibility  
51.8 study of the economic and technical viability  
51.9 of developing a multistream renewable  
51.10 energy biofuels demonstration facility  
51.11 on Bois Forte Reservation land to utilize  
51.12 existing forest resources, woody biomass,  
51.13 and cellulosic material to produce biofuels or  
51.14 bioenergy. The grant recipient must actively  
51.15 participate in the Agricultural Utilization  
51.16 Research Institute's Renewable Energy  
51.17 Roundtable and no later than February 1,  
51.18 2009, must report to the house and senate  
51.19 committees with jurisdiction over agriculture  
51.20 finance. This is a onetime appropriation and  
51.21 is available until spent.

51.22 \$300,000 the first year is for a grant to  
51.23 the White Earth Band of Chippewa for a  
51.24 feasibility study of a renewable energy  
51.25 biofuels production, research, and production  
51.26 facility on the White Earth Reservation in  
51.27 Mahnomen County. The grant must be used  
51.28 by the White Earth Band and the University  
51.29 of Minnesota to conduct a detailed feasibility  
51.30 study of the economic and technical viability  
51.31 of (1) developing a multistream renewable  
51.32 energy biofuels demonstration facility on  
51.33 White Earth Reservation land to utilize  
51.34 existing forest resources, woody biomass,  
51.35 and cellulosic material to produce biofuels or  
51.36 bioenergy, and (2) developing, harvesting,

52.1 and marketing native prairie plants and seeds  
52.2 for bioenergy production. The grant recipient  
52.3 must actively participate in the Agricultural  
52.4 Utilization Research Institute's Renewable  
52.5 Energy Roundtable and no later than  
52.6 February 1, 2009, must report to the house  
52.7 and senate committees with jurisdiction  
52.8 over agriculture finance. This is a onetime  
52.9 appropriation and is available until spent.

52.10 \$200,000 the first year is for a grant to the Elk  
52.11 River Economic Development Authority for  
52.12 upfront engineering and a feasibility study  
52.13 of the Elk River renewable fuels facility.

52.14 The facility must use a plasma gasification  
52.15 process to convert primarily cellulosic  
52.16 material, but may also use plastics and other  
52.17 components from municipal solid waste, as  
52.18 feedstock for the production of methanol  
52.19 for use in biodiesel production facilities.

52.20 Any unencumbered balance in fiscal year  
52.21 2008 does not cancel but is available for  
52.22 fiscal year 2009. Notwithstanding Minnesota  
52.23 Statutes, section 16A.285, the agency must  
52.24 not transfer this appropriation. The grant  
52.25 recipient must actively participate in the  
52.26 Agricultural Utilization Research Institute's  
52.27 Renewable Energy Roundtable and no  
52.28 later than February 1, 2009, must report  
52.29 to the house and senate committees with  
52.30 jurisdiction over agriculture finance. This is  
52.31 a onetime appropriation and is available until  
52.32 spent.

52.33 \$200,000 the first year is for a grant to  
52.34 Chisago County to conduct a detailed  
52.35 feasibility study of the economic and  
52.36 technical viability of developing a

53.1 multistream renewable energy biofuels  
 53.2 demonstration facility in Chisago, Isanti,  
 53.3 or Pine County to utilize existing forest  
 53.4 resources, woody biomass, and cellulosic  
 53.5 material to produce biofuels or bioenergy.  
 53.6 Chisago County may expend funds to Isanti  
 53.7 and Pine Counties and the University of  
 53.8 Minnesota for any costs incurred as part  
 53.9 of the study. The feasibility study must  
 53.10 consider the capacity of: (1) the seed bank  
 53.11 at Wild River State Park to expand the  
 53.12 existing prairie grass, woody biomass, and  
 53.13 cellulosic material resources in Chisago,  
 53.14 Isanti, and Pine Counties; (2) willing and  
 53.15 interested landowners in Chisago, Isanti, and  
 53.16 Pine Counties to grow cellulosic materials;  
 53.17 and (3) the Minnesota Conservation Corps,  
 53.18 the sentence to serve program, and other  
 53.19 existing workforce programs in east central  
 53.20 Minnesota to contribute labor to these efforts.  
 53.21 The grant recipient must actively participate  
 53.22 in the Agricultural Utilization Research  
 53.23 Institute's Renewable Energy Roundtable and  
 53.24 no later than February 1, 2009, must report  
 53.25 to the house and senate committees with  
 53.26 jurisdiction over agriculture finance. This is  
 53.27 a onetime appropriation and is available until  
 53.28 spent.

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

53.30 Sec. 65. Laws 2007, chapter 45, article 1, section 3, subdivision 5, is amended to read:

53.31 Subd. 5. **Administration and Financial**

53.32 **Assistance** 7,338,000 6,751,000

53.33 \$1,005,000 the first year and \$1,005,000

53.34 the second year are for continuation of

54.1 the dairy development and profitability  
54.2 enhancement and dairy business planning  
54.3 grant programs established under Laws 1997,  
54.4 chapter 216, section 7, subdivision 2, and  
54.5 Laws 2001, First Special Session chapter 2,  
54.6 section 9, subdivision 2 . The commissioner  
54.7 may allocate the available sums among  
54.8 permissible activities, including efforts to  
54.9 improve the quality of milk produced in the  
54.10 state in the proportions that the commissioner  
54.11 deems most beneficial to Minnesota's dairy  
54.12 farmers. The commissioner must submit a  
54.13 work plan detailing plans for expenditures  
54.14 under this program to the chairs of the  
54.15 house and senate committees dealing with  
54.16 agricultural policy and budget on or before  
54.17 the start of each fiscal year. If significant  
54.18 changes are made to the plans in the course  
54.19 of the year, the commissioner must notify the  
54.20 chairs.

54.21 \$50,000 the first year and \$50,000 the  
54.22 second year are for the Northern Crops  
54.23 Institute. These appropriations may be spent  
54.24 to purchase equipment.

54.25 \$19,000 the first year and \$19,000 the  
54.26 second year are for a grant to the Minnesota  
54.27 Livestock Breeders Association.

54.28 \$250,000 the first year and \$250,000 the  
54.29 second year are for grants to the Minnesota  
54.30 Agricultural Education Leadership Council  
54.31 for programs of the council under Minnesota  
54.32 Statutes, chapter 41D.

54.33 \$600,000 the first year is for grants for  
54.34 fertilizer research as awarded by the  
54.35 Minnesota Agricultural Fertilizer Research

55.1 and Education Council under Minnesota  
55.2 Statutes, section 18C.71. ~~No later than~~  
55.3 ~~February 1, 2009~~, The amount available to  
55.4 the commissioner pursuant to Minnesota  
55.5 Statutes, section 18C.70, subdivision 2, for  
55.6 administration of this activity is available  
55.7 until February 1, 2009, by which time the  
55.8 commissioner shall report to the house and  
55.9 senate committees with jurisdiction over  
55.10 agriculture finance. The report must include  
55.11 the progress and outcome of funded projects  
55.12 as well as the sentiment of the council  
55.13 concerning the need for additional research  
55.14 funded through an industry checkoff fee.

55.15 \$465,000 the first year and \$465,000 the  
55.16 second year are for payments to county and  
55.17 district agricultural societies and associations  
55.18 under Minnesota Statutes, section 38.02,  
55.19 subdivision 1. Aid payments to county and  
55.20 district agricultural societies and associations  
55.21 shall be disbursed not later than July 15 of  
55.22 each year. These payments are the amount of  
55.23 aid owed by the state for an annual fair held  
55.24 in the previous calendar year.

55.25 \$65,000 the first year and \$65,000 the second  
55.26 year are for annual grants to the Minnesota  
55.27 Turf Seed Council for basic and applied  
55.28 research on the improved production of  
55.29 forage and turf seed related to new and  
55.30 improved varieties. The grant recipient may  
55.31 subcontract with a qualified third party for  
55.32 some or all of the basic and applied research.

55.33 \$500,000 the first year and \$500,000 the  
55.34 second year are for grants to Second Harvest  
55.35 Heartland on behalf of Minnesota's six

56.1 Second Harvest food banks for the purchase  
56.2 of milk for distribution to Minnesota's food  
56.3 shelves and other charitable organizations  
56.4 that are eligible to receive food from the food  
56.5 banks. Milk purchased under the grants must  
56.6 be acquired from Minnesota milk processors  
56.7 and based on low-cost bids. The milk must be  
56.8 allocated to each Second Harvest food bank  
56.9 serving Minnesota according to the formula  
56.10 used in the distribution of United States  
56.11 Department of Agriculture commodities  
56.12 under The Emergency Food Assistance  
56.13 Program (TEFAP). Second Harvest  
56.14 Heartland must submit quarterly reports  
56.15 to the commissioner on forms prescribed  
56.16 by the commissioner. The reports must  
56.17 include, but are not limited to, information  
56.18 on the expenditure of funds, the amount  
56.19 of milk purchased, and the organizations  
56.20 to which the milk was distributed. Second  
56.21 Harvest Heartland may enter into contracts  
56.22 or agreements with food banks for shared  
56.23 funding or reimbursement of the direct  
56.24 purchase of milk. Each food bank receiving  
56.25 money from this appropriation may use up to  
56.26 two percent of the grant for administrative  
56.27 expenses.

56.28 \$100,000 the first year and \$100,000 the  
56.29 second year are for transfer to the Board of  
56.30 Trustees of the Minnesota State Colleges and  
56.31 Universities for mental health counseling  
56.32 support to farm families and business  
56.33 operators through farm business management  
56.34 programs at Central Lakes College and  
56.35 Ridgewater College.

57.1 \$18,000 the first year and \$18,000 the  
57.2 second year are for grants to the Minnesota  
57.3 Horticultural Society.  
57.4 \$50,000 is for a grant to the University of  
57.5 Minnesota, Department of Horticultural  
57.6 Science, Enology Laboratory, to upgrade  
57.7 and purchase instrumentation to allow  
57.8 rapid and accurate measurement of enology  
57.9 components. This is a onetime appropriation  
57.10 and is available until expended.

57.11 Sec. 66. **AGRICULTURAL AND OPEN SPACE PRESERVATION TASK**  
57.12 **FORCE.**

57.13 An agricultural and open space preservation task force is created to study state and  
57.14 local policies and incentives related to encouraging farms, privately owned forest lands,  
57.15 and other privately owned open spaces to be preserved. The task force shall consist of two  
57.16 members of the senate appointed by the Subcommittee on Committees of the Committee  
57.17 on Rules and Administration, including one member of the minority; one member of the  
57.18 majority party in the house of representatives, appointed by the speaker of the house of  
57.19 representatives, and one member of the minority party in the house of representatives  
57.20 appointed by the minority leader; and one representative each from the Association of  
57.21 Minnesota Counties, the League of Minnesota Cities, and the Minnesota Association of  
57.22 Townships. The task force shall consult with representatives of agricultural groups such as  
57.23 Farm Bureau and Farmer's Union, the commissioners of agriculture and natural resources,  
57.24 the executive director of the Board of Soil and Water Resources, and other state agencies  
57.25 as needed and may consult with other interested parties. No public member of the task  
57.26 force shall be entitled to compensation or reimbursements for expenses. Appointments  
57.27 shall be made by July 1, 2008, and the first meeting shall be convened by agreement of  
57.28 the senate members no later than August 1, 2008. The task force shall elect a chair from  
57.29 among its members at the first meeting. The task force must report its findings with  
57.30 recommendations for proposed legislation to the chair and ranking minority member of  
57.31 the committees in the house of representatives and senate with jurisdiction over land use  
57.32 planning no later than January 30, 2009. The task force shall expire on June 30, 2009.

57.33 Sec. 67. **PROPOSAL; PETROLEUM INSPECTION FEE REVENUE.**

58.1 The commissioners of finance, commerce, and pollution control must develop and  
58.2 submit to the legislature as part of their next biennial budget request a proposal for  
58.3 eliminating, to the extent feasible, redundant fuel inspections and dedicating, to the extent  
58.4 feasible, all revenue from the petroleum inspection fee levied on petroleum products under  
58.5 Minnesota Statutes, section 239.101, subdivision 3, to the Weights and Measures Division  
58.6 of the Department of Commerce. All additional funding appropriated to the Weights and  
58.7 Measures Division under this proposal must be used for increased and enhanced fuel  
58.8 quality assurance enforcement activities and equipment and for educational activities  
58.9 focused on the handling, distribution, and use of biodiesel fuel.

58.10 Sec. 68. **TECHNICAL COLD WEATHER ISSUES.**

58.11 The commissioners of agriculture and commerce shall consult with stakeholders  
58.12 who are technical experts in cold weather biodiesel and petroleum diesel issues to  
58.13 consider and make recommendations regarding improvements in the production, blending,  
58.14 handling, and distribution of biodiesel blends to further ensure the performance of these  
58.15 fuels in cold weather. The commissioners shall issue a report on these issues by February  
58.16 15, 2009, to the chairs and ranking minority members of the legislature with jurisdiction  
58.17 over agriculture and commerce policy and finance.

58.18 Sec. 69. **BIOBASED DIESEL ALTERNATIVES.**

58.19 By January 15, 2011, the commissioners of agriculture, commerce, and pollution  
58.20 control shall consult with a broad range of stakeholders with technical expertise to  
58.21 develop and present recommendations to the NextGen Energy Board and to the chairs and  
58.22 ranking minority members of the Environment, Agriculture, Transportation, and Energy  
58.23 Policy and Finance Committees for the use of biobased diesel alternatives in the state,  
58.24 after reviewing the technology, economics, and operational characteristics associated  
58.25 with their use. For the purposes of this section, "biobased diesel alternatives" means  
58.26 alternatives to petroleum diesel fuel that are warrantied for use in a standard diesel engine  
58.27 without modification and derived from a biological resource. The commissioners may  
58.28 not recommend the use of a biobased diesel alternative for which an ASTM specification  
58.29 has not been developed, and which does not provide at least the equivalent environmental  
58.30 emissions benefits and local economic development potential as biodiesel produced using  
58.31 feedstocks grown or raised in the United States and Canada.

58.32 Sec. 70. **2008 FAMILY MOTOR COACH ASSOCIATION EVENT.**

58.33 For the 2008 Family Motor Coach Association event held on the State Fair grounds,  
58.34 the fee the State Agricultural Society must obtain for expansion of the recreational

59.1 camping area license, as required in Minnesota Statutes, section 327.15, shall be 50  
59.2 percent of the primary license fee prescribed in Minnesota Rules, part 4630.2000.

59.3 **Sec. 71. VIRAL HEMORRHAGIC SEPTICEMIA TESTING.**

59.4 The commissioner of natural resources shall form a work group with the  
59.5 commissioners of agriculture and health and develop a plan for detecting and responding  
59.6 to the presence of the fish virus Viral Hemorrhagic Septicemia (VHS) in Minnesota. The  
59.7 plan must cover how the joint laboratory facility at the Departments of Agriculture and  
59.8 Health may be used to provide testing needed to diagnose and respond to VHS. No later  
59.9 than January 5, 2009, the commissioner of natural resources shall present the plan to  
59.10 the chairs of the house and senate committees with jurisdiction over agriculture, health,  
59.11 and natural resources policy and finance.

59.12 **Sec. 72. NEXTGEN 2007 APPROPRIATION MODIFICATION.**

59.13 Up to \$300,000 of the amount appropriated to the commissioner of agriculture for  
59.14 bioenergy grants under Laws 2007, chapter 45, article 1, section 3, subdivision 4, is for  
59.15 cold weather biodiesel blending infrastructure grants to facilities that serve Minnesota.

59.16 **Sec. 73. 2007 APPROPRIATION MODIFICATION.**

59.17 The commissioner may use up to \$100,000 of the amount appropriated for dairy  
59.18 development and profitability enhancement and dairy business planning grants in fiscal  
59.19 year 2009 under Laws 2007, chapter 45, article 1, section 3, subdivision 5, for activities  
59.20 related to marketing, business planning, and educational efforts to assist all livestock  
59.21 operations located within a bovine tuberculosis modified accredited zone, as designated by  
59.22 the United States Department of Agriculture.

59.23 **ARTICLE 2**

59.24 **VETERANS POLICY**

59.25 Section 1. Minnesota Statutes 2006, section 13.785, is amended by adding a  
59.26 subdivision to read:

59.27 Subd. 4. **Deceased veterans data.** Data relating to veterans deceased as a result of  
59.28 service-connected causes are classified under section 197.225.

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

59.30 Sec. 2. Minnesota Statutes 2006, section 168.1255, subdivision 1, is amended to read:

59.31 Subdivision 1. **General requirements and procedures.** The commissioner shall  
59.32 issue special veteran contribution plates or a single motorcycle plate to an applicant who:

- 60.1 (1) is a veteran, as defined in section 197.447;
- 60.2 (2) is a registered owner of a passenger automobile or motorcycle;
- 60.3 (3) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;
- 60.4 (4) pays the registration tax required under section 168.013;
- 60.5 (5) pays the fees required under this chapter;
- 60.6 (6) pays an additional onetime World War II memorial contribution of \$30, which
- 60.7 the department shall retain until all start-up costs associated with the development and
- 60.8 issuing of the plates have been recovered, after which the commissioner shall deposit
- 60.9 contributions in the World War II donation match account; and
- 60.10 (7) complies with this chapter and rules governing the registration of motor vehicles
- 60.11 and licensing of drivers.

60.12 Sec. 3. Minnesota Statutes 2006, section 168.1255, is amended by adding a subdivision

60.13 to read:

60.14 Subd. 1a. **Motorcycle plate.** A motorcycle plate issued under this section must be

60.15 the same size as a regular motorcycle plate.

60.16 Sec. 4. Minnesota Statutes 2006, section 168.1255, subdivision 3, is amended to read:

60.17 Subd. 3. **Plate transfers.** Despite section 168.12, subdivision 1, on payment of a

60.18 transfer fee of \$5, plates issued under this section may be transferred to another passenger

60.19 automobile registered to the individual to whom the veteran contribution plates were

60.20 issued, or a single motorcycle plate may be transferred to another motorcycle registered to

60.21 the individual to whom the plate was issued.

60.22 Sec. 5. Minnesota Statutes 2006, section 168.1255, is amended by adding a subdivision

60.23 to read:

60.24 Subd. 6. **World War II memorial donation match account.** Money remaining

60.25 in the World War II memorial donation match account after the state share of the

60.26 construction costs of the World War II memorial has been paid in full is appropriated to the

60.27 commissioner of veterans affairs for services and programs for veterans and their families.

60.28 Sec. 6. **[192.056] PROTECTION OF RESERVIST-OWNED BUSINESS DURING**

60.29 **ACTIVE SERVICE.**

60.30 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this

60.31 section.

60.32 (b) "Active service" has the meaning given in section 190.05, subdivision 5.

61.1 (c) "Business" means a business wholly owned by a qualified service member, or  
61.2 jointly by the member and the member's spouse, irrespective of whether the business  
61.3 is a sole proprietorship, corporation, limited liability company, partnership, limited  
61.4 partnership, or other type of business entity.

61.5 (d) "Qualified service member" means a Minnesota resident who is serving  
61.6 honorably as a member of the Minnesota National Guard or any other military reserve  
61.7 unit of the United States armed forces who has been ordered into active service for a  
61.8 period of 60 days or longer.

61.9 Subd. 2. **Protection provided.** (a) Notwithstanding any other law or rule to the  
61.10 contrary, the business of a qualified service member may be exempted from civil court  
61.11 proceedings for part or all of the period of the member's active military service and for up  
61.12 to 60 days thereafter, as provided in this section.

61.13 (b) If the business of a qualified service member is a defendant in a civil action, the  
61.14 court may, on its own motion, grant a stay in the proceedings for a minimum of 60 days.  
61.15 The court, on its own motion, may renew the stay as the court considers appropriate. If the  
61.16 qualified service member petitions the court in any manner for a stay, the court must grant  
61.17 a stay for a minimum of 60 days, provided that:

61.18 (1) the service member submits to the court a letter or other communication setting  
61.19 forth facts stating the manner in which current military duty requirements materially affect  
61.20 the service member's ability to appear or otherwise participate in the proceedings, and  
61.21 stating a date when the service member will be available to appear or otherwise participate  
61.22 in the proceedings; and

61.23 (2) the service member submits a letter or other communication from the service  
61.24 member's commanding officer stating that the service member's current military duty  
61.25 prevents appearance and that military leave is not authorized for the service member  
61.26 at the time of the letter.

61.27 (c) A service member's communication with the court requesting a stay does not  
61.28 constitute an appearance for jurisdictional purposes and does not constitute a waiver of  
61.29 any substantive or procedural defense, including a defense relating to lack of personal  
61.30 jurisdiction.

61.31 (d) A qualified service member who is granted a stay in the action or proceedings  
61.32 against the member's business may in any manner request from the court an additional  
61.33 stay, which the court may grant if the service member can show to the satisfaction of  
61.34 the court that the member's military requirements affect the member's ability to appear.  
61.35 However, the court is not obligated to grant the additional stay. If the court refuses to  
61.36 grant an additional stay, the court must provide the service member with information

62.1 enabling the service member to acquire qualified legal counsel, at the service member's  
62.2 discretion, for defending the action.

62.3 (e) If a default judgment is entered in a civil action against the business of a qualified  
62.4 service member during the service member's period of active military service, or within 60  
62.5 days following termination of or release from the active military service, the court entering  
62.6 the judgment must, upon application by or on behalf of the service member, reopen the  
62.7 judgment for the purpose of allowing the member to defend the action if it appears that:

62.8 (1) the service member was materially affected by reason of that military service in  
62.9 making a defense to the action; and

62.10 (2) the service member has a meritorious or legal defense to the action or some  
62.11 part of it.

62.12 **EFFECTIVE DATE.** This section is effective July 1, 2008, and applies to civil  
62.13 court actions pending or initiated on or after that date.

62.14 Sec. 7. Minnesota Statutes 2006, section 192.20, is amended to read:

62.15 **192.20 BREVET RANK.**

62.16 Subdivision 1. **Personnel eligible for brevet promotion.** (a) Officers, warrant  
62.17 officers, and enlisted persons of the National Guard who have, after ten years active  
62.18 service, resigned or retired for physical disability or otherwise, may in the discretion of the  
62.19 commander-in-chief, on the recommendation of the adjutant general, be commissioned  
62.20 by brevet, in the next higher grade than that held by them at the time of their resignation  
62.21 or retirement.

62.22 (b) Officers, warrant officers, or enlisted persons of the National Guard who die  
62.23 while in state or federal active service, as defined in section 190.05, or former officers,  
62.24 warrant officers, or enlisted persons of the National Guard who die as a result of injuries  
62.25 or other conditions incurred or aggravated while in such service may, in the discretion of  
62.26 the commander-in-chief, on the recommendation of the adjutant general, be commissioned  
62.27 by brevet, in the next higher grade than that held by them at the time of their death.

62.28 (c) If a service member is wounded or killed after a battlefield commission has  
62.29 been approved and was pending, or if a service member was enrolled in an officer  
62.30 commissioning program at the time of injury or death, the person may be breveted at the  
62.31 rank of second lieutenant or ensign, as appropriate, following separation or discharge  
62.32 from military service.

62.33 Subd. 2. **Effect of brevet rank.** Brevet rank shall be considered strictly honorary  
62.34 and shall confer no privilege of precedence or command, nor pay any emoluments. Brevet

63.1 officers, warrant officers, and enlisted persons may wear the uniform of their brevet grade  
63.2 on occasions of ceremony.

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

63.4 Sec. 8. **[192.325] DISCRIMINATION AGAINST FAMILY OF SERVICE**  
63.5 **MEMBER; UNPAID LEAVE REQUIRED.**

63.6 An employer may not:

63.7 (1) discharge from employment or take adverse employment action against any  
63.8 employee because of the membership of that employee's spouse, parent, or child in the  
63.9 military forces of the United States, of this state, or any other state; or

63.10 (2) discharge from employment, take adverse employment action against, or  
63.11 otherwise hinder an employee from attending the following kinds of events relating to the  
63.12 military service of the employee's spouse, parent, or child and to which the employee is  
63.13 invited or otherwise called upon to attend by proper military authorities:

63.14 (i) departure or return ceremonies for deploying or returning military personnel  
63.15 or units;

63.16 (ii) family training or readiness events sponsored or conducted by the military; and

63.17 (iii) events held as part of official military reintegration programs.

63.18 The employee must provide reasonable notice to the employer when requesting  
63.19 time off, and the employer must provide a reasonable amount of nonpaid time off for the  
63.20 employee, for the purposes enumerated in items (i) to (iii), not to exceed two consecutive  
63.21 days or six days in a calendar year. The employer must not compel the employee to use  
63.22 accumulated but unused vacation for these events.

63.23 Section 645.241 does not apply to this section.

63.24 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to  
63.25 employment action occurring on or after that date.

63.26 Sec. 9. Minnesota Statutes 2006, section 196.021, is amended to read:

63.27 **196.021 DEPUTY COMMISSIONERS; DUTIES.**

63.28 Subdivision 1. **Appointment.** The commissioner shall appoint a deputy  
63.29 commissioner for veteran services ~~as provided in subdivision 2, and the board of directors~~  
63.30 ~~of the Minnesota Veterans Homes may appoint~~ a deputy commissioner for veteran health  
63.31 care ~~as provided in section 198.004.~~ Both deputy commissioners serve in the unclassified  
63.32 service, ~~the deputy for veteran services~~ at the pleasure of the commissioner ~~and the deputy~~  
63.33 ~~for veteran health care at the pleasure of the board.~~ Both deputies ~~shall~~ must be residents  
63.34 of Minnesota, citizens of the United States, and veterans as defined in section 197.447.

64.1 Subd. 2. ~~Deputy for veteran services;~~ **Powers and duties.** The deputy  
64.2 commissioner for veteran services ~~has~~ and the deputy commissioner for veteran health  
64.3 care have those powers delegated by the commissioner that have not otherwise been  
64.4 delegated to the deputy commissioner for veteran health care by the commissioner or  
64.5 assigned to that deputy commissioner by law. A delegation must be in writing, signed  
64.6 by the commissioner, and filed with the secretary of state.

64.7 Sec. 10. Minnesota Statutes 2006, section 196.03, is amended to read:

64.8 **196.03 OFFICERS AND EMPLOYEES.**

64.9 ~~Except as provided in chapter 198,~~ All officers and employees of the department  
64.10 shall be appointed by the commissioner and they shall perform such duties as may be  
64.11 assigned to them by the commissioner.

64.12 Sec. 11. **[196.30] VETERANS HEALTH CARE ADVISORY COUNCIL.**

64.13 Subdivision 1. **Creation.** The Veterans Health Care Advisory Council is established  
64.14 to provide the Department of Veterans Affairs with advice and recommendations on  
64.15 providing veterans with quality long-term care and the anticipated future needs of  
64.16 Minnesota veterans.

64.17 Subd. 2. **Membership.** (a) The council consists of nine public members appointed  
64.18 by the governor. The council members are:

64.19 (1) seven members with extensive expertise in health care delivery, long-term care,  
64.20 and veterans services;

64.21 (2) one licensed clinician who may be either a physician, physician's assistant, or  
64.22 a nurse practitioner; and

64.23 (3) one additional member.

64.24 (b) The governor shall designate a member to serve as the chair.

64.25 (c) The commissioner of veterans affairs, or the commissioner's designee, is an ex  
64.26 officio, nonvoting member of the council and shall provide necessary and appropriate  
64.27 administrative and technical support to the council.

64.28 (d) Membership terms, removal of members, and the filling of vacancies are as  
64.29 provided in section 15.059, subdivisions 2 and 4. Members shall not receive compensation  
64.30 or per diem payments, but may receive reimbursement for expenses pursuant to section  
64.31 15.059, subdivision 3.

64.32 Subd. 3. **Duties.** The council is an advisory group with the responsibility of  
64.33 providing the commissioner of veterans affairs with information and professional expertise  
64.34 on the delivery of quality long-term care to veterans. The council's duties include:

65.1 (1) developing a new vision and strategic plan for the veterans homes that  
65.2 complements the Department of Veterans Affairs overall veterans service programs;

65.3 (2) providing recommendations and advice on matters including clinical  
65.4 performance, systemwide quality improvement efforts, culture and working environment  
65.5 of the veterans homes, and other operational and organizational functions of the veterans  
65.6 homes;

65.7 (3) studying and reviewing current issues and trends in the long-term care industry  
65.8 and the veterans community;

65.9 (4) providing recommendations to the commissioner on alternative options for the  
65.10 delivery of long-term care to veterans so that veterans and their families can determine  
65.11 appropriate services under models similar to those available in the community;

65.12 (5) establishing, as appropriate, subcommittees or ad hoc task forces of council  
65.13 members, stakeholders, and other individuals with expertise or experience to address  
65.14 specific issues; and

65.15 (6) reviewing and providing advice on any other matter at the request of the  
65.16 commissioner.

65.17 Subd. 4. **Expiration.** Notwithstanding section 15.059, subdivision 4, the council  
65.18 expires June 30, 2013.

65.19 Sec. 12. **[197.225] LIST OF DECEASED MILITARY PERSONNEL.**

65.20 (a) The commissioner of veterans affairs shall collect and maintain data about  
65.21 Minnesota residents who have died of service-connected causes while serving in the  
65.22 United States armed forces. The data may include deceased service members who are  
65.23 the immediate family members of Minnesota residents, but who themselves were not  
65.24 Minnesota residents at the time of death. The commissioner shall collect the following  
65.25 data: the individual's full name, military rank, branch of service, age at the time of death,  
65.26 and Minnesota hometown or if not a Minnesota resident at the time of death, the service  
65.27 member's home state.

65.28 (b) Data collected pursuant to this section are nonpublic data, but may be  
65.29 disseminated to the individual's next of kin, and for ceremonial or honorary purposes to  
65.30 veterans' organizations, civic organizations, the news media, and researchers. No other  
65.31 use or dissemination of the data is permitted.

65.32 (c) The next of kin of a veteran whose data is collected may request that the data  
65.33 not be disseminated for any purpose. Upon receiving such a request, the Department of  
65.34 Veterans Affairs must exclude the deceased veteran's data from any data disseminated for  
65.35 ceremonial or honorary purposes as permitted by paragraph (b).

66.1 (d) Data collected pursuant to this section shall not be indicative of any person's  
66.2 status with regard to qualification for veterans benefits or other benefits.

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

66.4 Sec. 13. Minnesota Statutes 2006, section 197.236, is amended to read:

66.5 **197.236 VETERANS CEMETERY STATE VETERANS CEMETERIES.**

66.6 Subd. 3. **Operation and maintenance.** The commissioner of veterans affairs shall  
66.7 supervise and control the veterans ~~cemetary~~ cemeteries established under this section. The  
66.8 cemeteries are to be maintained and operated in accordance with the operational standards  
66.9 and measures of the National Cemetery Administration. The commissioner may contract  
66.10 for the maintenance ~~and operation~~ of the ~~cemetary~~ cemeteries. All personnel, equipment,  
66.11 and support necessary for maintenance and operation of the ~~cemetary~~ cemeteries must be  
66.12 included in the department's budget.

66.13 Subd. 5. **Rules.** The commissioner of veterans affairs may adopt rules regarding the  
66.14 operation of the ~~cemetary~~ cemeteries. ~~If practicable,~~ The commissioner shall require that  
66.15 upright granite markers supplied by the United States Department of Veterans Affairs be  
66.16 used to mark all gravesites.

66.17 Subd. 6. **Permanent development and maintenance account.** A veterans  
66.18 cemetery development and maintenance account is established in the special revenue  
66.19 fund of the state treasury. Receipts for burial fees, ~~earnings from the veterans cemetery~~  
66.20 ~~trust account~~ plot or interment allowance claims, designated appropriations, and any  
66.21 other cemetery receipts must be deposited into this account. The money in the account,  
66.22 including interest earned, is appropriated to the commissioner to be used for the  
66.23 development, operation, maintenance, and improvement of the ~~cemetary~~ cemeteries.  
66.24 To the extent practicable, the commissioner of veterans affairs must apply for available  
66.25 federal grants ~~for the development and operation of the cemetery~~ to establish, expand, or  
66.26 improve the cemeteries.

66.27 ~~Subd. 7. **Permanent trust account.** A veterans cemetery trust account is~~  
66.28 ~~established in the special revenue fund of the state treasury. All designated appropriations~~  
66.29 ~~and monetary donations to the cemetery must be placed in this account. The principal of~~  
66.30 ~~this account must be invested by the State Board of Investment and may not be spent. The~~  
66.31 ~~income from this account must be transferred as directed by the account manager to the~~  
66.32 ~~veterans cemetery development and maintenance account.~~

66.33 Subd. 8. **Eligibility.** ~~Any person who is eligible for burial in a national veterans~~  
66.34 ~~cemetary is eligible for burial in the State Veterans Cemetery~~ Cemeteries must be operated

67.1 solely for the burial of service members who die on active duty, eligible veterans, and  
67.2 their spouses and dependent children, as defined in United States Code, title 38, section  
67.3 101, paragraph (2).

67.4 Subd. 9. **Burial fees.** The commissioner of veterans affairs shall establish a fee  
67.5 schedule, which may be adjusted from time to time, for the interment of eligible ~~family~~  
67.6 ~~members~~ spouses and dependent children. The fees shall cover as nearly as practicable  
67.7 the actual costs of interment, excluding the value of the plot. ~~The department may accept~~  
67.8 ~~the Social Security burial allowance, if any, of the eligible family members in an amount~~  
67.9 ~~not to exceed the actual cost of the interment.~~ The commissioner may waive the fee  
67.10 in the case of an indigent eligible person.

67.11 No plot or interment fees may be charged for the burial of ~~eligible veterans, members~~  
67.12 ~~of the National Guard, or military reservists, except that funds available from the Social~~  
67.13 ~~Security or veterans burial allowances, if any, must be paid to the commissioner in an~~  
67.14 ~~amount not to exceed the actual cost of the interment, excluding the value of the plot~~  
67.15 service members who die on active duty or eligible veterans, as defined in United States  
67.16 Code, title 38, section 101, paragraph (2).

67.17 ~~Prior to the interment of an eligible person, the commissioner shall request the~~  
67.18 ~~cooperation of the eligible person's next of kin in applying to the appropriate federal~~  
67.19 ~~agencies for payment to the cemetery of any allowable interment allowance.~~

67.20 Subd. 10. **Allocation of plots.** ~~A person, or survivor of a person, eligible for~~  
67.21 ~~interment in the State Veterans Cemetery may apply for a burial plot for the eligible~~  
67.22 ~~person by submitting a request to the commissioner of veterans affairs on a form supplied~~  
67.23 ~~by the department. The department shall allot plots on a first-come, first-served basis. To~~  
67.24 ~~the extent that it is practical, plots must be allocated in a manner permitting the burial of~~  
67.25 ~~eligible family members above, below, or adjacent to the eligible veteran, member of~~  
67.26 ~~the National Guard, or military reservist.~~

67.27 Subd. 11. **Plot allowance claims.** The commissioner of veterans affairs must apply  
67.28 to the Veterans Benefits Administration for a plot or interment allowance payable to the  
67.29 state for expenses incurred by the state in the burial of eligible veterans in cemeteries  
67.30 owned and operated by the state if the burial is performed at no cost to the veteran's  
67.31 next of kin.

67.32 Subd. 12. **No staff.** No staff may be hired for any new veterans cemetery without  
67.33 explicit legislative approval.

68.1 Sec. 14. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 1, is  
68.2 amended to read:

68.3 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this  
68.4 section.

68.5 (b) "Commissioner" means the commissioner of veterans affairs, unless otherwise  
68.6 specified.

68.7 (c) "Cost of attendance" for ~~both graduate and~~ undergraduate students has the  
68.8 meaning given in section 136A.121, subdivision 6, multiplied by a factor of ~~1.1~~ 1.2.  
68.9 The Cost of attendance for graduate students has the meaning given in section 136A.121,  
68.10 subdivision 6, multiplied by a factor of 1.2, using the tuition and fee maximum established  
68.11 by law for four-year programs shall be used to calculate the tuition and fee maximum  
68.12 under section 136A.121, subdivision 6, for a graduate student. For purposes of calculating  
68.13 the cost of attendance for graduate students, full time is eight credits or more per term or  
68.14 the equivalent.

68.15 (d) "Child" means a natural or adopted child of a person described in subdivision 4,  
68.16 paragraph (a), clause (1), item (i) or (ii).

68.17 (e) "Eligible institution" means a postsecondary institution under section 136A.101,  
68.18 subdivision 4, or a graduate school licensed or registered with the state of Minnesota  
68.19 serving only graduate students.

68.20 (f) "Program" means the Minnesota GI Bill program established in this section,  
68.21 unless otherwise specified.

68.22 (g) "Time of hostilities" means any action by the armed forces of the United States  
68.23 that is recognized by the issuance of a presidential proclamation or a presidential executive  
68.24 order in which the armed forces expeditionary medal or other campaign service medals  
68.25 are awarded according to presidential executive order, and any additional period or place  
68.26 that the commissioner determines and designates, after consultation with the United States  
68.27 Department of Defense, to be a period or place where the United States is in a conflict that  
68.28 places persons at such a risk that service in a foreign country during that period or in that  
68.29 place should be considered to be included.

68.30 (h) "Veteran" has the meaning given in section 197.447. Veteran also includes  
68.31 a service member who has received an honorable discharge after leaving each period of  
68.32 federal active duty service and has:

68.33 (1) served 90 days or more of federal active duty in a foreign country during a time  
68.34 of hostilities in that country; or

68.35 (2) been awarded any of the following medals:

68.36 (i) Armed Forces Expeditionary Medal;

- 69.1            (ii) Kosovo Campaign Medal;  
69.2            (iii) Afghanistan Campaign Medal;  
69.3            (iv) Iraq Campaign Medal;  
69.4            (v) Global War on Terrorism Expeditionary Medal; or  
69.5            (vi) any other campaign medal authorized for service after September 11, 2001; or  
69.6            ~~(2)~~ (3) received a service-related medical discharge from any period of service in a  
69.7 foreign country during a time of hostilities in that country.

69.8 A service member who has fulfilled the requirements for being a veteran under this  
69.9 paragraph but is still serving actively in the United States armed forces is also a veteran  
69.10 for the purposes of this section.

69.11            Sec. 15. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 4, is  
69.12 amended to read:

69.13            Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under this  
69.14 section if:

69.15            (1) the person is:

69.16            (i) a veteran who is serving or has served honorably in any branch or unit of the  
69.17 United States armed forces at any time on or after September 11, 2001;

69.18            (ii) a nonveteran who has served honorably for a total of five years or more  
69.19 cumulatively as a member of the Minnesota National Guard or any other active or reserve  
69.20 component of the United States armed forces, and any part of that service occurred on or  
69.21 after September 11, 2001;

69.22            (iii) the surviving spouse or child of a person who has served in the military at any  
69.23 time on or after September 11, 2001, and who has died as a direct result of that military  
69.24 service; or

69.25            (iv) the spouse or child of a person who has served in the military at any time on or  
69.26 after September 11, 2001, and who has a total and permanent service-connected disability  
69.27 as rated by the United States Veterans Administration;

69.28            ~~(2) the person providing the military service described in clause (1), items (i) to (iv),~~  
69.29 ~~was a Minnesota resident within six months of the time of the person's initial enlistment or~~  
69.30 ~~any reenlistment in the United States armed forces;~~

69.31            ~~(3)~~ (2) the person receiving the educational assistance is a Minnesota resident, as  
69.32 defined in section 136A.101, subdivision 8; and

69.33            ~~(4)~~ (3) the person receiving the educational assistance:

69.34            (i) is an undergraduate or graduate student at an eligible institution;

70.1 (ii) is maintaining satisfactory academic progress as defined by the institution for  
70.2 students participating in federal Title IV programs;

70.3 (iii) is enrolled in an education program leading to a certificate, diploma, or degree  
70.4 at an eligible institution;

70.5 (iv) has applied for educational assistance under this section prior to the end of the  
70.6 academic term for which the assistance is being requested;

70.7 (v) is in compliance with child support payment requirements under section  
70.8 136A.121, subdivision 2, clause (5); and

70.9 (vi) ~~if an undergraduate student, has applied for the federal Pell Grant and the~~  
70.10 ~~Minnesota State Grant~~ has completed the Free Application for Federal Student Aid  
70.11 (FAFSA).

70.12 (b) A person's eligibility terminates when the person becomes eligible for benefits  
70.13 under section 135A.52.

70.14 (c) To determine eligibility, the commissioner may require official documentation,  
70.15 including the person's federal form DD-214 or other official military discharge papers;  
70.16 correspondence from the United States Veterans Administration; birth certificate; marriage  
70.17 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of  
70.18 residency; proof of identity; or any other official documentation the commissioner  
70.19 considers necessary to determine eligibility.

70.20 (d) The commissioner may deny eligibility or terminate benefits under this section  
70.21 to any person who has not provided sufficient documentation to determine eligibility for  
70.22 the program. An applicant may appeal the commissioner's eligibility determination or  
70.23 termination of benefits in writing to the commissioner at any time. The commissioner  
70.24 must rule on any application or appeal within 30 days of receipt of all documentation that  
70.25 the commissioner requires. The decision of the commissioner regarding an appeal is final.  
70.26 However, an applicant whose appeal of an eligibility determination has been rejected by  
70.27 the commissioner may submit an additional appeal of that determination in writing to the  
70.28 commissioner at any time that the applicant is able to provide substantively significant  
70.29 additional information regarding the applicant's eligibility for the program. An approval  
70.30 of an applicant's eligibility by the commissioner following an appeal by the applicant is  
70.31 not retroactively effective for more than one year or the semester of the person's original  
70.32 application, whichever is later.

70.33 (e) Upon receiving an application with insufficient documentation to determine  
70.34 eligibility, the commissioner must notify the applicant within 30 days of receipt of the  
70.35 application that the application is being suspended pending receipt by the commissioner of  
70.36 sufficient documentation from the applicant to determine eligibility.

71.1 Sec. 16. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 5, is  
71.2 amended to read:

71.3 Subd. 5. **Benefit amount.** (a) On approval by the commissioner of eligibility for  
71.4 the program, the applicant shall be awarded, on a funds-available basis, the educational  
71.5 assistance under the program for use at any time according to program rules at any  
71.6 eligible institution.

71.7 (b) The amount of educational assistance in any semester or term for an eligible  
71.8 person must be determined by subtracting from the eligible person's cost of attendance the  
71.9 amount the person received or was eligible to receive in that semester or term from:

71.10 (1) the federal Pell Grant;

71.11 (2) the state grant program under section 136A.121; and

71.12 (3) any federal military or veterans educational benefits including but not limited  
71.13 to the Montgomery GI Bill, GI Bill Kicker, the federal tuition assistance program,  
71.14 vocational rehabilitation benefits, and any other federal benefits associated with the  
71.15 person's status as a veteran, except veterans disability payments from the United States  
71.16 Veterans Administration.

71.17 (c) The amount of educational assistance for any eligible person who is a full-time  
71.18 student must not exceed the following:

71.19 (1) \$1,000 per semester or term of enrollment;

71.20 (2) ~~\$2,000~~ \$3,000 per state fiscal year; and

71.21 (3) \$10,000 in a lifetime.

71.22 For a part-time student, the amount of educational assistance must not exceed \$500  
71.23 per semester or term of enrollment. For the purpose of this paragraph, a part-time  
71.24 undergraduate student is a student taking fewer than 12 credits or the equivalent for a  
71.25 semester or term of enrollment and a part-time graduate student is a student considered  
71.26 part time by the eligible institution the graduate student is attending. The minimum award  
71.27 for undergraduate and graduate students is \$50 per term.

71.28 Sec. 17. Minnesota Statutes 2006, section 198.32, subdivision 1, is amended to read:

71.29 Subdivision 1. **Resident's rights.** A resident of a Minnesota veterans home has the  
71.30 right to complain and otherwise exercise freedom of expression and assembly which is  
71.31 guaranteed by amendment I of the United States Constitution. The administrator of the  
71.32 home shall inform each resident in writing at the time of admission of the right to complain  
71.33 to the administrator about home accommodations and services. A notice of the right to  
71.34 complain shall be posted in the home. The administrator shall also inform each resident of  
71.35 the right to complain to the ~~board or to the~~ commissioner of veterans affairs. Each resident

72.1 of a home shall be encouraged and assisted, throughout the period of stay in the home, to  
72.2 understand and exercise the rights of freedom of expression and assembly as a resident  
72.3 and as a citizen, and, to this end, the resident may voice grievances and recommend  
72.4 changes in policies and services to home staff, other residents, and outside representatives  
72.5 of the resident's choice, free from restraint, interference, coercion, discrimination, or  
72.6 reprisal, including retaliatory eviction.

72.7 Sec. 18. **RULES TRANSFER.**

72.8 Minnesota Rules, chapter 9050, is transferred from the Veterans Homes Board of  
72.9 Directors to the commissioner of veterans affairs. The commissioner shall administer and  
72.10 enforce those rules and may amend or repeal them.

72.11 Sec. 19. **APPOINTMENTS.**

72.12 Notwithstanding Minnesota Statutes, section 196.30, subdivision 2, paragraph (d),  
72.13 the governor may make the initial appointments to the Veterans Health Care Advisory  
72.14 Council under Executive Order 07-20 without complying with the appointment process in  
72.15 Minnesota Statutes, section 15.0597.

72.16 Sec. 20. **OMBUDSMAN FOR VETERANS HOME RESIDENTS.**

72.17 The ombudsman required under Laws 2007, chapter 45, article 2, section 1,  
72.18 paragraph (j), must attend all meetings of the Veterans Health Care Advisory Council  
72.19 established in new Minnesota Statutes, section 196.30.

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

72.21 Sec. 21. **TRANSFER OF FUNDS IN VETERANS CEMETERY TRUST**  
72.22 **ACCOUNT.**

72.23 Notwithstanding Minnesota Statutes, section 16A.62, on June 30, 2008, all money in  
72.24 the veterans cemetery trust account in the special revenue fund established in Minnesota  
72.25 Statutes, section 197.236, subdivision 7, must be transferred to the permanent development  
72.26 and maintenance account in the special revenue fund under Minnesota Statutes, section  
72.27 197.236, subdivision 6.

72.28 Sec. 22. **STATE VETERANS CEMETERY STUDY.**

72.29 The commissioner of veterans affairs shall evaluate the status of and need for  
72.30 additional veterans cemeteries in the state, including consideration of a new veterans  
72.31 cemetery in southern Minnesota. By January 15, 2009, the commissioner shall report

73.1 the findings of the study to the chairs and ranking minority members of the legislative  
73.2 committees with jurisdiction over veterans policy and finance.

73.3 **Sec. 23. PARTNERING IN DELIVERY OF VETERANS SERVICES.**

73.4 The commissioner of veterans affairs must seek input from a broad range of  
73.5 experienced nongovernmental social service and health care providers, including both  
73.6 secular and faith-based service organizations, from throughout the state regarding the  
73.7 feasibility of public-private collaboration in providing services to Minnesota Veterans.  
73.8 The services may include home health care, psychological counseling, life-skills  
73.9 rehabilitation counseling, home hospice care, respite care, and other types of home-based  
73.10 health care as judged necessary by the commissioner to enable veterans to recover from  
73.11 service-connected injuries, illnesses, and disabilities. The commissioner must report to  
73.12 the legislature by January 15, 2009, with findings and recommendations for establishing  
73.13 the service-delivery partnerships.

73.14 **Sec. 24. VETERANS AFFAIRS STRATEGIC PLANNING GROUP.**

73.15 (a) By January 15, 2009, the Department of Veterans Affairs Strategic Planning  
73.16 Group shall report to the chairs and ranking minority members of the house and the  
73.17 senate committees with jurisdiction over veterans affairs policy and finance the group's  
73.18 recommendations for the Minnesota Veterans Home at Minneapolis, based on specific  
73.19 additional analysis of the projected capital, maintenance, and operating costs of that home,  
73.20 including an assessment of the feasibility of alternative operational models at that home  
73.21 or at alternative or additional state veterans home locations within the seven-county  
73.22 metropolitan area. The group must include the likelihood and projected amount of any  
73.23 cost-savings that could result from the demolition or remodeling and conversion of  
73.24 some of the infrastructure of the current campus for alternative uses and other pertinent  
73.25 items, such as:

73.26 (1) construction of rental housing for veterans and family members of veterans  
73.27 receiving medical care at the nearby US/VA Medical Center or other nearby medical  
73.28 institutions;

73.29 (2) conducting a land use study including a highest and best use analysis for the  
73.30 existing site and all improvements;

73.31 (3) investigating opportunities for public/private partnerships in strategic land  
73.32 use; and

73.33 (4) any other purpose judged feasible by the strategic planning group.

74.1 (b) When formulating the recommendations on the matters in paragraph (a), the  
74.2 Department of Veterans Affairs Strategic Planning Group must consult with the following  
74.3 individuals or their designees:

74.4 (1) the chairs and ranking minority members of the house and senate committees  
74.5 with jurisdiction over veterans affairs policy and finance;

74.6 (2) the president and legislative chairperson of the Minnesota Association of County  
74.7 Veterans Service Officers;

74.8 (3) the chair of the Commanders Task Force of Minnesota's congressionally  
74.9 chartered veterans service organizations;

74.10 (4) two members each from the Minnesota departments of the American Legion, the  
74.11 Veterans of Foreign Wars, and the Disabled American Veterans with at least one member  
74.12 from each organization coming from a rural area;

74.13 (5) the United Veterans Legislative Council;

74.14 (6) the Adjutant General of the Minnesota National Guard;

74.15 (7) the director of the Veterans Health Care Advisory Council;

74.16 (8) a representative from the United States Department of Veterans Affairs;

74.17 (9) representative residents of the Minnesota Veterans Homes and their families;

74.18 (10) representatives of the Minneapolis delegation in the Minnesota house and  
74.19 senate;

74.20 (11) representative residents of the Minnesota Veterans Home at Minneapolis and  
74.21 their families;

74.22 (12) the mayor of Minneapolis;

74.23 (13) the Minneapolis city planner;

74.24 (14) the chair of the Metropolitan Council;

74.25 (15) the director of the Minnesota Inter-County Association; and

74.26 (16) the director of the Association of Minnesota Counties.

74.27 **Sec. 25. CONSTRUCTION PROJECT PRIORITY LISTING STATUS.**

74.28 In accordance with completed predesign documents, veterans population surveys,  
74.29 and the 2008 department construction project priority listing, the commissioner of  
74.30 veterans affairs shall continue to plan, develop, and pursue federal funding and other  
74.31 resources for the construction of projects on the listing. In consultation with the Veterans  
74.32 Affairs Strategic Planning Group and the Veterans Health Care Advisory Council, the  
74.33 commissioner must consider possible options for treatment, including, but not limited to,  
74.34 traumatic brain injury, posttraumatic stress disorder, and psycho-geriatric care. By January  
74.35 15, 2009, the commissioner shall report to the chairs and ranking minority members of the

75.1 legislative committees with jurisdiction over veterans homes policy and finance regarding  
75.2 the status of the department construction project priority listing and the activities required  
75.3 under this section.

75.4 Sec. 26. **COUNTY VETERANS SERVICES WORKING GROUP.**

75.5 Subdivision 1. **Creation.** The County Veterans Services Working Group shall  
75.6 consist of the following 13 members:

75.7 (1) two senators, including one member from the majority party and one member  
75.8 from the minority party, appointed by the Subcommittee on Committees of the Committee  
75.9 on Rules and Administration of the senate;

75.10 (2) two members of the house of representatives, one member from the majority  
75.11 party and one member from the minority party, appointed by the speaker of the house;

75.12 (3) the commissioner and two deputy commissioners of the Minnesota Department  
75.13 of Veterans Affairs (MDVA), or the commissioner's designees;

75.14 (4) the president, vice president, and legislative chair person of the Minnesota  
75.15 Association of County Veterans Service Officers (CVSOs);

75.16 (5) the chair of the Commanders Task Force of Minnesota's congressionally-chartered  
75.17 veterans service organizations, or the chair's designee;

75.18 (6) one person from the Minnesota Inter-County Association (MICA), as designated  
75.19 by the association board; and

75.20 (7) one person from the Association of Minnesota Counties (AMC), as designated  
75.21 by the association board.

75.22 Subd. 2. **Duties.** The working group must meet periodically to review the findings  
75.23 and recommendations of the 2008 report of the Office of the Legislative Auditor (OLA)  
75.24 on Minnesota's county veterans service offices, and make written recommendations to the  
75.25 legislature regarding whether and how each of that report's recommendations should be  
75.26 implemented. The working group may also provide additional recommendations on how  
75.27 to enhance the current services provided by the county veteran service offices.

75.28 The working group may suggest draft legislation for legislative consideration. By  
75.29 January 15, 2009, the working group must report its proposed recommendations to the  
75.30 chairs of the senate and house committees with jurisdiction over veterans affairs, state  
75.31 governmental operations, and local government affairs.

75.32 Subd. 3. **Administrative provisions.** (a) The commissioner of veterans affairs, or  
75.33 the commissioner's designee, must convene the initial meeting of the working group.  
75.34 Upon request of the working group, the commissioner must provide meeting space and  
75.35 administrative services for the group. The members of the working group must elect a

76.1 chair or co-chairs from the legislative members of the working group at the initial meeting.

76.2 Each subsequent meeting is at the call of the chair or co-chairs.

76.3 (b) Public members of the working group serve without special compensation or  
76.4 special payment of expenses from the working group.

76.5 (c) The working group expires on June 30, 2009, unless an extension is authorized  
76.6 by law by that date.

76.7 Subd. 4. **Deadline for appointments and designations.** The appointments and  
76.8 designations authorized by this section must be completed by August 1, 2008. The  
76.9 working group must convene its initial meeting no later than September 1, 2008.

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

76.11 Sec. 27. **STUDY OF VETERANS EMPLOYMENT IN STATE GOVERNMENT.**

76.12 (a) By October 1, 2008, each appointing authority in the executive branch of state  
76.13 government, including the Minnesota State Colleges and Universities, must report to the  
76.14 commissioner of finance on the incidence of employment, recruitment, retention, and  
76.15 retirement of veterans in their nonelected workforce for fiscal year 2008. The report  
76.16 must be made in a manner approved by the commissioner, and for each separate hiring  
76.17 unit must include tabulation by age category and length of state employment in the  
76.18 executive branch, including the state college and university system. Each executive branch  
76.19 appointing authority must also report specific veteran employment data requested by the  
76.20 commissioner as of June 30, 2008, June 30, 2001, and an earlier date if judged feasible  
76.21 by the commissioner. By January 15, 2009, the commissioner must submit a report on  
76.22 the employment of veterans in the executive branch to the chairs of the house and senate  
76.23 policy and finance committees having jurisdiction over veterans affairs. The report must  
76.24 present and analyze the data obtained in this paragraph.

76.25 (b) By October 1, 2008, the judicial branch of state government must report to  
76.26 the chairs of the house and senate policy and finance committees having jurisdiction  
76.27 over veterans affairs the number of veterans employed in the judicial branch nonelective  
76.28 workforce on June 30, 2008, based on self-reporting of veteran status. For each separate  
76.29 hiring unit, the data must include tabulation by age category and length of state  
76.30 employment in the judicial branch.

76.31 (c) By October 1, 2008, the house of representatives, the senate, and the Legislative  
76.32 Coordinating Commission on behalf of joint legislative offices and commissions, must  
76.33 report to the chairs of the house and senate policy and finance committees having  
76.34 jurisdiction over veterans affairs the number of veterans employed in their nonelective  
76.35 workforce on June 30, 2008, based on self-reporting of veteran status. For each separate

77.1 hiring unit, the data must include tabulation by age category and length of state  
77.2 employment in the legislative branch.

77.3 (d) For purposes of this section, "veteran" has the meaning given in Minnesota  
77.4 Statutes, section 197.447.

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

77.6 Sec. 28. **WORLD WAR II SERVICE MEDALLIONS; APPROPRIATION.**

77.7 Subdivision 1. **Medallions.** By July 1, 2008, the commissioner of veterans  
77.8 affairs must notify veterans organizations that include veterans of World War II in their  
77.9 membership of the opportunity under this section for surviving individual veterans of  
77.10 World War II to obtain commemorative medallions recognizing their service in the  
77.11 United States armed forces during World War II. The commissioner shall establish the  
77.12 service criteria necessary to obtain a medallion and the cost of each medallion. Veterans  
77.13 organizations may collect and contribute money on behalf of their surviving individual  
77.14 members who meet the service criteria. No later than September 1, 2008, the organizations  
77.15 may submit the names of qualifying individuals and provide money to pay for the cost  
77.16 of the medallions to the commissioner. By October 15, 2008, the commissioner shall  
77.17 distribute the medallions to organizations for distribution to the qualifying individuals.

77.18 Subd. 2. **Appropriation.** Money received by the commissioner under this section is  
77.19 appropriated to the commissioner for the purposes of this section.

77.20 Sec. 29. **REVISOR'S INSTRUCTION.**

77.21 (a) The revisor shall change "board," "board of directors," or "Veterans Homes  
77.22 Board of Directors" to "commissioner" wherever it is used in Minnesota Statutes, sections  
77.23 198.003; 198.005; 198.006; 198.007; 198.022; 198.03; 198.05; 198.065; 198.066; 198.16;  
77.24 198.23; 198.261; 198.265; 198.266; 198.31; 198.33; 198.34; 198.35; 198.36; and 198.37;  
77.25 and shall change "board rules" to "rules adopted under this chapter" wherever it appears in  
77.26 Minnesota Statutes, sections 198.007 and 198.022.

77.27 (b) In Minnesota Rules, chapter 9050, the revisor shall:

77.28 (1) change the terms "executive director," "executive director of the board,"  
77.29 "executive director of the Veterans Homes Board," "Minnesota Veterans Homes Board,"  
77.30 and "board" to "commissioner of veterans affairs" except where the term "board" is used  
77.31 with a different meaning in Minnesota Rules, part 9050.0040, subpart 16;

77.32 (2) change the term "board-operated facility" to "facility operated by the  
77.33 commissioner of veterans affairs" and change the term "non-board-operated facility" to  
77.34 "facility not operated by the commissioner of veterans affairs";

78.1 (3) change the term "board-approved" to "approved by the commissioner of veterans  
78.2 affairs"; and

78.3 (4) eliminate the term "board" where it is used in the third paragraph of Minnesota  
78.4 Rules, part 9050.1070, subpart 9.

78.5 (c) The revisor shall change any of the terms in paragraph (a) or (b) to "commissioner  
78.6 of veterans affairs" if they are used to refer to the Veterans Homes Board of Directors or  
78.7 its executive director anywhere else in Minnesota Statutes or Minnesota Rules.

78.8 Sec. 30. **REPEALER.**

78.9 Minnesota Statutes 2006, sections 190.17; 197.236, subdivisions 7 and 10; 198.001,  
78.10 subdivisions 6 and 9; 198.002, subdivisions 1, 3, and 6; 198.003, subdivisions 5 and 6;  
78.11 and 198.004, subdivision 2, and Minnesota Statutes 2007 Supplement, sections 198.002,  
78.12 subdivision 2; and 198.004, subdivision 1, are repealed.

78.13 (b) Minnesota Rules, part 9050.0040, subpart 15, is repealed."

78.14 Delete the title and insert:

78.15 "A bill for an act

78.16 relating to the operation of state government; regulating, requiring, or changing  
78.17 certain provisions and programs related to agriculture; creating a livestock  
78.18 investment grant program; modifying pesticide and fertilizer regulation; changing  
78.19 certain payment provisions for certain agricultural chemical corrective action  
78.20 costs; changing certain food sanitary provisions; changing certain fee provisions;  
78.21 defining certain terms; regulating egg sales and handling; increasing the somatic  
78.22 cell count limit for goat milk; changing ethanol payment provisions; providing  
78.23 for control of bovine tuberculosis; adding a member to the NextGen Energy  
78.24 Board; modifying the expiration date for the NextGen Energy Board; establishing  
78.25 requirements for practicing animal chiropractic care; recognizing a Program  
78.26 for the Assessment of Veterinary Education Equivalence certification; limiting  
78.27 use of certain drugs; changing certain requirements; regulating prescription of  
78.28 veterinary drugs; changing ethanol blending provisions; modifying definition of  
78.29 biodiesel; increasing minimum biodiesel content; creating a tiered biodiesel  
78.30 content goal; requiring counties to consider natural heritage data in adopting  
78.31 or amending comprehensive plans; requiring local governments to consider  
78.32 comprehensive plans to limit development on agricultural, forest, wildlife,  
78.33 and open space land; establishing a task force; modifying 2007 appropriation  
78.34 language; creating an advisory council, a working group, and a planning group  
78.35 and requiring certain studies; changing certain provisions and programs related  
78.36 to veterans and members of the military; providing for certain medallions;  
78.37 transferring certain duties related to veterans homes; appropriating money;  
78.38 amending Minnesota Statutes 2006, sections 13.785, by adding a subdivision;  
78.39 18B.065, subdivisions 2, 7; 18B.07, subdivision 2; 18D.305, subdivision 2;  
78.40 18E.04, subdivision 2; 28A.03, by adding a subdivision; 28A.05; 28A.08;  
78.41 28A.082, by adding a subdivision; 28A.09, subdivision 1; 29.23; 31.05; 31.171;  
78.42 41A.09, subdivision 3a; 41D.01, subdivision 4; 97A.028, subdivision 3; 148.01,  
78.43 subdivision 1, by adding subdivisions; 156.001, by adding a subdivision; 156.02,  
78.44 subdivisions 1, 2; 156.04; 156.072, subdivision 2; 156.073; 156.12, subdivisions  
78.45 2, 4, 6; 156.15, subdivision 2; 156.16, subdivisions 3, 10; 156.18, subdivisions 1,  
78.46 2; 156.19; 168.1255, subdivisions 1, 3, by adding subdivisions; 192.20; 196.021;  
78.47 196.03; 197.236; 198.32, subdivision 1; 239.051, subdivision 15; 239.77, as

79.1 amended; 239.7911, subdivision 2; 296A.01, subdivision 2; 394.232, subdivision  
79.2 6; 462.355, subdivision 1; 462.357, by adding subdivisions; Minnesota Statutes  
79.3 2007 Supplement, sections 18B.065, subdivisions 1, 2a; 18B.26, subdivision  
79.4 3; 31.175; 41A.105; 197.791, subdivisions 1, 4, 5; 239.761, subdivision 4, by  
79.5 adding subdivisions; 296A.01, subdivisions 8a, 25; 394.23; Laws 2007, chapter  
79.6 45, article 1, section 3, subdivisions 3, 4, 5; proposing coding for new law  
79.7 in Minnesota Statutes, chapters 17; 32; 148; 192; 196; 197; 394; repealing  
79.8 Minnesota Statutes 2006, sections 190.17; 197.236, subdivisions 7, 10; 198.001,  
79.9 subdivisions 6, 9; 198.002, subdivisions 1, 3, 6; 198.003, subdivisions 5, 6;  
79.10 198.004, subdivision 2; Minnesota Statutes 2007 Supplement, sections 198.002,  
79.11 subdivision 2; 198.004, subdivision 1; Minnesota Rules, part 9050.0040, subpart  
79.12 15."

80.1 We request the adoption of this report and repassage of the bill.

80.2 Senate Conferees: (Signed)

80.3 .....  
80.4 Jim Vickerman Dan Skogen

80.5 .....  
80.6 Steve Dille Steve Murphy

80.7 .....  
80.8 Sharon L. Erickson Ropes

80.9 House Conferees: (Signed)

80.10 .....  
80.11 Al Juhnke Mary Ellen Otremba

80.12 .....  
80.13 Lyle Koenen Rod Hamilton

80.14 .....  
80.15 Karla Bigham