

1.1 A bill for an act

1.2 relating to appropriations; appropriating money for agriculture, the Board of
1.3 Animal Health, Rural Finance Authority, veterans, and the military; changing
1.4 certain agricultural and animal health requirements and programs; establishing a
1.5 program; eliminating a sunset; requiring certain studies and reports; amending
1.6 Minnesota Statutes 2008, sections 3.737, subdivision 1; 3.7371, subdivision 3;
1.7 13.643, by adding a subdivision; 17.03, subdivision 12; 17.115, subdivision
1.8 2; 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78,
1.9 subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81,
1.10 subdivision 3, by adding subdivisions; 18.82, subdivisions 1, 3; 18.83; 18.84,
1.11 subdivisions 1, 2, 3; 18.86; 18.87; 18.88; 18B.01, subdivision 8, by adding
1.12 subdivisions; 18B.065, subdivisions 1, 2, 2a, 3, 7, by adding subdivisions;
1.13 18B.26, subdivisions 1, 3; 18B.31, subdivisions 3, 4; 18B.37, subdivision
1.14 1; 18C.415, subdivision 3; 18C.421; 18C.425, subdivisions 4, 6; 18E.03,
1.15 subdivisions 2, 4; 18E.06; 18H.02, subdivision 12a, by adding subdivisions;
1.16 18H.07, subdivisions 2, 3; 18H.09; 18H.10; 28A.085, subdivision 1; 28A.21,
1.17 subdivision 5; 31.94; 32.394, subdivision 8; 41A.09, subdivisions 2a, 3a;
1.18 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043,
1.19 subdivision 1b; 41B.045, subdivision 2; 43A.11, subdivision 7; 97A.045,
1.20 subdivision 1; 171.06, subdivision 3; 171.07, by adding a subdivision; 171.12,
1.21 by adding a subdivision; 197.455, subdivision 1; 197.46; 198.003, by adding a
1.22 subdivision; 239.791, subdivisions 1, 1a; 343.11; 583.215; 626.8517; Laws 2008,
1.23 chapter 297, article 2, section 26, subdivision 3; proposing coding for new law in
1.24 Minnesota Statutes, chapters 17; 18; 18B; 31; 41A; 198; repealing Minnesota
1.25 Statutes 2008, sections 17.49, subdivision 3; 18G.12, subdivision 5; 38.02,
1.26 subdivisions 3, 4; 41.51; 41.52; 41.53; 41.55; 41.56; 41.57; 41.58, subdivisions
1.27 1, 2; 41.59, subdivision 1; 41.60; 41.61, subdivision 1; 41.62; 41.63; 41.65;
1.28 Minnesota Rules, part 1505.0820.

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

1.30 **ARTICLE 1**

1.31 **AGRICULTURE**

1.32 Section 1. **SUMMARY OF APPROPRIATIONS.**

3.1 for administrative funding for the voluntary
3.2 cleanup program.

3.3 \$75,000 the first year and \$75,000 the second
3.4 year are for compensation for destroyed or
3.5 crippled animals under Minnesota Statutes,
3.6 section 3.737. If the amount in the first year
3.7 is insufficient, the amount in the second year
3.8 is available in the first year.

3.9 \$75,000 the first year and \$75,000 the second
3.10 year are for compensation for crop damage
3.11 under Minnesota Statutes, section 3.7371. If
3.12 the amount in the first year is insufficient, the
3.13 amount in the second year is available in the
3.14 first year.

3.15 If the commissioner determines that claims
3.16 made under Minnesota Statutes, section
3.17 3.737 or 3.7371, are unusually high, amounts
3.18 appropriated for either program may be
3.19 transferred to the appropriation for the other
3.20 program.

3.21 \$150,000 the first year and \$150,000 the
3.22 second year are for plant pest surveys.

3.23 **Subd. 3. Agricultural Marketing and**
3.24 **Development**

4,782,000

4,782,000

3.25 \$186,000 the first year and \$186,000 the
3.26 second year are for transfer to the Minnesota
3.27 grown account and may be used as grants
3.28 for Minnesota grown promotion under
3.29 Minnesota Statutes, section 17.102. Grants
3.30 may be made for one year. Notwithstanding
3.31 Minnesota Statutes, section 16A.28, the
3.32 appropriations encumbered under contract on
3.33 or before June 30, 2011, for Minnesota grown
3.34 grants in this paragraph are available until
3.35 June 30, 2013. \$50,000 of the appropriation

4.1 in each year is for efforts that identify
4.2 and promote Minnesota grown products in
4.3 retail food establishments including but not
4.4 limited to restaurants, grocery stores, and
4.5 convenience stores.

4.6 \$100,000 the first year and \$100,000 the
4.7 second year are for grants to farmers for
4.8 demonstration projects involving sustainable
4.9 agriculture as authorized in Minnesota
4.10 Statutes, section 17.116. Of the amount
4.11 for grants, up to \$20,000 may be used for
4.12 dissemination of information about the
4.13 demonstration projects. Notwithstanding
4.14 Minnesota Statutes, section 16A.28, the
4.15 appropriations encumbered under contract
4.16 on or before June 30, 2011, for sustainable
4.17 agriculture grants in this paragraph are
4.18 available until June 30, 2013.

4.19 \$103,000 the first year and \$103,000 the
4.20 second year are to provide training and
4.21 technical assistance to county and town
4.22 officials relating to livestock siting issues
4.23 and local zoning and land use planning,
4.24 including maintenance of the checklist
4.25 template clarifying the federal, state,
4.26 and local government requirements for
4.27 consideration of an animal agriculture
4.28 modernization or expansion project. For the
4.29 training and technical assistance program,
4.30 the commissioner shall continue to seek
4.31 guidance, advice, and support of livestock
4.32 producer organizations, general agricultural
4.33 organizations, local government associations,
4.34 academic institutions, other government
4.35 agencies, and others with expertise in land
4.36 use and agriculture.

5.1 \$77,000 the first year and \$77,000 the second
5.2 year are for integrated pest management
5.3 activities.

5.4 \$10,000 the first year and \$10,000 the
5.5 second year are for annual cost-share
5.6 payments to resident farmers or persons
5.7 who sell, process, or package agricultural
5.8 products in this state for the costs of organic
5.9 certification. Annual cost-share payments
5.10 per farmer must be two-thirds of the cost
5.11 of the certification or \$350, whichever is
5.12 less. In any year that a resident farmer or
5.13 person who sells, processes, or packages
5.14 agricultural products in this state receives
5.15 a federal organic certification cost-share
5.16 payment, that resident farmer or person is
5.17 not eligible for state cost-share payments. A
5.18 certified farmer is eligible to receive annual
5.19 certification cost-share payments for up to
5.20 five years. The commissioner may allocate
5.21 any excess appropriation in either fiscal year
5.22 for organic market and program development
5.23 including organic producer education efforts,
5.24 assistance for persons transitioning from
5.25 conventional to organic agriculture, or
5.26 sustainable agriculture demonstration grants
5.27 authorized under Minnesota Statutes, section
5.28 17.116, and pertaining to organic research or
5.29 demonstration. Any unencumbered balance
5.30 does not cancel at the end of the first year
5.31 and is available for the second year.

5.32 **Subd. 4. Bioenergy and Value-Added**
5.33 **Agriculture** 12,168,000 12,168,000

5.34 \$12,168,000 the first year and \$12,168,000
5.35 the second year are for ethanol producer
5.36 payments under Minnesota Statutes, section

6.1 41A.09. If the total amount for which all
 6.2 producers are eligible in a quarter exceeds
 6.3 the amount available for payments, the
 6.4 commissioner shall make payments on a
 6.5 pro rata basis. If the appropriation exceeds
 6.6 the total amount for which all producers
 6.7 are eligible in a fiscal year for scheduled
 6.8 payments and for deficiencies in payments
 6.9 during previous fiscal years, the balance
 6.10 in the appropriation is available to the
 6.11 commissioner for value-added agricultural
 6.12 programs including the value-added
 6.13 agricultural processing and marketing grant
 6.14 program under Minnesota Statutes, section
 6.15 17.101, subdivision 5. The appropriation
 6.16 remains available until spent. The base
 6.17 appropriation for fiscal year 2012 is
 6.18 \$12,668,000.

6.19 **Subd. 5. Administration and Financial**
 6.20 **Assistance**

8,162,000

7,077,000

6.21	<u>Appropriations by Fund</u>	
6.22	<u>2010</u>	<u>2011</u>
6.23	<u>General</u>	<u>7,362,000</u>
6.24	<u>Agricultural</u>	<u>800,000</u>

6.25 \$25,000 the first year is for a grant to
 6.26 members of a farmers market association to
 6.27 reimburse up to \$1,000 of membership fees
 6.28 for members who incurred crop damages as
 6.29 a result of the hail storm in 2008.

6.30 \$755,000 the first year and \$755,000 the
 6.31 second year are for continuation of the dairy
 6.32 development and profitability enhancement
 6.33 and dairy business planning grant programs
 6.34 established under Laws 1997, chapter
 6.35 216, section 7, subdivision 2, and Laws
 6.36 2001, First Special Session chapter 2,

7.1 section 9, subdivision 2. The commissioner
7.2 may allocate the available sums among
7.3 permissible activities, including efforts to
7.4 improve the quality of milk produced in the
7.5 state in the proportions that the commissioner
7.6 deems most beneficial to Minnesota's dairy
7.7 farmers. The commissioner must submit a
7.8 work plan detailing plans for expenditures
7.9 under this program to the chairs of the house
7.10 of representatives and senate committees
7.11 dealing with agricultural policy and budget
7.12 on or before the start of each fiscal year. If
7.13 significant changes are made to the plans
7.14 in the course of the year, the commissioner
7.15 must notify the chairs.

7.16 \$50,000 the first year and \$50,000 the
7.17 second year are for the Northern Crops
7.18 Institute. These appropriations may be spent
7.19 to purchase equipment.

7.20 \$19,000 the first year and \$19,000 the
7.21 second year are for a grant to the Minnesota
7.22 Livestock Breeders Association.

7.23 \$250,000 the first year and \$250,000 the
7.24 second year are for grants to the Minnesota
7.25 Agricultural Education and Leadership
7.26 Council for programs of the council under
7.27 Minnesota Statutes, chapter 41D.

7.28 \$474,000 the first year and \$474,000 the
7.29 second year are for payments to county and
7.30 district agricultural societies and associations
7.31 under Minnesota Statutes, section 38.02,
7.32 subdivision 1. Of this amount, \$4,000 each
7.33 year is for 4-H premiums. Aid payments to
7.34 county and district agricultural societies and
7.35 associations shall be disbursed no later than

8.1 July 15 of each year. These payments are the
8.2 amount of aid from the state for an annual
8.3 fair held in the previous calendar year.
8.4 \$1,000 the first year and \$1,000 the second
8.5 year are for grants to the Minnesota State
8.6 Poultry Association.
8.7 \$65,000 the first year and \$65,000 the second
8.8 year are for annual grants to the Minnesota
8.9 Turf Seed Council for basic and applied
8.10 research on the improved production of
8.11 forage and turf seed related to new and
8.12 improved varieties. The grant recipient may
8.13 subcontract with a qualified third party for
8.14 some or all of the basic and applied research.
8.15 \$50,000 the first year and \$50,000 the second
8.16 year are for grants to the Minnesota Turf Seed
8.17 Council for basic and applied agronomic
8.18 research on native plants, including plant
8.19 breeding, nutrient management, pest
8.20 management, disease management, yield,
8.21 and viability. The Minnesota Turf Seed
8.22 Council may subcontract with a qualified
8.23 third party for some or all of the basic or
8.24 applied research. The Minnesota Turf Seed
8.25 Council must actively participate in the
8.26 Agricultural Utilization Research Institute's
8.27 Renewable Energy Roundtable and no
8.28 later than February 1, 2011, must report
8.29 to the house of representatives and senate
8.30 committees with jurisdiction over agriculture
8.31 finance. This is a onetime appropriation.
8.32 \$500,000 the first year and \$500,000 the
8.33 second year are for grants to Second Harvest
8.34 Heartland on behalf of Minnesota's six
8.35 Second Harvest food banks for the purchase

9.1 of milk for distribution to Minnesota's food
9.2 shelves and other charitable organizations
9.3 that are eligible to receive food from the food
9.4 banks. Milk purchased under the grants must
9.5 be acquired from Minnesota milk processors
9.6 and based on low-cost bids. The milk must be
9.7 allocated to each Second Harvest food bank
9.8 servng Minnesota according to the formula
9.9 used in the distribution of United States
9.10 Department of Agriculture commodities
9.11 under The Emergency Food Assistance
9.12 Program (TEFAP). Second Harvest
9.13 Heartland must submit quarterly reports
9.14 to the commissioner on forms prescribed
9.15 by the commissioner. The reports must
9.16 include, but are not limited to, information
9.17 on the expenditure of funds, the amount
9.18 of milk purchased, and the organizations
9.19 to which the milk was distributed. Second
9.20 Harvest Heartland may enter into contracts
9.21 or agreements with food banks for shared
9.22 funding or reimbursement of the direct
9.23 purchase of milk. Each food bank receiving
9.24 money from this appropriation may use up to
9.25 two percent of the grant for administrative
9.26 expenses.

9.27 \$1,000,000 the first year is for the 21st
9.28 century agricultural reinvestment program in
9.29 Minnesota Statutes, section 41A.12. Priority
9.30 must be given to livestock programs under
9.31 Minnesota Statutes, section 17.118. The
9.32 commissioner may use up to 4.5 percent
9.33 of this appropriation for costs incurred to
9.34 administer the program.

9.35 \$100,000 the first year and \$100,000 the
9.36 second year are for transfer to the Board of

10.1 Trustees of the Minnesota State Colleges and
10.2 Universities for mental health counseling
10.3 support to farm families and business
10.4 operators through farm business management
10.5 programs at Central Lakes College and
10.6 Ridgewater College.

10.7 \$18,000 the first year and \$18,000 the
10.8 second year are for grants to the Minnesota
10.9 Horticultural Society.

10.10 Notwithstanding Minnesota Statutes,
10.11 section 18C.131, \$800,000 the first year
10.12 and \$800,000 the second year are from the
10.13 agricultural fund for grants for fertilizer
10.14 research as awarded by the Minnesota
10.15 Agricultural Fertilizer Research and
10.16 Education Council under Minnesota Statutes,
10.17 section 18C.71. No later than February 1,
10.18 2011, the commissioner shall report to the
10.19 legislative committees with jurisdiction over
10.20 agriculture finance. The report must include
10.21 the progress and outcome of funded projects
10.22 as well as the sentiment of the council
10.23 concerning the need for additional research
10.24 funds.

10.25 \$60,000 the first year is for grants to four
10.26 pilot food projects as required under this
10.27 article.

10.28 **Sec. 4. BOARD OF ANIMAL HEALTH \$ 5,156,000 \$ 5,156,000**

10.29 \$2,531,000 the first year and \$2,531,000
10.30 the second year are for bovine tuberculosis
10.31 eradication efforts in cattle herds.

10.32 \$100,000 the first year and \$100,000 the
10.33 second year are for a program to control

12.1 a visual identification of a carcass when making a recommendation to the commissioner.
12.2 The commissioner, upon recommendation of the agent or conservation officer, shall
12.3 determine whether the livestock was destroyed by a gray wolf and any deficiencies in the
12.4 owner's adoption of the best management practices developed in subdivision 5. The
12.5 commissioner may authorize payment of claims only if the agent or the conservation
12.6 officer has recommended payment. The owner shall file a claim on forms provided by the
12.7 commissioner and available at the university extension agent's office.

12.8 Sec. 7. Minnesota Statutes 2008, section 3.7371, subdivision 3, is amended to read:

12.9 Subd. 3. **Compensation.** The crop owner is entitled to the target price or the
12.10 market price, whichever is greater, of the damaged or destroyed crop plus adjustments
12.11 for yield loss determined according to agricultural stabilization and conservation service
12.12 programs for individual farms, adjusted annually, as determined by the commissioner,
12.13 upon recommendation of the county extension agent for the owner's county. The
12.14 commissioner, upon recommendation of the agent, shall determine whether the crop
12.15 damage or destruction is caused by elk and, if so, the amount of the crop that is damaged
12.16 or destroyed. In any fiscal year, a crop owner may not be compensated for a damaged or
12.17 destroyed crop that is less than \$100 in value and may be compensated up to \$20,000,
12.18 as determined under this section, if normal harvest procedures for the area are followed.
12.19 In any fiscal year, the commissioner may provide compensation for claims filed under
12.20 this section ~~and section 3.737~~ up to a total of \$100,000 for both programs combined the
12.21 amount expressly appropriated for this purpose.

12.22 Sec. 8. Minnesota Statutes 2008, section 13.643, is amended by adding a subdivision
12.23 to read:

12.24 Subd. 7. **Research, monitoring, or assessment data.** (a) Except as provided in
12.25 paragraph (b), the following data created, collected, and maintained by the Department of
12.26 Agriculture during research, monitoring, or the assessment of farm practices and related
12.27 to natural resources, the environment, agricultural facilities, or agricultural practices are
12.28 classified as private or nonpublic:

12.29 (1) names, addresses, telephone numbers, and e-mail addresses of study participants
12.30 or cooperators; and

12.31 (2) location of research, study site, and global positioning system data.

12.32 (b) The following data is public:

12.33 (1) location data and unique well numbers for wells and springs unless protected
12.34 under section 18B.10 or another statute or rule; and

13.1 (2) data from samples collected from a public water supply as defined in Minnesota
13.2 Rules, part 4720.5100.

13.3 (c) The Department of Agriculture may disclose data collected under paragraph (a) if
13.4 the Department of Agriculture determines that there is a substantive threat to human health
13.5 and safety or to the environment, or to aid in the law enforcement process. The Department
13.6 of Agriculture may also disclose data with written consent of the subject of the data.

13.7 Sec. 9. Minnesota Statutes 2008, section 17.03, subdivision 12, is amended to read:

13.8 Subd. 12. **Contracts; appropriation.** The commissioner may accept money as part
13.9 of a contract with any public or private entity to provide statutorily prescribed services by
13.10 the department. A contract must specify the services to be provided by the department and
13.11 the amount and method of reimbursement. Money generated in a contractual agreement
13.12 under this section must be deposited in a special revenue fund and is appropriated to the
13.13 department for purposes of providing services specified in the contracts. Contracts under
13.14 this section must be processed in accordance with section 16C.05. ~~The commissioner must~~
13.15 ~~report revenues collected and expenditures made under this section to the chairs of the~~
13.16 ~~Environment and Natural Resources Finance Committee in the house of representatives~~
13.17 ~~and the Environment and Agriculture Budget Division in the senate by January 15 of~~
13.18 ~~each odd-numbered year.~~

13.19 Sec. 10. Minnesota Statutes 2008, section 17.115, subdivision 2, is amended to read:

13.20 Subd. 2. **Loan criteria.** (a) The shared savings loan program must provide loans for
13.21 purchase of new or used machinery and installation of equipment for projects that make
13.22 environmental improvements ~~or~~ and enhance farm profitability. Eligible loan uses do not
13.23 include seed, fertilizer, or fuel.

13.24 (b) Loans may not exceed ~~\$25,000~~ \$40,000 per individual applying for a loan and
13.25 may not exceed \$100,000 for loans to four or more individuals on joint projects. The loan
13.26 repayment period may be up to seven years as determined by project cost and energy
13.27 savings. The interest rate on the loans must not exceed six percent. ~~For loans made from~~
13.28 ~~May 1, 2004, to June 30, 2007, the interest rate must not exceed three percent.~~

13.29 (c) Loans may only be made to residents of this state engaged in farming.

13.30 Sec. 11. **[17.459] HORSES.**

13.31 Subdivision 1. **Classification as livestock.** Horses and other equines raised for the
13.32 purposes of riding, driving, farm or ranch work, competition, racing, recreation, sale,
13.33 or as breeding stock are livestock. Horses may be used for meat, hides, and animal

14.1 by-products. Horses and their products are livestock and farm products for purposes of
14.2 financial transactions and collateral.

14.3 Subd. 2. **Agricultural pursuit.** Raising horses and other equines is agricultural
14.4 production and an agricultural pursuit. Horse breeding farms, horse training farms, horse
14.5 boarding farms, or farms combining those purposes, are an intensive agricultural use that
14.6 may be accomplished on limited acreage. These intensive agricultural uses are necessary
14.7 for horses in order to control the feeding, safety, and overall condition of the animals.

14.8 Subd. 3. **Nonapplicability for property tax laws.** This section does not apply to
14.9 the treatment of land used for raising horses under chapter 273.

14.10 Sec. 12. Minnesota Statutes 2008, section 18.75, is amended to read:

14.11 **18.75 PURPOSE.**

14.12 It is the policy of the legislature that residents of the state be protected from the
14.13 injurious effects of noxious weeds on public health, the environment, public roads, crops,
14.14 livestock, and other property. Sections 18.76 to ~~18.88~~ 18.91 contain procedures for
14.15 controlling and eradicating noxious weeds on all lands within the state.

14.16 Sec. 13. Minnesota Statutes 2008, section 18.76, is amended to read:

14.17 **18.76 CITATION.**

14.18 Sections 18.76 to ~~18.88~~ 18.91 may be cited as the "Minnesota Noxious Weed Law."

14.19 Sec. 14. Minnesota Statutes 2008, section 18.77, subdivision 1, is amended to read:

14.20 Subdivision 1. **Scope.** The definitions in this section apply to sections 18.76 to
14.21 ~~18.88~~ 18.91.

14.22 Sec. 15. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision
14.23 to read:

14.24 Subd. 2a. **Certified noxious weed free.** "Certified noxious weed free" means that
14.25 the material being certified has been inspected, tested, or processed to devitalize or
14.26 remove the noxious weed propagating parts in order to verify that viable noxious weed
14.27 propagating parts are not present in the material.

14.28 Sec. 16. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision
14.29 to read:

14.30 Subd. 2b. **Commissioner.** "Commissioner" means the commissioner of agriculture.

15.1 Sec. 17. Minnesota Statutes 2008, section 18.77, subdivision 3, is amended to read:

15.2 Subd. 3. **Control.** "Control" means to destroy all or part of the aboveground growth
15.3 of noxious weeds by a lawful method that prevents the maturation and spread of noxious
15.4 weed propagating parts from one area to another.

15.5 Sec. 18. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision
15.6 to read:

15.7 Subd. 3a. **County-designated employee.** "County-designated employee" means a
15.8 person designated by a county board to oversee the responsibilities in section 18.81,
15.9 subdivision 1a.

15.10 Sec. 19. Minnesota Statutes 2008, section 18.77, subdivision 5, is amended to read:

15.11 Subd. 5. **Growing crop.** "Growing crop" means an agricultural, horticultural,
15.12 or forest crop that has been planted or regularly maintained and intended for harvest.
15.13 "Growing crop" does not mean a permanent pasture, hay meadow, woodlot, or other
15.14 noncrop area which contains native or seeded perennial plants used for grazing or hay
15.15 purposes, and which is not harvested on a regular basis.

15.16 Sec. 20. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision
15.17 to read:

15.18 Subd. 5a. **Inspector.** "Inspector" means the commissioner, agent of the
15.19 commissioner, county agricultural inspector, local weed inspector, or assistant weed
15.20 inspector.

15.21 Sec. 21. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision
15.22 to read:

15.23 Subd. 8a. **Noxious weed management plan.** "Noxious weed management plan"
15.24 means controlling or eradicating noxious weeds in the manner designated in a management
15.25 plan developed for the area or site where the infestations are found using specific strategies
15.26 or methods that are to be used singly or in combination to achieve control or eradication.

15.27 Sec. 22. Minnesota Statutes 2008, section 18.77, is amended by adding a subdivision
15.28 to read:

15.29 Subd. 13. **Weed management area.** "Weed management area" means a designated
15.30 area where special or unique noxious weed control or eradication strategies or methods

16.1 are used according to a specific management plan developed for each management area
16.2 established.

16.3 Sec. 23. Minnesota Statutes 2008, section 18.78, subdivision 1, is amended to read:

16.4 Subdivision 1. **Generally.** A person owning land, a person occupying land, or a
16.5 person responsible for the maintenance of public land shall control or eradicate all noxious
16.6 weeds on the land at a time and in a manner ordered by ~~the county agricultural inspector~~
16.7 ~~or a local weed~~ an inspector or county-designated employee.

16.8 Sec. 24. Minnesota Statutes 2008, section 18.78, is amended by adding a subdivision
16.9 to read:

16.10 Subd. 3. **Cooperative weed control agreement.** The commissioner, municipality,
16.11 or county agricultural inspector or county-designated employee may enter into a
16.12 cooperative weed control agreement with a landowner or weed management area
16.13 group to establish a mutually agreed upon noxious weed management plan for up to
16.14 three years duration, whereby a noxious weed problem will be controlled without
16.15 additional enforcement action. If a property owner fails to comply with the noxious weed
16.16 management plan, an individual notice may be served.

16.17 Sec. 25. Minnesota Statutes 2008, section 18.79, is amended to read:

16.18 **18.79 DUTIES OF COMMISSIONER.**

16.19 Subdivision 1. **Enforcement.** The commissioner ~~of agriculture~~ shall administer
16.20 and enforce sections 18.76 to ~~18.88~~ 18.91.

16.21 Subd. 2. **Authorized agents.** County agricultural inspectors may administer and
16.22 enforce sections 18.76 to ~~18.88~~ 18.91. A county-designated employee may enforce
16.23 sections 18.78, 18.82, 18.83, 18.84, 18.86, and 18.87.

16.24 Subd. 3. **Entry upon land.** To administer and enforce sections 18.76 to ~~18.88~~ 18.91,
16.25 ~~county agricultural inspectors and local weed inspectors~~ an inspector or county-designated
16.26 employee may enter upon land without consent of the owner and without being subject
16.27 to an action for trespass or any damages.

16.28 Subd. 4. **Rules.** The commissioner may adopt necessary rules under chapter 14 for
16.29 the proper enforcement of sections 18.76 to ~~18.88~~ 18.91.

16.30 Subd. 5. **Order for control or eradication of noxious weeds.** ~~A county agricultural~~
16.31 ~~inspector or a local weed~~ An inspector or county-designated employee may order the
16.32 control or eradication of noxious weeds on any land within the ~~state~~ inspector's or
16.33 county-designated employee's jurisdiction.

17.1 Subd. 6. **Initial Training for control or eradication of noxious weeds.** The
17.2 commissioner shall conduct initial training considered necessary for ~~weed~~ inspectors
17.3 and county-designated employees in the enforcement of the Minnesota Noxious Weed
17.4 Law. The director of the Minnesota Extension Service may conduct educational programs
17.5 for the general public that will aid compliance with the Minnesota Noxious Weed Law.
17.6 Upon request, the commissioner may provide information and other technical assistance
17.7 to the county weed inspector or county-designated employee to aid in the performance of
17.8 responsibilities specified by the county board under section 18.81, subdivision 1.

17.9 Subd. 7. **Meetings and reports.** The commissioner shall designate by rule ~~the~~
17.10 reports ~~that are~~ required to be made and ~~the~~ meetings that must be attended by ~~weed~~
17.11 inspectors.

17.12 Subd. 8. **Prescribed forms.** The commissioner shall prescribe the forms to be used
17.13 by ~~weed~~ inspectors and county-designated employees in the enforcement of sections
17.14 18.76 to ~~18.88~~ 18.91.

17.15 Subd. 9. **Injunction.** If the county agricultural inspector or county-designated
17.16 employee applies to a court for a temporary or permanent injunction restraining a person
17.17 from violating or continuing to violate sections 18.76 to ~~18.88~~ 18.91, the injunction may
17.18 be issued without requiring a bond.

17.19 Subd. 10. **Prosecution.** On finding that a person has violated sections 18.76 to
17.20 ~~18.88~~ 18.91, the county agricultural inspector or county-designated employee may start
17.21 court proceedings in the locality in which the violation occurred. The county attorney
17.22 may prosecute actions under sections 18.76 to ~~18.88~~ 18.91 within the county attorney's
17.23 jurisdiction.

17.24 Subd. 12. **Noxious-weed-free forage and mulch certification agency.** The official
17.25 certification agency for noxious-weed-free forage ~~and~~ ~~mulch~~ ~~shall~~ soil, gravel, and other
17.26 material must be determined by the commissioner ~~of agriculture~~ in consultation with the
17.27 director of the Minnesota agricultural experiment station. The commissioner may also
17.28 certify forage, mulch, soil, gravel, or other material as noxious weed free.

17.29 Subd. 13. **Noxious weed designation.** The commissioner, in consultation with the
17.30 Noxious Weed Advisory Committee, shall determine which plants are noxious weeds
17.31 subject to control under sections 18.76 to 18.91. The commissioner shall prepare, publish,
17.32 and revise as necessary, but at least once every three years, a list of noxious weeds
17.33 and their designated classification. The list must be distributed to the public by the
17.34 commissioner who may request the help of the University of Minnesota Extension, the
17.35 county agricultural inspectors, and any other organization the commissioner considers
17.36 appropriate to assist in the distribution. The commissioner may, in consultation with

18.1 the Noxious Weed Advisory Committee, accept and consider noxious weed designation
18.2 petitions from Minnesota citizens or Minnesota organizations or associations.

18.3 Subd. 14. **County petition.** A county may petition the commissioner to designate
18.4 specific noxious weeds which are a control problem in the county.

18.5 Subd. 15. **Noxious weed management.** The commissioner, in consultation with the
18.6 Noxious Weed Advisory Committee, shall develop management strategies and criteria
18.7 for each noxious weed category.

18.8 Subd. 16. **Gifts; grants; contracts; funds.** The commissioner, counties, and
18.9 municipalities may apply for and accept any gift, grant, contract, or other funds or
18.10 grants-in-aid from the federal government or other public and private sources for noxious
18.11 weed control purposes.

18.12 Subd. 17. **Noxious weed investigation.** The commissioner shall investigate the
18.13 subject of noxious weeds and conduct investigations outside this state to protect the
18.14 interest of the agricultural industry, forests, or the environment of this state from noxious
18.15 weeds not generally growing in Minnesota.

18.16 Subd. 18. **Noxious weed education.** The commissioner shall disseminate
18.17 information and conduct educational campaigns with respect to control of noxious weeds
18.18 or invasive plants to enhance regulatory compliance and voluntary efforts to eliminate or
18.19 manage these plants. The commissioner shall call and attend meetings and conferences
18.20 dealing with the subject of noxious weeds. The commissioner shall maintain on the
18.21 department's Web site weed management information including but not limited to the roles
18.22 and responsibilities of citizens and government entities under sections 18.76 to 18.91 and
18.23 specific guidance as to whom a person should contact to report a noxious weed issue.

18.24 Subd. 19. **State and federal lands.** The commissioner shall inform and direct state
18.25 and federal agencies regarding their responsibility to manage and control noxious weeds
18.26 on land that those agencies own, control, or manage.

18.27 Subd. 20. **Interagency cooperation.** The commissioner shall cooperate with
18.28 agencies of federal, state, and local governments and other persons in carrying out duties
18.29 under sections 18.76 to 18.91.

18.30 Subd. 21. **Weed management area.** The commissioner, in consultation with the
18.31 Noxious Weed Advisory Committee, may establish a weed management area to include a
18.32 part of one or more counties or all of one or more counties of this state and shall include all
18.33 the land within the boundaries of the area established. Weed management plans developed
18.34 for a weed management area must be reviewed and approved by the commissioner and
18.35 the Noxious Weed Advisory Committee. Weed management areas may seek funding
18.36 under section 18.90.

19.1 Sec. 26. Minnesota Statutes 2008, section 18.80, subdivision 1, is amended to read:

19.2 Subdivision 1. **County agricultural inspectors; and county-designated**
19.3 **employees.** The county board shall either appoint at least one or more county agricultural
19.4 inspectors that meet the qualifications prescribed by rule. The appointment must be for
19.5 a period of time which is sufficient to accomplish the duties assigned to this position
19.6 inspector to carry out the duties specified under section 18.81, subdivisions 1a and 1b,
19.7 or a county-designated employee to carry out the duties specified under section 18.81,
19.8 subdivision 1a. A notice of the appointment of either a county agricultural inspector or
19.9 county-designated employee must be delivered to the commissioner within ten 30 days of
19.10 the appointment and it must establish the initial number of hours to be worked annually.

19.11 Sec. 27. Minnesota Statutes 2008, section 18.81, is amended by adding a subdivision
19.12 to read:

19.13 Subd. 1a. **Duties; county agricultural inspectors and county-designated**
19.14 **employees.** The county agricultural inspector or county-designated employee shall be
19.15 responsible for:

19.16 (1) the enforcement provisions under sections 18.78, 18.82, 18.83, 18.84, 18.86
19.17 and 18.87; and

19.18 (2) providing a point of contact within the county for noxious weed issues.

19.19 Sec. 28. Minnesota Statutes 2008, section 18.81, is amended by adding a subdivision
19.20 to read:

19.21 Subd. 1b. **County agricultural inspectors.** In addition to the mandatory duties
19.22 specified in subdivision 1a, the county board must specify the responsibilities of the
19.23 county agricultural inspector in the annual work plan. The responsibilities may include:

19.24 (1) to see that sections 18.76 to 18.91 and rules adopted under those sections are
19.25 carried out within the inspector's jurisdiction;

19.26 (2) to see that sections 21.80 to 21.92 and rules adopted under those sections are
19.27 carried out within the inspector's jurisdiction;

19.28 (3) to see that sections 21.71 to 21.78 and rules adopted under those sections are
19.29 carried out within the inspector's jurisdiction;

19.30 (4) to participate in the control programs for invasive plant species, feed, fertilizer,
19.31 pesticide, and plant and insect pests when requested, in writing, to do so by the
19.32 commissioner;

19.33 (5) to participate in other agricultural programs under the control of the
19.34 commissioner when requested, in writing, by the commissioner to do so;

- 20.1 (6) to administer the distribution of funds allocated by the county board to the county
20.2 agricultural inspector for noxious weed control and eradication within the county;
20.3 (7) to submit reports and attend meetings that the commissioner requires;
20.4 (8) to publish a general weed notice of the legal duty to control noxious weeds in
20.5 one or more legal newspapers of general circulation throughout the county; and
20.6 (9) to be the primary contact in the county for all plant biological control agents.

20.7 Sec. 29. Minnesota Statutes 2008, section 18.81, subdivision 3, is amended to read:

20.8 Subd. 3. **Nonperformance by inspectors; reimbursement for expenses.** If local
20.9 weed inspectors neglect or fail to do their duty as prescribed in this section, the county
20.10 agricultural inspector ~~shall~~ or county-designated employee, in consultation with the
20.11 commissioner, may issue a notice to the inspector providing instructions on how and
20.12 when to do their duty. If, after the time allowed in the notice, the local weed inspector
20.13 has not complied as directed, the county agricultural inspector or county-designated
20.14 employee may consult with the commissioner to perform the duty for the local weed
20.15 inspector. A claim for the expense of doing the local weed inspector's duty is a legal
20.16 charge against the municipality in which the inspector has jurisdiction. The county
20.17 agricultural inspector ~~doing~~ or county-designated employee overseeing the work may file
20.18 an itemized statement of costs with the clerk of the municipality in which the work was
20.19 performed. The municipality shall immediately issue proper warrants to the county for
20.20 the work performed. If the municipality fails to issue the warrants, the county auditor
20.21 may include the amount contained in the itemized statement of costs as part of the next
20.22 annual tax levy in the municipality and withhold that amount from the municipality in
20.23 making its next apportionment.

20.24 Sec. 30. Minnesota Statutes 2008, section 18.82, subdivision 1, is amended to read:

20.25 Subdivision 1. **Permits.** Except as provided in section 21.74, if a person wants to
20.26 transport along a public highway materials or equipment containing the propagating
20.27 parts of weeds designated as noxious by the commissioner, the person must secure
20.28 a written permit for transportation of the material or equipment from ~~a local weed~~
20.29 ~~inspector or county agricultural~~ an inspector or county-designated employee. Inspectors
20.30 or county-designated employees may issue permits to persons residing or operating within
20.31 their jurisdiction. If the noxious weed propagating parts are removed from materials and
20.32 equipment or devitalized before being transported, a permit is not needed.

20.33 Sec. 31. Minnesota Statutes 2008, section 18.82, subdivision 3, is amended to read:

21.1 Subd. 3. **Duration of permit; revocation.** A permit under subdivision 1 is valid for
21.2 up to one year after the date it is issued unless otherwise specified by the ~~weed~~ inspector
21.3 or county-designated employee issuing the permit. The permit may be revoked if ~~a~~
21.4 ~~county agricultural inspector or local weed~~ an inspector or county-designated employee
21.5 determines that the applicant has not complied with this section.

21.6 Sec. 32. Minnesota Statutes 2008, section 18.83, is amended to read:

21.7 **18.83 CONTROL; ERADICATION; NOTICES; EXPENSES.**

21.8 Subdivision 1. **General weed notice.** A general notice for noxious weed control
21.9 or eradication must be published on or before May 15 of each year ~~and at other~~
21.10 ~~times the commissioner directs~~. Failure of the county agricultural ~~weed~~ inspector or or
21.11 county-designated employee to publish the general notice does not relieve a person from
21.12 the necessity of full compliance with sections 18.76 to ~~18.88~~ 18.91 and related rules. The
21.13 published notice is legal and sufficient notice when an individual notice cannot be served.

21.14 Subd. 2. **Individual notice.** ~~A weed~~ An inspector may find it necessary to secure
21.15 more prompt or definite control or eradication of noxious weeds than is accomplished by
21.16 the published general notice. In these special or individual instances, involving one or
21.17 a limited number of persons, the ~~weed~~ inspector or or county-designated employee having
21.18 jurisdiction shall serve individual notices in writing upon the person who owns the land
21.19 and the person who occupies the land, or the person responsible for or charged with the
21.20 maintenance of public land, giving specific instructions on when and how named noxious
21.21 weeds are to be controlled or eradicated. Individual notices provided for in this section
21.22 must be served in the same manner as a summons in a civil action in the district court or
21.23 by certified mail. Service on a person living temporarily or permanently outside of the
21.24 ~~weed~~ inspector's or county-designated employee's jurisdiction may be made by sending
21.25 the notice by certified mail to the last known address of the person, to be ascertained, if
21.26 necessary, from the last tax list in the county treasurer's office.

21.27 Subd. 3. **Appeal of individual notice; appeal committee.** (1) A recipient of an
21.28 individual notice may appeal, in writing, the order for control or eradication of noxious
21.29 weeds. This appeal must be filed with a member of the appeal committee in the county
21.30 where the land is located within two working days of the time the notice is received. The
21.31 committee must inspect the land specified in the notice and report back to the recipient and
21.32 the inspector or or county-designated employee who issued the notice within five working
21.33 days, either agreeing, disagreeing, or revising the order. The decision may be appealed
21.34 in district court. If the committee agrees or revises the order, the control or eradication
21.35 specified in the order, as approved or revised by the committee, may be carried out.

22.1 (2) The county board ~~of commissioners~~ shall appoint members of the appeal
22.2 committee. The membership must include a county commissioner or municipal official
22.3 and a landowner residing in the county. The expenses of the members may be reimbursed
22.4 by the county upon submission of an itemized statement to the county auditor. At its
22.5 option, the county board ~~of commissioners~~, by resolution, may delegate the duties of the
22.6 appeal committee to its board of adjustment established pursuant to section 394.27. When
22.7 carrying out the duties of the appeal committee, the zoning board of adjustment shall
22.8 comply with all of the procedural requirements of this section.

22.9 Subd. 4. **Control or eradication by inspector or county-designated employee.** If
22.10 a person does not comply with an individual notice served on the person or an individual
22.11 notice cannot be served, the ~~weed~~ inspector or county-designated employee having
22.12 jurisdiction shall have the noxious weeds controlled or eradicated within the time and in
22.13 the manner the ~~weed~~ inspector or county-designated employee designates.

22.14 Subd. 5. **Control or eradication by inspector or county-designated employee**
22.15 **in growing crop.** ~~A weed~~ An inspector or county-designated employee may consider it
22.16 necessary to control or eradicate noxious weeds along with all or a part of a growing
22.17 crop to prevent the maturation and spread of noxious weeds within the inspector's or
22.18 county-designated employee's jurisdiction. If this situation exists, the ~~weed~~ inspector
22.19 or county-designated employee may have the noxious weeds controlled or eradicated
22.20 together with the crop after the appeal committee has reviewed the matter as outlined in
22.21 subdivision 3 and reported back agreement with the order.

22.22 Subd. 6. **Authorization for person hired to enter upon land.** The ~~weed~~ inspector
22.23 or county-designated employee may hire a person to control or eradicate noxious weeds if
22.24 the person who owns the land, the person who occupies the land, or the person responsible
22.25 for the maintenance of public land has failed to comply with an individual notice or with
22.26 the published general notice when an individual notice cannot be served. The person
22.27 hired must have authorization, in writing, from the ~~weed~~ inspector or county-designated
22.28 employee to enter upon the land.

22.29 Subd. 7. **Expenses; reimbursements.** A claim for the expense of controlling or
22.30 eradicating noxious weeds, which may include the costs of serving notices, is a legal
22.31 charge against the county in which the land is located. The officers having the work done
22.32 must file with the county auditor a verified and itemized statement of cost for all services
22.33 rendered on each separate tract or lot of land. The county auditor shall immediately issue
22.34 proper warrants to the persons named on the statement as having rendered services. To
22.35 reimburse the county for its expenditure in this regard, the county auditor shall certify
22.36 the total amount due and, unless an appeal is made in accordance with section 18.84,

23.1 enter it on the tax roll as a tax upon the land and it must be collected as other real estate
23.2 taxes are collected.

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

23.7 Sec. 33. Minnesota Statutes 2008, section 18.84, subdivision 1, is amended to read:

23.8 Subdivision 1. **Counties and municipalities.** Counties and municipalities are
23.9 not liable for damages from the noxious weed control program for actions conducted in
23.10 accordance with sections 18.76 to ~~18.88~~ 18.91.

23.11 Sec. 34. Minnesota Statutes 2008, section 18.84, subdivision 2, is amended to read:

23.12 Subd. 2. **Appeal of charges to county board.** A person who is ordered to control
23.13 noxious weeds under sections 18.76 to ~~18.88~~ 18.91 and is charged for noxious weed
23.14 control may appeal the cost of noxious weed control to the county board of the county
23.15 where the noxious weed control measures were undertaken within 30 days after being
23.16 charged. The county board shall determine the amount and approve the charge and filing
23.17 of a lien against the property if it determines that the owner, or occupant if other than the
23.18 owner, responsible for controlling noxious weeds did not comply with the order of the
23.19 inspector or county-designated employee.

23.20 Sec. 35. Minnesota Statutes 2008, section 18.84, subdivision 3, is amended to read:

23.21 Subd. 3. **Court Appeal of costs to district court; petition.** (a) ~~A landowner who~~
23.22 ~~has appealed~~ person who is ordered to control noxious weeds under sections 18.76 to 18.91
23.23 and is charged for the cost of noxious weed control ~~measures under subdivision 2~~ may
23.24 petition for judicial review of the charges. The petition must be filed within 30 days after
23.25 ~~the conclusion of the hearing before the county board~~ being charged. The petition must be
23.26 filed with the court administrator in the county in which the land where the noxious weed
23.27 control measures were undertaken is located, together with proof of service of a copy of
23.28 the petition on the county auditor. No responsive pleadings may be required of the county,
23.29 and no court fees may be charged for the appearance of the county in this matter.

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

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

24.3 Sec. 36. Minnesota Statutes 2008, section 18.86, is amended to read:

24.4 **18.86 UNLAWFUL ACTS.**

24.5 No person may:

24.6 (1) hinder or obstruct in any way ~~the county agricultural inspectors or local weed~~
24.7 ~~inspectors~~ an inspector or county-designated employee in the performance of ~~their~~ duties
24.8 ~~as provided in~~ under sections 18.76 to ~~18.88~~ 18.91 or related rules;

24.9 (2) neglect, fail, or refuse to comply with section 18.82 or related rules in the
24.10 transportation and use of material or equipment infested with noxious weed propagating
24.11 parts;

24.12 (3) sell material containing noxious weed propagating parts to a person who does
24.13 not have a permit to transport that material or to a person who does not have a screenings
24.14 permit issued in accordance with section 21.74; or

24.15 (4) neglect, fail, or refuse to comply with a general notice or an individual notice to
24.16 control or eradicate noxious weeds.

24.17 Sec. 37. Minnesota Statutes 2008, section 18.87, is amended to read:

24.18 **18.87 PENALTY.**

24.19 A violation of section 18.86 or a rule adopted under that section is a misdemeanor.

24.20 ~~County agricultural inspectors, local weed~~ Inspectors, or county-designated employees, or
24.21 their appointed assistants are not subject to the penalties of this section for failure, neglect,
24.22 or refusal to perform duties imposed on them by sections 18.76 to ~~18.88~~ 18.91.

24.23 Sec. 38. Minnesota Statutes 2008, section 18.88, is amended to read:

24.24 **18.88 NOXIOUS WEED PROGRAM FUNDING.**

24.25 Subdivision 1. **County.** The county board shall pay, from the general revenue or
24.26 other fund for the county, the expenses for the county agricultural inspector position or
24.27 county-designated employee, for noxious weed control or eradication on all land owned
24.28 by the county or on land ~~that~~ for which the county is responsible for ~~the its~~ maintenance
24.29 ~~of, and~~ and for the expenses of the appeal committee, ~~and for necessary expenses as required~~
24.30 ~~for quarantines within the county.~~ Use of funding from grants and other sources for the
24.31 administration and enforcement of the Minnesota Noxious Weed Law must be approved
24.32 by the county board.

25.1 Subd. 2. **Municipality.** The municipality shall pay, from the general revenue or
25.2 other fund for the municipality, the necessary expenses of the local weed inspector in the
25.3 performance of duties required ~~for quarantines within the municipality, and~~ for noxious
25.4 weed control or eradication on land owned by the municipality or on land for which the
25.5 municipality is responsible for its maintenance. Use of funding from grants and other
25.6 sources for the administration and enforcement of the Minnesota Noxious Weed Law must
25.7 be approved by the town board or city mayor.

25.8 Subd. 3. **Funding.** Funding in the form of grants or cost sharing may be provided to
25.9 the counties for the performance of their activities under section 18.81, subdivision 1.

25.10 Sec. 39. **[18.89] NOXIOUS WEED AND INVASIVE PLANT SPECIES**
25.11 **ASSISTANCE FUND.**

25.12 The noxious weed and invasive plant species assistance fund is created in the state
25.13 treasury. The fund may be used to carry out the purposes of section 18.90. Any money
25.14 appropriated to the fund and any money received by the fund as gifts or grants or other
25.15 private or public funds obtained for the purposes in section 18.91 must be credited to the
25.16 fund. The money in the account is continuously appropriated to the commissioner to
25.17 implement section 18.90.

25.18 Sec. 40. **[18.90] GRANT PROGRAM.**

25.19 (a) From funds available in the noxious weed and invasive plant species assistance
25.20 fund established in section 18.89, the commissioner shall administer a grant program
25.21 to assist counties and municipalities and other weed management entities in the cost
25.22 of implementing and maintaining noxious weed control programs and in addressing
25.23 special weed control problems. The commissioner shall receive applications by counties,
25.24 municipalities, weed management areas, and weed management entities for assistance
25.25 under this section and, in consultation with the Noxious Weed Advisory Committee,
25.26 award grants for any of the following eligible purposes:

25.27 (1) to conduct applied research to solve locally significant weed management
25.28 problems;

25.29 (2) to demonstrate innovative control methods or land management practices which
25.30 have the potential to reduce landowner costs to control noxious weeds or improve the
25.31 effectiveness of noxious weed control;

25.32 (3) to encourage the ongoing support of weed management areas;

25.33 (4) to respond to introductions or infestations of invasive plants that threaten or
25.34 potentially threaten the productivity of cropland and rangeland over a wide area;

26.1 (5) to respond to introductions or infestations of invasive plant species that threaten
26.2 or potentially threaten the productivity of biodiversity of wildlife and fishery habitats on
26.3 public and private lands;

26.4 (6) to respond to special weed control problems involving weeds not included in the
26.5 list of noxious weeds published and distributed by the commissioner;

26.6 (7) to conduct monitoring or surveillance activities to detect, map, or determine
26.7 the distribution of invasive plant species and to determine susceptible locations for the
26.8 introduction or spread of invasive plant species; and

26.9 (8) to conduct educational activities.

26.10 (b) The commissioner shall select and prioritize applications for assistance under
26.11 this section based on the following considerations:

26.12 (1) the seriousness of the noxious weed or invasive plant problem or potential
26.13 problem addressed by the project;

26.14 (2) the ability of the project to provide timely intervention to save current and future
26.15 costs of control and eradication;

26.16 (3) the likelihood that the project will prevent or resolve the problem or increase
26.17 knowledge about resolving similar problems in the future;

26.18 (4) the extent to which the project will leverage federal funds and other nonstate
26.19 funds;

26.20 (5) the extent to which the applicant has made progress in addressing noxious weed
26.21 or invasive plant problems;

26.22 (6) the extent to which the project will provide a comprehensive approach to the
26.23 control or eradication of noxious weeds;

26.24 (7) the extent to which the project will reduce the total population or area of
26.25 infestation of a noxious weed;

26.26 (8) the extent to which the project uses the principles of integrated vegetation
26.27 management and sound science; and

26.28 (9) other factors that the commissioner determines to be relevant.

26.29 (c) Nothing in this section may be construed to relieve a person of the duty or
26.30 responsibility to control the spread of noxious weeds on lands owned and controlled
26.31 by the person.

26.32 Sec. 41. **[18.91] ADVISORY COMMITTEE; MEMBERSHIP.**

26.33 Subdivision 1. **Duties.** The commissioner shall consult with the Noxious Weed
26.34 Advisory Committee to advise the commissioner concerning responsibilities under
26.35 the noxious weed control program. The committee shall also evaluate species for

27.1 invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused
27.2 by them. For each species evaluated, the committee shall recommend to the commissioner
27.3 on which noxious weed list or lists, if any, the species should be placed. Species currently
27.4 designated as prohibited or restricted noxious weeds must be reevaluated every three years
27.5 for a recommendation on whether or not they need to remain on the noxious weed lists.
27.6 Members of the committee are not entitled to reimbursement of expenses nor payment
27.7 of per diem. Members shall serve two-year terms with subsequent reappointment by
27.8 the commissioner.

27.9 Subd. 2. **Membership.** The commissioner shall appoint members, which shall
27.10 include representatives from the following:

27.11 (1) horticultural science, agronomy, and forestry at the University of Minnesota;

27.12 (2) the nursery and landscape industry in Minnesota;

27.13 (3) the seed industry in Minnesota;

27.14 (4) the Department of Agriculture;

27.15 (5) the Department of Natural Resources;

27.16 (6) a conservation organization;

27.17 (7) an environmental organization;

27.18 (8) at least two farm organizations;

27.19 (9) the county agricultural inspectors;

27.20 (10) city, township, and county governments;

27.21 (11) the Department of Transportation;

27.22 (12) the University of Minnesota Extension;

27.23 (13) the timber and forestry industry in Minnesota;

27.24 (14) the Board of Water and Soil Resources; and

27.25 (15) soil and water conservation districts.

27.26 Subd. 3. **Additional duties.** The committee shall conduct evaluations of terrestrial
27.27 plant species to recommend if they need to be designated as noxious weeds and into which
27.28 noxious weed classification they should be designated, advise the commissioner on the
27.29 implementation of the Minnesota Noxious Weed Law, and assist the commissioner in the
27.30 development of management criteria for each noxious weed category.

27.31 Subd. 4. **Organization.** The committee shall select a chair from its membership.
27.32 Meetings of the committee may be called by or at the direction of the commissioner or
27.33 upon direction of the chair.

27.34 Subd. 5. **Expiration.** Notwithstanding section 15.059, subdivision 5, the committee
27.35 expires June 30, 2013.

28.1 Sec. 42. Minnesota Statutes 2008, section 18B.01, is amended by adding a subdivision
28.2 to read:

28.3 Subd. 1a. **Agricultural pesticide.** "Agricultural pesticide" means a pesticide that
28.4 bears labeling that meets federal worker protection agricultural use requirements as
28.5 provided by Code of Federal Regulations, title 40, parts 156 and 170 (2008).

28.6 Sec. 43. Minnesota Statutes 2008, section 18B.01, is amended by adding a subdivision
28.7 to read:

28.8 Subd. 1b. **Agricultural pesticide dealer.** "Agricultural pesticide dealer" means a
28.9 person who distributes an agricultural pesticide in the state or into the state to an end user.
28.10 This action would commonly be described as a retail sale.

28.11 Sec. 44. Minnesota Statutes 2008, section 18B.01, subdivision 8, is amended to read:

28.12 Subd. 8. **Distribute.** "Distribute" means offer for sale, sell, barter, ship, deliver for
28.13 shipment, receive and deliver, and offer to deliver pesticides in this state or into this state.

28.14 Sec. 45. Minnesota Statutes 2008, section 18B.01, is amended by adding a subdivision
28.15 to read:

28.16 Subd. 14b. **Nonagricultural pesticide.** "Nonagricultural pesticide" means a
28.17 pesticide that does not bear labeling that meets federal worker protection agricultural use
28.18 requirements as provided by Code of Federal Regulation, title 40, parts 156 and 170
28.19 (2008).

28.20 Sec. 46. Minnesota Statutes 2008, section 18B.065, subdivision 1, is amended to read:

28.21 Subdivision 1. **Collection and disposal.** The commissioner of agriculture shall
28.22 establish and operate a program to collect and dispose of waste pesticides. The program
28.23 must be made available to agricultural and ~~residential~~ nonagricultural pesticide end users
28.24 whose waste generating activity occurs in this state. Waste pesticide generated in another
28.25 state is not eligible for collection under this section.

28.26 Sec. 47. Minnesota Statutes 2008, section 18B.065, subdivision 2, is amended to read:

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

29.1 (b) The commissioner may ~~not~~ limit the type and quantity of waste pesticides
29.2 accepted for collection and may ~~not~~ assess pesticide end users for portions of the costs
29.3 incurred.

29.4 Sec. 48. Minnesota Statutes 2008, section 18B.065, subdivision 2a, is amended to read:

29.5 Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the
29.6 commissioner must designate a place in each county of the state that is available at least
29.7 every other year for persons to dispose of unused portions of agricultural pesticides. The
29.8 commissioner shall consult with the person responsible for solid waste management
29.9 and disposal in each county to determine an appropriate location and to advertise each
29.10 collection event. The commissioner may provide a collection opportunity in a county
29.11 more frequently if the commissioner determines that a collection is warranted.

29.12 (b) For residential waste pesticides, the commissioner must provide ~~periodic a~~
29.13 ~~disposal opportunities~~ opportunity each year in each county.

29.14 (c) As provided under subdivision 7, the commissioner may enter into cooperative
29.15 agreements with county or regional solid waste management entities local units of
29.16 government to provide ~~these~~ the collections required under paragraph (a) or (b) and shall
29.17 provide these entities a local unit of government, as part of the cooperative agreement,
29.18 with funding for reasonable costs incurred including, but not limited to, related supplies,
29.19 transportation, advertising, and disposal costs as well as reasonable overhead costs.

29.20 ~~(c)~~ (d) A person who collects waste pesticide under ~~paragraph (a) or (b)~~ this
29.21 section shall, on a form provided or in a method approved by the commissioner, record
29.22 information on each waste pesticide product collected including, but not limited to, the
29.23 quantity collected and either the product name, and its active ingredient or ingredients;
29.24 quantity, and or the United States Environmental Protection Agency registration number;
29.25 on a form provided by the commissioner. The person must submit this information to the
29.26 commissioner ~~at least annually~~ by January 30.

29.27 Sec. 49. Minnesota Statutes 2008, section 18B.065, subdivision 3, is amended to read:

29.28 Subd. 3. **Information and; education; report.** (a) The commissioner shall
29.29 provide informational and educational materials regarding waste pesticides and the proper
29.30 management of waste pesticides to the public.

29.31 (b) No later than March 15 each year, the commissioner must report the following to
29.32 the legislative committees with jurisdiction over agriculture finance:

29.33 (1) each instance of a refusal to collect waste pesticide or the assessment of a fee to a
29.34 pesticide end user as authorized in subdivision 2, paragraph (b); and

30.1 (2) waste pesticide collection information including a discussion of the type and
30.2 quantity of waste pesticide collected by the commissioner and any entity collecting waste
30.3 pesticide under subdivision 7 during the previous calendar year, a summary of waste
30.4 pesticide collection trends, and any corresponding program recommendations.

30.5 Sec. 50. Minnesota Statutes 2008, section 18B.065, subdivision 7, is amended to read:

30.6 Subd. 7. **Cooperative agreements.** (a) The commissioner may enter into
30.7 cooperative agreements with state agencies and local units of government for
30.8 administration of the waste pesticide collection program. The commissioner shall ensure
30.9 that the program is carried out in all counties. If the commissioner cannot contract with
30.10 another party to administer the program in a county, the commissioner shall perform
30.11 collections according to the provisions of this section.

30.12 (b) The commissioner, according to the terms of a cooperative agreement between
30.13 the commissioner and a local unit of government, may establish limits for unusual types
30.14 or excessive quantities of waste pesticide offered by pesticide end users to the local unit
30.15 of government.

30.16 Sec. 51. Minnesota Statutes 2008, section 18B.065, is amended by adding a
30.17 subdivision to read:

30.18 Subd. 8. **Waste pesticide program surcharge.** The commissioner shall annually
30.19 collect a waste pesticide program surcharge of \$50 on each pesticide product registered
30.20 in the state as part of a pesticide product registration application under section 18B.26,
30.21 subdivision 3.

30.22 Sec. 52. Minnesota Statutes 2008, section 18B.065, is amended by adding a
30.23 subdivision to read:

30.24 Subd. 9. **Waste pesticide cooperative agreement account.** (a) A waste pesticide
30.25 cooperative agreement account is created in the agricultural fund. Notwithstanding section
30.26 18B.05, the proceeds of surcharges imposed under subdivision 8 must be deposited in the
30.27 agricultural fund and credited to the waste pesticide cooperative agreement account.

30.28 (b) Money in the waste pesticide cooperative agreement account, including interest,
30.29 is appropriated to the commissioner and may only be used for costs incurred under a
30.30 cooperative agreement pursuant to this section.

30.31 (c) Notwithstanding paragraph (b), if the amount available in the waste pesticide
30.32 cooperative agreement account in any fiscal year exceeds the amount obligated to local

31.1 units of government under subdivision 7, the excess is appropriated to the commissioner
31.2 to perform waste pesticide collections under this section.

31.3 Sec. 53. Minnesota Statutes 2008, section 18B.26, subdivision 1, is amended to read:

31.4 Subdivision 1. **Requirement.** (a) Except as provided in paragraphs (b) to (d), a
31.5 person may not use or distribute a pesticide in this state unless it is registered with the
31.6 commissioner. Pesticide registrations expire on December 31 of each year and may be
31.7 renewed on or before that date for the following calendar year.

31.8 (b) Registration is not required if a pesticide is shipped from one plant or warehouse
31.9 to another plant or warehouse operated by the same person and used solely at the plant
31.10 or warehouse as an ingredient in the formulation of a pesticide that is registered under
31.11 this chapter.

31.12 (c) An unregistered pesticide that was previously registered with the commissioner
31.13 may be used for a period of two years following the cancellation of the registration of the
31.14 pesticide, unless the commissioner determines that the continued use of the pesticide
31.15 would cause unreasonable adverse effects on the environment, or with the written
31.16 permission of the commissioner. To use the unregistered pesticide at any time after
31.17 the two-year period, the pesticide end user must demonstrate to the satisfaction of the
31.18 commissioner, if requested, that the pesticide has been continuously registered under a
31.19 different brand name or by a different manufacturer and has similar composition, or, the
31.20 pesticide end user obtains the written permission of the commissioner.

31.21 (d) The commissioner may allow specific pesticide products that are not registered
31.22 with the commissioner to be distributed in this state for use in another state.

31.23 (e) Each pesticide with a unique United States Environmental Protection Agency
31.24 pesticide registration number or a unique brand name must be registered with the
31.25 commissioner.

31.26 (f) It is unlawful for a person to distribute or use a pesticide in the state, or to sell
31.27 into the state for use in the state, any pesticide product that has not been registered by the
31.28 commissioner and for which the applicable pesticide registration application fee, gross
31.29 sales fee, or waste pesticide program surcharge is not paid pursuant to subdivisions 3 and 4.

31.30 (g) Every person who sells for use in the state a pesticide product that has been
31.31 registered by the commissioner shall pay to the commissioner the applicable registration
31.32 application fees, sales fees, and waste pesticide program surcharges. These sales expressly
31.33 include all sales made electronically, telephonically, or by any other means that result in a
31.34 pesticide product being shipped to or used in the state. There is a rebuttable presumption

32.1 that pesticide products that are sold or distributed in or into the state by any person are
32.2 sold or distributed for use in the state.

32.3 Sec. 54. Minnesota Statutes 2008, section 18B.26, subdivision 3, is amended to read:

32.4 Subd. 3. **Registration application and gross sales fee.** (a) For an agricultural
32.5 pesticide, a registrant shall pay an annual registration application fee for each agricultural
32.6 pesticide to be registered, and this fee is set at 0.4 percent of annual gross sales within the
32.7 state and annual gross sales of pesticides used in the state, with a minimum nonrefundable
32.8 fee of \$250 \$350. The fee is due by December 31 preceding the year for which the
32.9 application for registration is made. The fee is nonrefundable.

32.10 ~~The registrant shall determine when and which pesticides are sold or used in this~~
32.11 ~~state.~~ (b) For a nonagricultural pesticide, a registrant shall pay a minimum annual
32.12 registration application fee for each nonagricultural pesticide of \$350. The fee is due by
32.13 December 31 preceding the year for which the application for registration is made. The
32.14 fee is nonrefundable. The registrant of a nonagricultural pesticide shall additionally pay
32.15 a fee of 0.5 percent of annual gross sales of the nonagricultural pesticide in the state
32.16 and the annual gross sales of the nonagricultural pesticide sold into the state for use in
32.17 this state. The commissioner may not assess a fee under this paragraph if the amount
32.18 due based on percent of annual gross sales is less than \$10. The registrant shall secure
32.19 sufficient sales information of nonagricultural pesticides distributed into this state from
32.20 distributors and dealers, regardless of distributor location, to make a determination. Sales
32.21 of nonagricultural pesticides in this state and sales of nonagricultural pesticides for use in
32.22 this state by out-of-state distributors are not exempt and must be included in the registrant's
32.23 annual report, as required under paragraph (e)(g), and fees shall be paid by the registrant
32.24 based upon those reported sales. Sales of nonagricultural pesticides in the state for use
32.25 outside of the state are exempt from the application gross sales fee in this paragraph if
32.26 the registrant properly documents the sale location and distributors. A registrant paying
32.27 more than the minimum fee shall pay the balance due by March 1 based on the gross
32.28 sales of the nonagricultural pesticide by the registrant for the preceding calendar year.
32.29 ~~The fee for disinfectants and sanitizers shall be the minimum. The minimum fee is due~~
32.30 ~~by December 31 preceding the year for which the application for registration is made. In~~
32.31 ~~each fiscal year, the commissioner shall allocate from the pesticide regulatory account a~~
32.32 ~~sum sufficient to collect and dispose of waste pesticides under section 18B.065. However,~~
32.33 ~~notwithstanding section 18B.065, if the commissioner determines that the balance in the~~
32.34 ~~pesticide regulatory account at the end of the fiscal year will be less than \$500,000, the~~
32.35 ~~commissioner may suspend waste pesticide collections or provide partial payment to a~~

33.1 ~~person for waste pesticide collection. The commissioner must notify as soon as possible~~
33.2 ~~and no later than August 1 a person under contract to collect waste pesticides of an~~
33.3 ~~anticipated suspension or payment reduction. A pesticide determined by the commissioner~~
33.4 ~~to be a sanitizer or disinfectant is exempt from the gross sales fee.~~

33.5 (c) For agricultural pesticides, a licensed agricultural pesticide dealer shall pay a
33.6 gross sales fee of 0.55 percent of annual gross sales of the agricultural pesticide in the
33.7 state and the annual gross sales of the agricultural pesticide sold into the state for use in
33.8 this state.

33.9 (d) In those cases where a registrant first sells an agricultural pesticide in or into the
33.10 state to a pesticide end user, the registrant must first obtain an agricultural pesticide dealer
33.11 license and is responsible for payment of the annual gross sales fee under paragraph (c),
33.12 record keeping under paragraph (i), and all other requirements of section 18B.316.

33.13 (e) If the total annual revenue from fees collected by the commissioner on the
33.14 registration and sale of pesticides is less than \$6,600,000 for revenue collected in fiscal
33.15 year 2011, 2012, or 2013, the commissioner may increase pesticide sales and product
33.16 registration fees by the amount necessary to ensure this level of revenue is achieved.

33.17 ~~(b)~~ (f) An additional fee of \$100 50 percent of the registration application fee must
33.18 be paid by the applicant for each pesticide to be registered if the application is a renewal
33.19 application that is submitted after December 31.

33.20 ~~(e)~~ (g) A registrant must annually report to the commissioner the amount and type
33.21 and annual gross sales of each registered nonagricultural pesticide sold, offered for sale, or
33.22 otherwise distributed in the state. The report shall be filed by March 1 for the previous
33.23 year's registration. The commissioner shall specify the form of the report or approve
33.24 the method for submittal of the report and may require additional information deemed
33.25 necessary to determine the amount and type of pesticides nonagricultural pesticide
33.26 annually distributed in the state. The information required shall include the brand name,
33.27 United States Environmental Protection Agency registration number and amount,
33.28 ~~and formulation~~ of each nonagricultural pesticide sold, offered for sale, or otherwise
33.29 distributed in the state, but the information collected, if made public, shall be reported in a
33.30 manner which does not identify a specific brand name in the report.

33.31 (h) A licensed agricultural pesticide dealer must annually report to the commissioner
33.32 the amount, type, and annual gross sales of each registered agricultural pesticide sold,
33.33 offered for sale, or otherwise distributed in the state or into the state for use in the state.
33.34 The report must be filed by January 31 for the previous year's sales. The commissioner
33.35 shall specify the form, contents, and approved electronic method for submittal of the
33.36 report and may require additional information deemed necessary to determine the amount

34.1 and type of agricultural pesticide annually distributed within the state or into the state.

34.2 The information required must include the brand name, United States Environmental
34.3 Protection Agency registration number, and amount of each agricultural pesticide sold,
34.4 offered for sale, or otherwise distributed in the state or into the state.

34.5 (i) A person who registers a pesticide with the commissioner under paragraph (b),
34.6 or a registrant under paragraph (d), shall keep accurate records for five years detailing
34.7 all distribution or sales transactions into the state or in the state and subject to a fee and
34.8 surcharge under this section.

34.9 (j) The records are subject to inspection, copying, and audit by the commissioner
34.10 and must clearly demonstrate proof of payment of all applicable fees and surcharges
34.11 for each registered pesticide product sold for use in this state. A person who is located
34.12 outside of this state must maintain and make available records required by this subdivision
34.13 in this state or pay all costs incurred by the commissioner in the inspecting, copying, or
34.14 auditing of the records.

34.15 (k) The commissioner may adopt by rule regulations that require persons subject
34.16 to audit under this section to provide information determined by the commissioner to be
34.17 necessary to enable the commissioner to perform the audit.

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

34.21 **EFFECTIVE DATE.** This section is effective July 1, 2009. However:

34.22 (1) the provisions of Minnesota Statutes 2008, section 18B.26, subdivision 3, remain
34.23 in effect until December 31, 2010, for the registrants of pesticide products sold within the
34.24 state or used in the state during calendar year 2009; and

34.25 (2) the commissioner of agriculture may not implement paragraph (c), (d), (e), (f),
34.26 (g), (h), (i), (j), (k), or (l) until January 1, 2010.

34.27 Sec. 55. Minnesota Statutes 2008, section 18B.31, subdivision 3, is amended to read:

34.28 Subd. 3. **License.** A pesticide dealer license:

34.29 (1) is issued by the commissioner upon receipt and review of a complete initial or
34.30 renewal application;

34.31 (2) is valid for one year and expires on ~~December~~ January 31 of each year unless it
34.32 is suspended or revoked before that date;

34.33 ~~(2)~~ (3) is not transferable to another location; and

34.34 ~~(3)~~ (4) must be prominently displayed to the public in the pesticide dealer's place of
34.35 business.

35.1 Sec. 56. Minnesota Statutes 2008, section 18B.31, subdivision 4, is amended to read:

35.2 Subd. 4. **Application.** (a) A person must apply to the commissioner for a pesticide
35.3 dealer license on the forms and in the manner required by the commissioner.

35.4 (b) The commissioner may require an additional demonstration of dealer
35.5 qualification if the dealer has had a license suspended or revoked, or has otherwise had a
35.6 history of violations of this chapter.

35.7 (c) An application for renewal of a pesticide dealer license is not complete until the
35.8 commissioner receives the report and applicable fees required under section 18B.316,
35.9 subdivision 8.

35.10 **EFFECTIVE DATE.** This section is effective January 1, 2010.

35.11 Sec. 57. **[18B.316] AGRICULTURAL PESTICIDE DEALER LICENSE AND**
35.12 **REPORTING.**

35.13 Subdivision 1. Requirement. (a) A person must not distribute or sell an agricultural
35.14 pesticide in the state or into the state without first obtaining an agricultural pesticide
35.15 dealer license.

35.16 (b) Each location or place of business from which an agricultural pesticide is
35.17 distributed or sold in the state or into the state is required to have a separate agricultural
35.18 pesticide dealer license.

35.19 (c) A person who is a licensed pesticide dealer under section 18B.31 is not required
35.20 to also be licensed under this subdivision.

35.21 Subd. 2. Exemption. A person who is a pesticide registrant under provisions of this
35.22 chapter is exempt from the requirement of subdivision 1, except in those cases where a
35.23 registrant first sells an agricultural pesticide in or into the state to a pesticide end user, the
35.24 registrant must first obtain an agricultural pesticide dealer license.

35.25 Subd. 3. Resident agent. (a) A person required to be licensed under subdivisions
35.26 1 and 2, or a person licensed as a pesticide dealer pursuant to section 18B.31 and who
35.27 operates from a location or place of business outside the state and who distributes or
35.28 sells an agricultural pesticide into the state, must continuously maintain in this state the
35.29 following:

35.30 (1) a registered office; and

35.31 (2) a registered agent, who may be either a resident of this state whose business
35.32 office or residence is identical with the registered office under clause (1), a domestic
35.33 corporation or limited liability company, or a foreign corporation of limited liability
35.34 company authorized to transact business in this state and having a business office identical
35.35 with the registered office.

36.1 A person licensed under this section or section 18B.31 shall annually file with the
36.2 commissioner, either at the time of initial licensing or as part of license renewal, the name,
36.3 address, telephone number, and e-mail address of the licensee's registered agent.

36.4 For licensees under section 18B.31 who are located in the state, the licensee is
36.5 the registered agent.

36.6 Subd. 4. **Responsibility.** The resident agent is responsible for the acts of a licensed
36.7 agricultural pesticide dealer, or of a licensed pesticide dealer under section 18B.31 who
36.8 operates from a location or place of business outside the state and who distributes or
36.9 sells an agricultural pesticide into the state, as well as the acts of the employees of those
36.10 licensees.

36.11 Subd. 5. **Records.** A person licensed as an agricultural pesticide dealer, or a person
36.12 licensed as a pesticide dealer pursuant to section 18B.31, must maintain for five years at the
36.13 person's principal place of business accurate records of purchases, sales, and distributions
36.14 of agricultural pesticides in and into this state, including those of its branch locations. The
36.15 records shall be made available for audit under provisions of this chapter and chapter 18D.

36.16 Subd. 6. **Agricultural pesticide sales invoices.** Sales invoices for agricultural
36.17 pesticides sold in or into this state by a licensed agricultural pesticide dealer or a pesticide
36.18 dealer under this section must show the percent of gross sales fee rate assessed and the
36.19 gross sales fee paid under section 18B.26, subdivision 3, paragraph (c). Only the person
36.20 who actually will pay the gross sales fee may show the rate or the amount of the fee as
36.21 a line item on the sales invoice.

36.22 Subd. 7. **License.** An agricultural pesticide dealer license:

36.23 (1) is issued by the commissioner upon receipt and review of a complete initial or
36.24 renewal application;

36.25 (2) is valid for one year and expires on January 31 of each year;

36.26 (3) is not transferable from one location or place of business to another location
36.27 or place of business; and

36.28 (4) must be prominently displayed to the public in the agricultural pesticide dealer's
36.29 place of business and in the registered office of the resident agent.

36.30 Subd. 8. **Report of sales and payment to the commissioner.** A person who is an
36.31 agricultural pesticide dealer, or is a licensed pesticide dealer under section 18B.31, who
36.32 distributes or sells an agricultural pesticide in or into the state, and a pesticide registrant
36.33 pursuant to section 18B.26, subdivision 3, paragraph (d), shall no later than January 31 of
36.34 each year report and pay applicable fees on annual gross sales of agricultural pesticides
36.35 to the commissioner pursuant to requirements under section 18B.26, subdivision 3,
36.36 paragraphs (c) and (h).

37.1 Subd. 9. **Application.** (a) A person must apply to the commissioner for an
37.2 agricultural pesticide dealer license on forms and in a manner approved by the
37.3 commissioner.

37.4 (b) The applicant must be the person in charge of each location or place of business
37.5 from which agricultural pesticides are distributed or sold in or into the state.

37.6 (c) The commissioner may require that the applicant provide information regarding
37.7 the applicant's proposed operations and other information considered pertinent by the
37.8 commissioner.

37.9 (d) The commissioner may require additional demonstration of licensee qualification
37.10 if the licensee has had a license suspended or revoked, or has otherwise had a history of
37.11 violations in another state or violations of this chapter.

37.12 (e) A licensed agricultural pesticide dealer who changes the dealer's address or place
37.13 of business must immediately notify the commissioner of the change.

37.14 (f) An application for renewal of an agricultural pesticide dealer license is complete
37.15 only when a report and any applicable payment of fees under subdivision 8 are received
37.16 by the commissioner.

37.17 Subd. 10. **Application fee.** (a) An application for an agricultural pesticide dealer
37.18 license, or a renewal of an agricultural pesticide dealer license, must be accompanied
37.19 by a nonrefundable fee of \$150.

37.20 (b) If an application for renewal of an agricultural pesticide dealer license is not filed
37.21 before January of the year for which the license is to be issued, an additional fee of 50
37.22 percent of the application fee must be paid by the applicant before the commissioner
37.23 may issue the license.

37.24 **EFFECTIVE DATE.** This section is effective July 1, 2009. However, the
37.25 commissioner of agriculture may not implement subdivision 9, paragraph (f), until
37.26 January 1, 2011.

37.27 Sec. 58. **[18B.346] PESTICIDE APPLICATION ON RAILROAD PROPERTY.**

37.28 Subdivision 1. **Applicability.** This section applies only to common carrier railroads.

37.29 Subd. 2. **Safety information.** (a) In coordination with common carrier railroad
37.30 companies operating in this state, the commissioner shall provide annual pesticide safety
37.31 outreach opportunities for railroad employees.

37.32 (b) A common carrier railroad that operates in this state must provide annual
37.33 employee pesticide safety training opportunities.

38.1 Subd. 3. **Pesticide applications.** (a) A person may not directly apply a restricted
38.2 use pesticide to occupied or unoccupied locomotives, track repair equipment, or on-track
38.3 housing units unless the pesticide is specifically labeled for that use.

38.4 (b) Employees of common carrier railroads must not be required to work in affected
38.5 areas in a manner that is inconsistent with the pesticide label.

38.6 Subd. 4. **Misuse reporting.** A common carrier railroad or a commercial applicator
38.7 hired by the common carrier railroad to apply pesticide must report to the commissioner
38.8 within four hours, or as soon as practicable, any pesticide misuse known to the railroad
38.9 company or commercial applicator that occurred on railroad property or to other property
38.10 under the control of the railroad company. For the purposes of this section, "misuse" means
38.11 a pesticide application that violates subdivision 3 or any provision in section 18B.07.

38.12 Sec. 59. Minnesota Statutes 2008, section 18B.37, subdivision 1, is amended to read:

38.13 Subdivision 1. **Pesticide dealer.** (a) A pesticide dealer must maintain records of all
38.14 sales of restricted use pesticides as required by the commissioner. Records must be kept at
38.15 the time of sale on forms supplied by the commissioner or on the pesticide dealer's forms
38.16 if they are approved by the commissioner.

38.17 (b) Records must be submitted ~~annually with the renewal application for a pesticide~~
38.18 ~~dealer license or~~ upon request of the commissioner.

38.19 (c) Copies of records required under this subdivision must be maintained by the
38.20 pesticide dealer for a period of five years after the date of the pesticide sale.

38.21 Sec. 60. Minnesota Statutes 2008, section 18C.415, subdivision 3, is amended to read:

38.22 Subd. 3. **Effective period.** ~~Other~~ Licenses are for the period from January 1 to the
38.23 following December 31 and must be renewed annually by the licensee before January 1. A
38.24 license is not transferable from one person to another, from the ownership to whom issued
38.25 to another ownership, or from one location to another location.

38.26 Sec. 61. Minnesota Statutes 2008, section 18C.421, is amended to read:

38.27 **18C.421 DISTRIBUTOR'S TONNAGE REPORT.**

38.28 Subdivision 1. ~~Semiannual statement~~ **Annual tonnage report.** (a) Each licensed
38.29 ~~distributor of fertilizer and each registrant of a specialty fertilizer, soil amendment, or plant~~
38.30 ~~amendment must file a semiannual statement for the periods ending December 31 and June~~
38.31 ~~30 with the commissioner on forms furnished by the commissioner stating the number of~~
38.32 ~~net tons and grade of each raw fertilizer material distributed or the number of net tons of~~
38.33 ~~each brand or grade of fertilizer, soil amendment, or plant amendment~~ registrant under

39.1 section 18C.411 and licensee under section 18C.415 shall file an annual tonnage report for
39.2 the previous year ending June 30 with the commissioner, on forms provided or approved
39.3 by the commissioner, stating the number of net tons of each brand or grade of fertilizer,
39.4 soil amendment, or plant amendment distributed in this state or the number of net tons and
39.5 grade of each raw fertilizer material distributed in this state during the reporting period.

39.6 (b) ~~A tonnage reports are report~~ is not required to be ~~filed with~~ submitted and an
39.7 inspection fee under section 18C.425, subdivision 6, is not required to be paid to the
39.8 commissioner from licensees by a licensee who distributed distributes fertilizer solely by
39.9 custom application.

39.10 (c) ~~A report from a licensee who sells to an ultimate consumer must be accompanied~~
39.11 ~~by records or invoice copies indicating the name of the distributor who paid the inspection~~
39.12 ~~fee, the net tons received, and the grade or brand name of the products received.~~

39.13 (d) (c) ~~The annual tonnage report is due~~ must be submitted to the commissioner on
39.14 or before the last day of the month following the close of each reporting period July 31 of
39.15 each calendar year.

39.16 (e) (d) ~~The inspection fee at the rate stated in section 18C.425, subdivision 6, must~~
39.17 accompany the statement.

39.18 Subd. 2. **Additional reports.** The commissioner may by rule require additional
39.19 reports for the purpose of gathering statistical data relating to fertilizer, soil amendments,
39.20 and plant amendments distribution in the state.

39.21 Subd. 3. **Late annual report and inspection fee penalty.** (a) ~~If a distributor does~~
39.22 ~~not file the semiannual statement~~ registrant or licensee fails to submit an annual tonnage
39.23 report or pay the inspection fees fee under section 18C.425, subdivision 6, by 31 days
39.24 after the end of the reporting period July 31, the commissioner shall assess the registrant
39.25 or licensee a penalty of the greater of \$25 \$50 or ten percent of the amount due against
39.26 the licensee or registrant.

39.27 (b) ~~The fees due, plus the penalty, may be recovered in a civil action against the~~
39.28 licensee or registrant.

39.29 (c) ~~The assessment of the penalty does not prevent the commissioner from taking~~
39.30 other actions as provided in this chapter and sections 18D.301 to 18D.331.

39.31 Subd. 4. **Responsibility for inspection fees.** ~~If more than one person is involved~~
39.32 ~~in the distribution of a fertilizer, soil amendment, or plant amendment, the distributor~~
39.33 ~~who imports, manufactures, or produces the fertilizer or who has the specialty fertilizer,~~
39.34 ~~soil amendment, or plant amendment registered is responsible for the inspection fee on~~
39.35 ~~products produced or brought into this state. The distributor must separately list the~~
39.36 ~~inspection fee on the invoice to the licensee. The last licensee must retain the invoices~~

40.1 ~~showing proof of inspection fees paid for three years and must pay the inspection fee on~~
40.2 ~~products brought into this state before July 1, 1989, unless the reporting and paying of~~
40.3 ~~fees have been made by a prior distributor of the fertilizer.~~

40.4 Subd. 5. **Verification of ~~statements~~ annual tonnage report.** The commissioner
40.5 may verify the records on which the ~~statement of~~ annual tonnage report is based.

40.6 Sec. 62. Minnesota Statutes 2008, section 18C.425, subdivision 4, is amended to read:

40.7 Subd. 4. **Fee for late application.** If an application for renewal of a ~~fertilizer~~
40.8 ~~license or registration of a specialty fertilizer, soil amendment, or plant amendment~~
40.9 ~~under section 18C.411 or a license under section 18C.415 is not filed before January 1~~
40.10 ~~or July 1 of a year, as required~~ submitted to the commissioner after December 31, an
40.11 additional ~~application~~ late fee of one-half of the amount due must be paid in addition to
40.12 the application fee before the renewal license or registration may be issued.

40.13 Sec. 63. Minnesota Statutes 2008, section 18C.425, subdivision 6, is amended to read:

40.14 Subd. 6. **Payment of inspection fees fee.** (a) The person who registers and
40.15 distributes in the state a specialty fertilizer, soil amendment, or plant amendment under
40.16 section 18C.411 shall pay the inspection fee to the commissioner.

40.17 (b) The person licensed under section 18C.415 who distributes a fertilizer to a person
40.18 not required to be so licensed shall pay the inspection fee to the commissioner, except as
40.19 exempted under section 18C.421, subdivision 1, paragraph (b).

40.20 (c) The person responsible for payment of the inspection fees for fertilizers, soil
40.21 amendments, or plant amendments sold and used in this state must pay an inspection fee of
40.22 ~~30~~ 70 cents per ton of fertilizer, soil amendment, and plant amendment sold or distributed
40.23 in this state, with a minimum of \$10 on all tonnage reports. Products sold or distributed to
40.24 manufacturers or exchanged between them are exempt from the inspection fee imposed by
40.25 this subdivision if the products are used exclusively for manufacturing purposes.

40.26 (d) A registrant or licensee must retain invoices showing proof of fertilizer, plant
40.27 amendment, or soil amendment distribution amounts and inspection fees paid for a period
40.28 of three years.

40.29 Sec. 64. Minnesota Statutes 2008, section 18E.03, subdivision 2, is amended to read:

40.30 Subd. 2. **Expenditures.** (a) Money in the agricultural chemical response and
40.31 reimbursement account may only be used:

40.32 (1) to pay for the commissioner's responses to incidents under chapters 18B, 18C,
40.33 and 18D that are not eligible for payment under section 115B.20, subdivision 2;

41.1 (2) to pay for emergency responses that are otherwise unable to be funded;
41.2 (3) to reimburse and pay corrective action costs under section 18E.04; and
41.3 (4) ~~by the board~~ to reimburse the commissioner for board staff and other
41.4 administrative costs and the commissioner's incident response program costs related to
41.5 eligible incident sites, up to ~~\$225,000~~ \$450,000 per fiscal year.

41.6 (b) Money in the agricultural chemical response and reimbursement account is
41.7 appropriated to the commissioner to make payments as provided in this subdivision.

41.8 Sec. 65. Minnesota Statutes 2008, section 18E.03, subdivision 4, is amended to read:

41.9 Subd. 4. **Fee.** (a) The response and reimbursement fee consists of the surcharges and
41.10 any adjustments made by the commissioner in this subdivision and shall be collected by
41.11 the commissioner. The amount of the response and reimbursement fee shall be determined
41.12 and imposed annually by the commissioner as required to satisfy the requirements in
41.13 subdivision 3. The commissioner shall adjust the amount of the surcharges imposed in
41.14 proportion to the amount of the surcharges listed in this subdivision. License application
41.15 categories under paragraph (d) must be charged in proportion to the amount of surcharges
41.16 imposed up to a maximum of 50 percent of the license fees set under chapters 18B and
41.17 18C.

41.18 (b) The commissioner shall impose a surcharge on pesticides registered under
41.19 chapter 18B to be collected as a surcharge on the ~~registration application fee~~ gross sales
41.20 under section 18B.26, subdivision 3, that is equal to 0.1 percent of sales of the pesticide
41.21 in the state and sales of pesticides for use in the state during the previous calendar year,
41.22 except the surcharge may not be imposed on pesticides that are sanitizers or disinfectants
41.23 as determined by the commissioner. No surcharge is required if the surcharge amount
41.24 based on percent of annual gross sales is less than \$10. ~~The registrant shall determine~~
41.25 ~~when and which pesticides are sold or used in this state. The registrant shall secure~~
41.26 ~~sufficient sales information of pesticides distributed into this state from distributors and~~
41.27 ~~dealers, regardless of distributor location, to make a determination. Sales of pesticides in~~
41.28 ~~this state and sales of pesticides for use in this state by out-of-state distributors are not~~
41.29 ~~exempt and must be included in the registrant's annual report, as required under section~~
41.30 ~~18B.26, subdivision 3, paragraph (c), and fees shall be paid by the registrant based upon~~
41.31 ~~those reported sales.~~ Sales of pesticides in the state for use outside of the state are exempt
41.32 from the surcharge in this paragraph if the registrant, agricultural pesticide dealer, or
41.33 pesticide dealer properly documents the sale location and the distributors.

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

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

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

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

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

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

42.17 (5) a \$20 surcharge to be imposed on noncommercial applicator license application
42.18 fees under section 18B.34, subdivision 5, except a surcharge may not be imposed on a
42.19 noncommercial applicator that is a state agency, political subdivision of the state, the
42.20 federal government, or an agency of the federal government.

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

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

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

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

42.30 **EFFECTIVE DATE.** This section is effective July 1, 2009. However, the
42.31 commissioner of agriculture may not implement the change to paragraph (b) until January
42.32 1, 2010.

42.33 Sec. 66. Minnesota Statutes 2008, section 18E.06, is amended to read:

42.34 **18E.06 REPORT.**

43.1 By December 1 of each year, the Agricultural Chemical Response Compensation
43.2 Board and the commissioner shall submit to the house of representatives Committee
43.3 on Ways and Means, the senate Committee on Finance, the house of representatives
43.4 and senate committees with jurisdiction over the environment, natural resources, and
43.5 agriculture, and the Environmental Quality Board a report detailing the board's activities
43.6 and reimbursements and the expenditures and activities associated with the commissioner's
43.7 incident response program for which money from the account has been spent during
43.8 the previous year.

43.9 Sec. 67. Minnesota Statutes 2008, section 18H.02, subdivision 12a, is amended to read:

43.10 Subd. 12a. **Individual Dormant.** ~~"Individual" means a human being.~~ "Dormant"
43.11 means nursery stock without etiolated growth.

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

43.13 Sec. 68. Minnesota Statutes 2008, section 18H.02, is amended by adding a subdivision
43.14 to read:

43.15 Subd. 12b. **Etiolated growth.** "Etiolated growth" means bleached and unnatural
43.16 growth resulting from the exclusion of sunlight.

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

43.18 Sec. 69. Minnesota Statutes 2008, section 18H.02, is amended by adding a subdivision
43.19 to read:

43.20 Subd. 12c. **Individual.** "Individual" means a human being.

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

43.22 Sec. 70. Minnesota Statutes 2008, section 18H.02, is amended by adding a subdivision
43.23 to read:

43.24 Subd. 24a. **Packaged stock.** "Packaged stock" means bare root nursery stock
43.25 packed with the roots in moisture-retaining material encased in plastic film or other
43.26 material designed to hold the moisture-retaining material in place.

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

43.28 Sec. 71. Minnesota Statutes 2008, section 18H.07, subdivision 2, is amended to read:

44.1 Subd. 2. **Nursery stock grower certificate.** (a) A nursery stock grower must
44.2 pay an annual fee based on the area of all acreage on which nursery stock is grown for
44.3 certification as follows:

- 44.4 (1) less than one-half acre, \$150;
- 44.5 (2) from one-half acre to two acres, \$200;
- 44.6 (3) over two acres up to five acres, \$300;
- 44.7 (4) over five acres up to ten acres, \$350;
- 44.8 (5) over ten acres up to 20 acres, \$500;
- 44.9 (6) over 20 acres up to 40 acres, \$650;
- 44.10 (7) over 40 acres up to 50 acres, \$800;
- 44.11 (8) over 50 acres up to 200 acres, \$1,100;
- 44.12 (9) over 200 acres up to 500 acres, \$1,500; and
- 44.13 (10) over 500 acres, \$1,500 plus \$2 for each additional acre.

44.14 (b) In addition to the fees in paragraph (a), a penalty of ten percent of the fee
44.15 due must be charged for each month, or portion thereof, that the fee is delinquent up
44.16 to a maximum of 30 percent for any application for renewal not ~~received by January 1~~
44.17 postmarked by December 31 of the current year following expiration of a certificate.

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

44.19 Sec. 72. Minnesota Statutes 2008, section 18H.07, subdivision 3, is amended to read:

44.20 Subd. 3. **Nursery stock dealer certificate.** (a) A nursery stock dealer must pay an
44.21 annual fee based on the dealer's gross sales of certified nursery stock per location during
44.22 the most recent certificate year. A certificate applicant operating for the first time must pay
44.23 the minimum fee. The fees per sales location are:

- 44.24 (1) gross sales up to \$5,000, \$150;
- 44.25 (2) gross sales over \$5,000 up to \$20,000, \$175;
- 44.26 (3) gross sales over \$20,000 up to \$50,000, \$300;
- 44.27 (4) gross sales over \$50,000 up to \$75,000, \$425;
- 44.28 (5) gross sales over \$75,000 up to \$100,000, \$550;
- 44.29 (6) gross sales over \$100,000 up to \$200,000, \$675; and
- 44.30 (7) gross sales over \$200,000, \$800.

44.31 (b) In addition to the fees in paragraph (a), a penalty of ten percent of the fee
44.32 due must be charged for each month, or portion thereof, that the fee is delinquent up
44.33 to a maximum of 30 percent for any application for renewal not ~~received by January 1~~
44.34 postmarked by December 31 of the current year following expiration of a certificate.

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

45.2 Sec. 73. Minnesota Statutes 2008, section 18H.09, is amended to read:

45.3 **18H.09 NURSERY STOCK CERTIFICATION REQUIREMENTS.**

45.4 (a) All nursery stock growing at sites identified by nursery stock dealers or nursery
45.5 stock growers and submitted for inspection must be inspected by the commissioner within
45.6 the previous 12 months prior to sale and found apparently free from quarantine and
45.7 regulated nonquarantine pests as well as significantly dangerous or potentially damaging
45.8 plant pests. The commissioner may waive a site inspection under the following conditions:

45.9 (1) the nursery stock is not going to be sold within 12 months;

45.10 (2) the nursery stock will not be moved out of Minnesota; and

45.11 (3) the nursery site or stock is not subject to certification requirements associated
45.12 with a state or federally regulated or quarantined plant pest.

45.13 All nursery stock originating from out of state and offered for sale in Minnesota
45.14 must have been inspected by the appropriate state or federal agency during the previous
45.15 12 months and found free from quarantine and regulated nonquarantine pests as well as
45.16 significantly dangerous or potentially damaging plant pests. A nursery stock certificate
45.17 is valid from January 1 to December 31.

45.18 (b) Nursery stock must be accessible to the commissioner for inspection during
45.19 regular business hours. Weeds or other growth that hinder a proper inspection are grounds
45.20 to suspend or withhold a certificate or require a reinspection.

45.21 (c) Inspection reports issued to growers must contain a list of the plant pests found at
45.22 the time of inspection. Withdrawal-from-distribution orders are considered part of the
45.23 inspection reports. A withdrawal-from-distribution order must contain a list of plants
45.24 withdrawn from distribution and the location of the plants.

45.25 (d) The commissioner may post signs to delineate sections withdrawn from
45.26 distribution. These signs must remain in place until the commissioner removes them or
45.27 grants written permission to the grower to remove the signs.

45.28 (e) Inspection reports issued to dealers must outline the violations involved and
45.29 corrective actions to be taken including withdrawal-from-distribution orders which would
45.30 specify nursery stock that could not be distributed from a certain area.

45.31 (f) Optional inspections of plants may be conducted by the commissioner upon
45.32 request by any persons desiring an inspection. A fee as provided in section 18H.07 must
45.33 be charged for such an inspection.

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

46.1 Sec. 74. Minnesota Statutes 2008, section 18H.10, is amended to read:

46.2 **18H.10 STORAGE OF NURSERY STOCK.**

46.3 All nursery stock must be kept and displayed under conditions of temperature,
46.4 light, and moisture sufficient to maintain the viability and vigor of the nursery stock.
46.5 Packaged dormant nursery stock must be stored under conditions that retard growth,
46.6 prevent etiolated growth, and protect its viability.

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

46.8 Sec. 75. Minnesota Statutes 2008, section 28A.085, subdivision 1, is amended to read:

46.9 Subdivision 1. **Violations; prohibited acts.** The commissioner may charge a
46.10 reinspection fee for each reinspection of a food handler that:

46.11 (1) is found with a major violation of requirements in chapter 28, 29, 30, 31, 31A,
46.12 32, 33, or 34, or rules adopted under one of those chapters;

46.13 (2) is found with a violation of section 31.02, 31.161, or 31.165, and requires a
46.14 follow-up inspection after an administrative meeting held pursuant to section 31.14; or

46.15 (3) fails to correct equipment and facility deficiencies as required in rules adopted
46.16 under chapter 28, 29, 30, 31, 31A, 32, or 34. The first reinspection of a firm with gross
46.17 food sales under \$1,000,000 must be assessed at ~~\$75~~ \$150. The fee for a firm with gross
46.18 food sales over \$1,000,000 is ~~\$100~~ \$200. The fee for a subsequent reinspection of a firm
46.19 for the same violation is 50 percent of their current license fee or ~~\$200~~ \$300, whichever is
46.20 greater. The establishment must be issued written notice of violations with a reasonable
46.21 date for compliance listed on the notice. An initial inspection relating to a complaint is
46.22 not a reinspection.

46.23 Sec. 76. Minnesota Statutes 2008, section 28A.21, subdivision 5, is amended to read:

46.24 Subd. 5. **Duties.** The task force shall:

46.25 (1) coordinate educational efforts regarding food safety and defense;

46.26 (2) provide advice and coordination to state agencies as requested by the agencies;

46.27 (3) serve as a source of information and referral for the public, news media, and
46.28 others concerned with food safety and defense; and

46.29 (4) make recommendations to Congress, the legislative committees with jurisdiction
46.30 over agriculture finance and policy, the legislature, and others about appropriate action to
46.31 improve food safety and defense in the state.

47.1 Sec. 77. Minnesota Statutes 2008, section 31.94, is amended to read:

47.2 **31.94 COMMISSIONER DUTIES.**

47.3 (a) In order to promote opportunities for organic agriculture in Minnesota, the
47.4 commissioner shall:

47.5 (1) survey producers and support services and organizations to determine
47.6 information and research needs in the area of organic agriculture practices;

47.7 (2) work with the University of Minnesota to demonstrate the on-farm applicability
47.8 of organic agriculture practices to conditions in this state;

47.9 (3) direct the programs of the department so as to work toward the promotion of
47.10 organic agriculture in this state;

47.11 (4) inform agencies of how state or federal programs could utilize and support
47.12 organic agriculture practices; and

47.13 (5) work closely with producers, the University of Minnesota, the Minnesota Trade
47.14 Office, and other appropriate organizations to identify opportunities and needs as well
47.15 as ensure coordination and avoid duplication of state agency efforts regarding research,
47.16 teaching, marketing, and extension work relating to organic agriculture.

47.17 (b) By November 15 of each even-numbered year the commissioner, in conjunction
47.18 with the task force created in paragraph (c), shall report on the status of organic
47.19 agriculture in Minnesota to the legislative policy and finance committees and divisions
47.20 with jurisdiction over agriculture. The report must include:

47.21 (1) a description of current state or federal programs directed toward organic
47.22 agriculture, including significant results and experiences of those programs;

47.23 (2) a description of specific actions the department of agriculture is taking in the
47.24 area of organic agriculture, including the proportion of the department's budget spent on
47.25 organic agriculture;

47.26 (3) a description of current and future research needs at all levels in the area of
47.27 organic agriculture;

47.28 (4) suggestions for changes in existing programs or policies or enactment of new
47.29 programs or policies that will affect organic agriculture;

47.30 (5) a description of market trends and potential for organic products;

47.31 (6) available information, using currently reliable data, on the price received, yield,
47.32 and profitability of organic farms, and a comparison with data on conventional farms; and

47.33 (7) available information, using currently reliable data, on the positive and negative
47.34 impacts of organic production on the environment and human health.

47.35 (c) ~~The commissioner shall appoint~~ A Minnesota Organic Advisory Task Force ~~to~~
47.36 shall advise the commissioner and the University of Minnesota on policies and ~~practices~~

48.1 ~~to~~ programs that will improve organic agriculture in Minnesota, including how available
48.2 resources can most effectively be used for outreach, education, research, and technical
48.3 assistance that meet the needs of the organic agriculture community. The task force must
48.4 consist of the following residents of the state:

- 48.5 (1) three farmers using organic agriculture methods;
- 48.6 (2) two ~~organic food~~ wholesalers, retailers, or distributors of organic products;
- 48.7 (3) one representative of organic ~~food~~ certification agencies;
- 48.8 (4) two organic ~~food~~ processors;
- 48.9 (5) one representative from ~~the~~ University of Minnesota Extension Service;
- 48.10 (6) one ~~representative from a~~ University of Minnesota postsecondary research
48.11 institution faculty member;
- 48.12 (7) one representative from a nonprofit organization representing producers;
- 48.13 (8) ~~one~~ two at-large ~~member~~ members;
- 48.14 (9) one representative from the United States Department of Agriculture; and
- 48.15 (10) one organic consumer representative.

48.16 The commissioner, in consultation with the director of the Minnesota Agricultural
48.17 Experiment Station; the dean and director of University of Minnesota Extension; and the
48.18 dean of the College of Food, Agricultural and Natural Resource Sciences shall appoint
48.19 members to serve staggered two-year terms.

48.20 ~~Terms~~, Compensation, and removal of members are governed by section 15.059,
48.21 subdivision 6. The task force must meet at least twice each year and expires on June
48.22 30, ~~2009~~ 2013.

48.23 (d) For the purposes of expanding, improving, and developing production and
48.24 marketing of the organic products of Minnesota agriculture, the commissioner may
48.25 receive funds from state and federal sources and spend them, including through grants or
48.26 contracts, to assist producers and processors to achieve certification, to conduct education
48.27 or marketing activities, to enter into research and development partnerships, or to address
48.28 production or marketing obstacles to the growth and well-being of the industry.

48.29 (e) The commissioner may facilitate the registration of state organic production
48.30 and handling operations including those exempt from organic certification according to
48.31 Code of Federal Regulations, title 7, section 205.101, and certification agents operating
48.32 within the state.

48.33 **EFFECTIVE DATE.** This section is effective June 30, 2009.

48.34 **Sec. 78. [31.97] FEEDING MINNESOTA TASK FORCE.**

49.1 Subdivision 1. **Establishment; purpose.** The commissioner of agriculture must
49.2 establish the Feeding Minnesota Task Force to study the consumption of Minnesota grown
49.3 produce and livestock by facilitating the donation of harvested products to charities that
49.4 provide food for hungry people.

49.5 Subd. 2. **Members.** The commissioner must appoint task force members as follows:

49.6 (1) one member representing a food bank organization;

49.7 (2) two members representing food producer and grower organizations;

49.8 (3) one member representing the Minnesota Farmers Market Association;

49.9 (4) one member representing Minnesota higher education institutions;

49.10 (5) one member representing the food transportation industry;

49.11 (6) two members representing statewide agricultural organizations; and

49.12 (7) one member representing food processors.

49.13 Subd. 3. **No compensation.** Task force members may not be compensated under
49.14 section 15.059, subdivision 3.

49.15 Subd. 4. **Report.** The commissioner must convene the task force no later than
49.16 January 31, 2010. The commissioner must make policy recommendations to the chairs of
49.17 the legislative committees with jurisdiction over agriculture finance by November 1, 2010.

49.18 Subd. 5. **Expiration.** This section expires November 1, 2010.

49.19 Sec. 79. Minnesota Statutes 2008, section 32.394, subdivision 8, is amended to read:

49.20 Subd. 8. **Grade A inspection fees.** A processor or marketing organization of milk,
49.21 milk products, sheep milk, or goat milk who wishes to market Grade A milk or use the
49.22 Grade A label must apply for Grade A inspection service from the commissioner. A
49.23 pasteurization plant requesting Grade A inspection service must hold a Grade A permit
49.24 and pay an annual inspection fee of no more than \$500. For Grade A farm inspection
49.25 service, the fee must be no more than \$50 per farm, paid annually by the processor or by
49.26 the marketing organization on behalf of its patrons. For a farm requiring a reinspection
49.27 in addition to the required biannual inspections, an additional fee of ~~\$45~~ \$100 per
49.28 reinspection must be paid by the processor or by the marketing organization on behalf
49.29 of its patrons.

49.30 Sec. 80. Minnesota Statutes 2008, section 41A.09, subdivision 2a, is amended to read:

49.31 Subd. 2a. **Definitions.** For the purposes of this section, the terms defined in this
49.32 subdivision have the meanings given them.

49.33 (a) "Ethanol" means fermentation ethyl alcohol derived from agricultural products,
49.34 including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or

50.1 other renewable resources, including residue and waste generated from the production,
50.2 processing, and marketing of agricultural products, forest products, and other renewable
50.3 resources, that:

50.4 (1) meets all of the specifications in ASTM specification D4806-04a; and

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

50.6 (b) "Ethanol plant" means a plant at which ethanol is produced.

50.7 (c) "Commissioner" means the commissioner of agriculture.

50.8 ~~(d) "Rural economic infrastructure" means the development of activities that~~
50.9 ~~will enhance the value of agricultural crop or livestock commodities or by-products~~
50.10 ~~or waste from farming operations through new and improved value-added conversion~~
50.11 ~~processes and technologies, the development of more timely and efficient infrastructure~~
50.12 ~~delivery systems, and the enhancement of marketing opportunities. "Rural economic~~
50.13 ~~infrastructure" also means land, buildings, structures, fixtures, and improvements located~~
50.14 ~~or to be located in Minnesota and used or operated primarily for the processing or the~~
50.15 ~~support of production of marketable products from agricultural commodities or wind~~
50.16 ~~energy produced in Minnesota.~~

50.17 Sec. 81. Minnesota Statutes 2008, section 41A.09, subdivision 3a, is amended to read:

50.18 Subd. 3a. **Ethanol producer payments.** (a) The commissioner shall make cash
50.19 payments to producers of ethanol located in the state that have begun production at a
50.20 specific location by June 30, 2000. For the purpose of this subdivision, an entity that holds
50.21 a controlling interest in more than one ethanol plant is considered a single producer.
50.22 The amount of the payment for each producer's annual production, except as provided
50.23 in paragraph (c), is 20 cents per gallon for each gallon of ethanol produced at a specific
50.24 location on or before June 30, 2000, or ten years after the start of production, whichever is
50.25 later. ~~Annually, within 90 days of the end of its fiscal year, an ethanol producer receiving~~
50.26 ~~payments under this subdivision must file a disclosure statement on a form provided by~~
50.27 ~~the commissioner. The initial disclosure statement must include a summary description~~
50.28 ~~of the organization of the business structure of the claimant, a listing of the percentages~~
50.29 ~~of ownership by any person or other entity with an ownership interest of five percent or~~
50.30 ~~greater, and a copy of its annual audited financial statements, including the auditor's report~~
50.31 ~~and footnotes. The disclosure statement must include information demonstrating what~~
50.32 ~~percentage of the entity receiving payments under this section is owned by farmers or~~
50.33 ~~other entities eligible to farm or own agricultural land in Minnesota under the provisions~~
50.34 ~~of section 500.24. Subsequent annual reports must reflect noncumulative changes in~~
50.35 ~~ownership of ten percent or more of the entity. The report need not disclose the identity of~~

51.1 ~~the persons or entities eligible to farm or own agricultural land with ownership interests,~~
51.2 ~~individuals residing within 30 miles of the plant, or of any other entity with less than~~
51.3 ~~ten percent ownership interest, but the claimant must retain information within its files~~
51.4 ~~confirming the accuracy of the data provided. This data must be made available to the~~
51.5 ~~commissioner upon request. Not later than the 15th day of February in each year the~~
51.6 ~~commissioner shall deliver to the chairs of the standing committees of the senate and the~~
51.7 ~~house of representatives that deal with agricultural policy and agricultural finance issues~~
51.8 ~~an annual report summarizing aggregated data from plants receiving payments under this~~
51.9 ~~section during the preceding calendar year. Audited financial statements and notes and~~
51.10 ~~disclosure statements submitted to the commissioner are nonpublic data under section~~
51.11 ~~13.02, subdivision 9. Notwithstanding the provisions of chapter 13 relating to nonpublic~~
51.12 ~~data, summaries of the submitted audited financial reports and notes and disclosure~~
51.13 ~~statements will be contained in the report to the committee chairs and will be public data.~~

51.14 (b) No payments shall be made for ethanol production that occurs after June 30,
51.15 2010. A producer of ethanol shall not transfer the producer's eligibility for payments
51.16 under this section to an ethanol plant at a different location.

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

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

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

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

51.35 (g) Notwithstanding the quarterly payment limits of paragraph (f), the commissioner
51.36 shall make an additional payment in the fourth quarter of each fiscal year to ethanol

52.1 producers for the lesser of: (1) 20 cents per gallon of production in the fourth quarter of the
52.2 year that is greater than 3,750,000 gallons; or (2) the total amount of payments lost during
52.3 the first three quarters of the fiscal year due to plant outages, repair, or major maintenance.
52.4 Total payments to an ethanol producer in a fiscal year, including any payment under this
52.5 paragraph, must not exceed the total amount the producer is eligible to receive based on
52.6 the producer's approved production capacity. The provisions of this paragraph apply only
52.7 to production losses that occur in quarters beginning after December 31, 1999.

52.8 (h) The commissioner shall reimburse ethanol producers for any deficiency in
52.9 payments during earlier quarters if the deficiency occurred because of unallotment or
52.10 because appropriated money was insufficient to make timely payments in the full amount
52.11 provided in paragraph (a). Notwithstanding the quarterly or annual payment limitations in
52.12 this subdivision, the commissioner shall begin making payments for earlier deficiencies in
52.13 each fiscal year that appropriations for ethanol payments exceed the amount required to
52.14 make eligible scheduled payments. Payments for earlier deficiencies must continue until
52.15 the deficiencies for each producer are paid in full, except the commissioner shall not make
52.16 a deficiency payment to an entity that no longer produces ethanol on a commercial scale
52.17 at the location for which the entity qualified for producer payments, or to an assignee of
52.18 the entity.

52.19 (i) The commissioner may ~~make direct payments to producers of rural economic~~
52.20 ~~infrastructure~~ provide financial assistance under the 21st century agricultural reinvestment
52.21 program in section 41A.12 with any amount of the annual appropriation for ethanol
52.22 producer payments ~~and rural economic infrastructure~~ that is in excess of the amount
52.23 required to make scheduled ethanol producer payments and deficiency payments under
52.24 paragraphs (a) to (h).

52.25 Sec. 82. **41A.12 21ST CENTURY AGRICULTURAL REINVESTMENT**
52.26 **PROGRAM.**

52.27 Subdivision 1. **Establishment.** The 21st century agricultural reinvestment program
52.28 is established in order to promote the advancement of the state's agricultural and renewable
52.29 energy industries.

52.30 Subd. 2. **Activities authorized.** For the purposes of this program, the commissioner
52.31 may issue grants, loans, or other forms of financial assistance. Eligible activities include,
52.32 but are not limited to, grants to livestock producers under the livestock investment grant
52.33 program under section 17.118 and bioenergy awards made by the NextGen Energy Board
52.34 under section 41A.105.

53.1 Subd. 3. **Oversight.** The commissioner, in consultation with the chairs and ranking
53.2 minority members of the house of representatives and senate committees with jurisdiction
53.3 over agriculture finance, must allocate available funds among eligible uses, develop
53.4 competitive eligibility criteria, and award funds on a needs basis.

53.5 Sec. 83. Minnesota Statutes 2008, section 41B.039, subdivision 2, is amended to read:

53.6 Subd. 2. **State participation.** The state may participate in a new real estate loan
53.7 with an eligible lender to a beginning farmer to the extent of 45 percent of the principal
53.8 amount of the loan or ~~\$200,000~~ \$300,000, whichever is less. The interest rates and
53.9 repayment terms of the authority's participation interest may be different than the interest
53.10 rates and repayment terms of the lender's retained portion of the loan.

53.11 Sec. 84. Minnesota Statutes 2008, section 41B.04, subdivision 8, is amended to read:

53.12 Subd. 8. ~~State's~~ **State participation.** With respect to loans that are eligible for
53.13 restructuring under sections 41B.01 to 41B.23 and upon acceptance by the authority,
53.14 the authority shall enter into a participation agreement or other financial arrangement
53.15 whereby it shall participate in a restructured loan to the extent of 45 percent of the primary
53.16 principal or ~~\$225,000~~ \$400,000, whichever is less. The authority's portion of the loan
53.17 must be protected during the authority's participation by the first mortgage held by the
53.18 eligible lender to the extent of its participation in the loan.

53.19 Sec. 85. Minnesota Statutes 2008, section 41B.042, subdivision 4, is amended to read:

53.20 Subd. 4. **Participation limit; interest.** The authority may participate in new
53.21 seller-sponsored loans to the extent of 45 percent of the principal amount of the loan or
53.22 ~~\$200,000~~ \$300,000, whichever is less. The interest rates and repayment terms of the
53.23 authority's participation interest may be different than the interest rates and repayment
53.24 terms of the seller's retained portion of the loan.

53.25 Sec. 86. Minnesota Statutes 2008, section 41B.043, subdivision 1b, is amended to read:

53.26 Subd. 1b. **Loan participation.** The authority may participate in an agricultural
53.27 improvement loan with an eligible lender to a farmer who meets the requirements of
53.28 section 41B.03, subdivision 1, clauses (1) and (2), and who is actively engaged in farming.
53.29 Participation is limited to 45 percent of the principal amount of the loan or ~~\$200,000~~
53.30 \$300,000, whichever is less. The interest rates and repayment terms of the authority's
53.31 participation interest may be different than the interest rates and repayment terms of
53.32 the lender's retained portion of the loan.

54.1 Sec. 87. Minnesota Statutes 2008, section 41B.045, subdivision 2, is amended to read:

54.2 Subd. 2. **Loan participation.** The authority may participate in a livestock
54.3 expansion loan with an eligible lender to a livestock farmer who meets the requirements
54.4 of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively engaged in
54.5 a livestock operation. A prospective borrower must have a total net worth, including
54.6 assets and liabilities of the borrower's spouse and dependents, of less than \$660,000 in
54.7 2004 and an amount in subsequent years which is adjusted for inflation by multiplying
54.8 that amount by the cumulative inflation rate as determined by the United States All-Items
54.9 Consumer Price Index.

54.10 Participation is limited to 45 percent of the principal amount of the loan or ~~\$275,000~~
54.11 \$400,000, whichever is less. The interest rates and repayment terms of the authority's
54.12 participation interest may be different from the interest rates and repayment terms of
54.13 the lender's retained portion of the loan.

54.14 Sec. 88. Minnesota Statutes 2008, section 97A.045, subdivision 1, is amended to read:

54.15 Subdivision 1. **Duties; generally.** (a) The commissioner shall do all things the
54.16 commissioner determines are necessary to preserve, protect, and propagate desirable
54.17 species of wild animals. The commissioner shall make special provisions for the
54.18 management of fish and wildlife to ensure recreational opportunities for anglers and
54.19 hunters. The commissioner shall acquire wild animals for breeding or stocking and may
54.20 dispose of or destroy undesirable or predatory wild animals and their dens, nests, houses,
54.21 or dams.

54.22 (b) Notwithstanding chapters 17 and 35, the commissioner, in consultation with the
54.23 commissioner of agriculture and the executive director of the Board of Animal Health,
54.24 may capture or control nonnative or domestic animals that are released, have escaped,
54.25 or are otherwise running at large and causing damage to natural resources or agricultural
54.26 lands, or that are posing a threat to wildlife, domestic animals, or human health. The
54.27 commissioner may work with other agencies to assist in the capture or control and may
54.28 authorize persons to take such animals.

54.29 Sec. 89. Minnesota Statutes 2008, section 239.791, subdivision 1, is amended to read:

54.30 Subdivision 1. **Minimum ethanol content required.** (a) Except as provided in
54.31 subdivisions 10 to 14, a person responsible for the product shall ensure that all gasoline
54.32 sold or offered for sale in Minnesota must contain at least the quantity of ethanol required
54.33 by clause (1) or (2), whichever is greater:

54.34 (1) 10.0 percent denatured ethanol by volume; or

55.1 (2) the maximum percent of denatured ethanol by volume authorized in a waiver
55.2 granted by the United States Environmental Protection Agency under section 211(f)(4) of
55.3 the Clean Air Act, United States Code, title 42, section 7545, subsection (f), paragraph (4).

55.4 (b) For purposes of enforcing the minimum ethanol requirement of paragraph (a),
55.5 a gasoline/ethanol blend will be construed to be in compliance if the ethanol content,
55.6 exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent
55.7 by volume and not more than 10.0 percent by volume of the blend as determined by an
55.8 appropriate United States Environmental Protection Agency or American Society of
55.9 Testing Materials standard method of analysis of alcohol/ether content in engine fuels.

55.10 (c) The provisions of this subdivision are suspended during any period of time that
55.11 subdivision 1a, paragraph (a), is in effect.

55.12 Sec. 90. Minnesota Statutes 2008, section 239.791, subdivision 1a, is amended to read:

55.13 Subd. 1a. **Minimum ethanol content required.** (a) Except as provided in
55.14 subdivisions 10 to 14, on August 30, 2013, and thereafter, a person responsible for the
55.15 product shall ensure that all gasoline sold or offered for sale in Minnesota must contain at
55.16 least the quantity of ethanol required by clause (1) or (2), whichever is greater:

55.17 (1) 20 percent denatured ethanol by volume; or

55.18 (2) the maximum percent of denatured ethanol by volume authorized in a waiver
55.19 granted by the United States Environmental Protection Agency under section 211(f)(4) of
55.20 the Clean Air Act, United States Code, title 42, section 7545, subsection (f), paragraph (4).

55.21 (b) For purposes of enforcing the minimum ethanol requirement of paragraph (a),
55.22 a gasoline/ethanol blend will be construed to be in compliance if the ethanol content,
55.23 exclusive of denaturants and permitted contaminants, comprises not less than 18.4 percent
55.24 by volume and not more than 20 percent by volume of the blend as determined by an
55.25 appropriate United States Environmental Protection Agency or American Society of
55.26 Testing Materials standard method of analysis of alcohol content in motor fuels.

55.27 (c) No motor fuel shall be deemed to be a defective product by virtue of the fact
55.28 that the motor fuel is formulated or blended pursuant to the requirements of paragraph
55.29 (a) under any theory of liability except for simple or willful negligence or fraud. This
55.30 paragraph does not preclude an action for negligent, fraudulent, or willful acts. This
55.31 paragraph does not affect a person whose liability arises under chapter 115, water pollution
55.32 control; 115A, waste management; 115B, environmental response and liability; 115C,
55.33 leaking underground storage tanks; or 299J, pipeline safety; under public nuisance law
55.34 for damage to the environment or the public health; under any other environmental or

56.1 public health law; or under any environmental or public health ordinance or program of a
56.2 municipality as defined in section 466.01.

56.3 (d) This subdivision expires on December 31, 2010, if by that date:

56.4 (1) the commissioner of agriculture certifies and publishes the certification in
56.5 the State Register that at least 20 percent of the volume of gasoline sold in the state
56.6 is denatured ethanol; or

56.7 (2) federal approval has not been granted for the use of E20 as gasoline. The United
56.8 States Environmental Protection Agency's failure to act on an application shall not be
56.9 deemed approval of the use of E20, or a waiver under section 211(f)(4) of the Clean Air
56.10 Act, United States Code, title 42, section 7545, subsection (f), paragraph (4).

56.11 Sec. 91. Minnesota Statutes 2008, section 343.11, is amended to read:

56.12 **343.11 ACQUISITION OF PROPERTY, APPROPRIATIONS.**

56.13 Every county and district society for the prevention of cruelty to animals may
56.14 acquire, by purchase, gift, grant, or devise, and hold, use, or convey, real estate and
56.15 personal property, and lease, mortgage, sell, or use the same in any manner conducive to
56.16 its interest, to the same extent as natural persons. The county board of any county, or the
56.17 council of any city, in which such societies exist, may, in its discretion, appropriate for the
56.18 maintenance and support of such societies in the transaction of the work for which they are
56.19 organized, any sums of money not otherwise appropriated, ~~not to exceed in any one year~~
56.20 ~~the sum of \$4,800 or the sum of \$1 per capita based upon the county's or city's population~~
56.21 ~~as of the most recent federal census, whichever is greater~~; provided, that no part of the
56.22 appropriation shall be expended for the payment of the salary of any officer of the society.

56.23 Sec. 92. Minnesota Statutes 2008, section 583.215, is amended to read:

56.24 **583.215 EXPIRATION.**

56.25 ~~(a)~~ Sections 336.9-601, subsections (h) and (i); 550.365; 559.209; 582.039; and
56.26 583.20 to 583.32, expire June 30, ~~2009~~ 2013.

56.27 ~~(b) Laws 1986, chapter 398, article 1, section 18, as amended, is repealed.~~

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

56.29 Sec. 93. **HUMAN RESOURCES.**

56.30 For fiscal years 2010 and 2011, the Department of Agriculture, Board of Animal
56.31 Health, and Agricultural Utilization Research Institute may not use funds appropriated

57.1 in sections 1 to 5 or statutorily appropriated from the agricultural fund to directly or
57.2 indirectly pay for the services of staff in the Office of the Governor.

57.3 Sec. 94. **BOVINE TUBERCULOSIS CONTROL ASSESSMENT; TEMPORARY**
57.4 **ASSESSMENT; APPROPRIATION.**

57.5 (a) From January 1, 2009, to December 31, 2009, a person who purchases cattle that
57.6 were raised or fed within this state shall collect a bovine tuberculosis control assessment of
57.7 \$1 per head from the seller and shall submit all assessments collected to the commissioner
57.8 of agriculture at least once every 30 days. If cattle that were raised or fed within this state
57.9 are sold outside of the state and the assessment is not collected by the purchaser, the
57.10 seller is responsible for submitting the assessment to the commissioner. For the purposes
57.11 of this section, "a person who purchases cattle that were raised or fed within this state"
57.12 includes the first purchaser, as defined in Minnesota Statutes, section 17.53, subdivision 8,
57.13 paragraph (a), and any subsequent purchaser of the living animal.

57.14 (b) Money collected under this section shall be deposited in an account in the special
57.15 revenue fund and is appropriated to the Board of Animal Health for bovine tuberculosis
57.16 control activities.

57.17 (c) Notwithstanding paragraph (a), a person may not collect a bovine tuberculosis
57.18 control assessment from a person whose cattle operation is located within a modified
57.19 accredited zone established under Minnesota Statutes, section 35.244, unless the cattle
57.20 owner voluntarily pays the assessment. The commissioner of agriculture shall publish and
57.21 make available a list of cattle producers exempt under this paragraph.

57.22 (d) This section may be enforced under Minnesota Statutes, sections 17.982 to
57.23 17.984.

57.24 **EFFECTIVE DATE.** This section is effective the day following final enactment
57.25 and applies retroactively to cattle purchased on or after January 1, 2009.

57.26 Sec. 95. **BIOFUEL STUDY; REPORT.**

57.27 The commissioner of agriculture must study the economic and technological
57.28 feasibility of producing ethanol from whey. No later than May 1, 2010, the commissioner
57.29 of agriculture must report findings to the legislative committees with jurisdiction over
57.30 agriculture policy and finance.

57.31 Sec. 96. **GREEN JOBS FOOD PRODUCTION STUDY; REPORT.**

57.32 The Board of the Agricultural Utilization Research Institute must prepare a detailed
57.33 study of this state's food production sector in coordination with the Minnesota State

58.1 Colleges and Universities; urban, rural, and tribal community-based agriculture and food
58.2 security organizations; members of the legislature with service on committees created by
58.3 the Green Jobs Task Force; and other interested stakeholders. The study must define
58.4 the size of the employment base and identify opportunities to increase the number of
58.5 green jobs in each of the following sector segments: organics and organic value-added
58.6 processing and local, conventional, natural, traditional, and urban farming. No later than
58.7 January 15, 2010, the Board of the Agricultural Utilization Research Institute must report
58.8 its findings to the legislative committees with jurisdiction over employment and economic
58.9 development policy or finance or agriculture finance.

58.10 Sec. 97. **PILOT FOOD PROJECTS; REPORT.**

58.11 The commissioner of agriculture must solicit proposals and fund farm-to-school
58.12 or farm-to-home pilot projects that encourage healthy eating for children, foster
58.13 farm-to-consumer connections, and strengthen local economies. The commissioner must
58.14 develop selection criteria in consultation with the chairs of the legislative committees with
58.15 jurisdiction over agriculture finance and a representative of the University of Minnesota's
58.16 farm-to-school project. The commissioner must select one project from each of the
58.17 following areas of the state: a rural area, a tribal area, an urban core area, and a suburban
58.18 area. No later than January 15, 2010, the commissioner must provide a program report
58.19 and recommendations to the legislative committees with jurisdiction over agriculture
58.20 policy or finance.

58.21 Sec. 98. **FEDERAL STIMULUS FUNDING.**

58.22 The commissioner of agriculture must apply for funding available to the state
58.23 through the federal American Recovery and Reinvestment Act of 2009, Public Law 111-5,
58.24 for areas under the purview of the commissioner including but not limited to agriculture
58.25 and rural development, bioenergy, food safety, farm-to-school and related nutrition
58.26 programs, and the development of local and regional food systems.

58.27 Sec. 99. **REPORT ON MINNESOTA PROCESSED FOODS LABELING.**

58.28 (a) The commissioner of agriculture must consult with Minnesota food processors
58.29 and retailers regarding the development of labeling that identifies food products processed
58.30 in this state. The commissioner must consult with interested parties including, but not
58.31 limited to, the following organizations:

58.32 (1) at least four food processor industry representatives who represent different
58.33 business sizes and product categories;

59.1 (2) at least two food retailers of which at least one must have retail store locations
59.2 located outside of the Twin Cities metropolitan area;

59.3 (3) two representatives of the Department of Agriculture, one who works with the
59.4 Minnesota grown program and one who works with the processed foods program;

59.5 (4) one representative of the Agricultural Utilization Research Institute; and

59.6 (5) two representatives of statewide agricultural producer groups.

59.7 (b) No later than March 31, 2010, the commissioner must report findings and
59.8 recommendations to the legislative committees with jurisdiction over agriculture policy
59.9 and finance. The report should include an assessment of the level of food processor interest
59.10 in developing a trademarked logo or labeling statement as well as recommendations
59.11 regarding program funding options, product eligibility criteria, and coordination with
59.12 existing labeling and promotion programs and resources.

59.13 Sec. 100. **FERAL SWINE REPORT.**

59.14 The commissioner of natural resources, in coordination with the commissioner of
59.15 agriculture and the executive director of the Board of Animal Health, must develop a
59.16 report and recommend any necessary changes to state policies, authorities, and penalties
59.17 related to feral swine and other nonnative or domestic animals released, that have
59.18 escaped, or that are otherwise running at large. The agencies must consult with interested
59.19 stakeholders. No later than January 15, 2010, the commissioner of natural resources must
59.20 submit the report to the legislative committees with jurisdiction over natural resources
59.21 or agriculture policy or finance.

59.22 Sec. 101. **DEADLINE FOR APPOINTMENTS.**

59.23 The commissioner of agriculture must complete the appointments required under
59.24 Minnesota Statutes, section 18.91, by September 1, 2009. The commissioner or the
59.25 commissioner's designee shall convene the first meeting of the committee no later than
59.26 October 1, 2009.

59.27 Sec. 102. **APPROPRIATION MODIFICATION.**

59.28 (a) Notwithstanding Minnesota Statutes, section 35.085, the Board of Animal Health
59.29 may make onetime grants to certain beef cattle producers participating in the bovine
59.30 tuberculosis herd buyout authorized in Minnesota Statutes, section 35.086, from the
59.31 \$100,000 appropriation for reimbursements in Laws 2007, chapter 45, article 1, section 4.

60.1 (b) A buyout participant is eligible for payment under this section if the Board of
60.2 Animal Health quarantined the participant's herd and required the participant to sell young
60.3 cattle at slaughter rather than as feeder cattle.

60.4 (c) For each head of cattle sold at slaughter under paragraph (b), the Board of
60.5 Animal Health must pay the difference between the fair market feeder cattle value at the
60.6 time of sale, as determined by the Board of Animal Health, and the documented slaughter
60.7 price received by the participant.

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

60.9 Sec. 103. **UNUSED OFFICE SPACE.**

60.10 The commissioner of agriculture, in consultation with the commissioner of
60.11 administration, must actively seek tenants to rent vacant or unused space in the Freeman
60.12 Building. The commissioner of agriculture must notify entities that receive state funding
60.13 of the amount and type of space available, the rental rate, and other lease terms. No
60.14 later than February 1, 2011, the commissioner of agriculture must report actions taken
60.15 and outcomes achieved under this section to the legislative committees with jurisdiction
60.16 over agriculture finance.

60.17 Sec. 104. **REPEALER.**

60.18 Minnesota Statutes 2008, sections 17.49, subdivision 3; 18G.12, subdivision 5;
60.19 38.02, subdivisions 3 and 4; 41.51; 41.52; 41.53; 41.55; 41.56; 41.57; 41.58, subdivisions
60.20 1 and 2; 41.59, subdivision 1; 41.60; 41.61, subdivision 1; 41.62; 41.63; and 41.65, and
60.21 Minnesota Rules, part 1505.0820, are repealed.

60.22 **ARTICLE 2**

60.23 **RURAL FINANCE AUTHORITY**

60.24 Section 1. **RURAL FINANCE AUTHORITY; APPROPRIATION.**

60.25 Subdivision 1. **Appropriation.** \$35,000,000 is appropriated from the bond proceeds
60.26 fund to the commissioner of agriculture, as chair of the Board of the Rural Finance
60.27 Authority, to purchase participation interests in or to make direct agricultural loans
60.28 to farmers under Minnesota Statutes, chapter 41B, as authorized by the Minnesota
60.29 Constitution, article XI, section 5, clause (h). This appropriation is for the beginning
60.30 farmer program under Minnesota Statutes, section 41B.039; the loan restructuring
60.31 program under Minnesota Statutes, section 41B.04; the seller-sponsored program under
60.32 Minnesota Statutes, section 41B.042; the agricultural improvement loan program under

61.1 Minnesota Statutes, section 41B.043; and the livestock expansion loan program under
61.2 Minnesota Statutes, section 41B.045. All debt service on bond proceeds used to finance
61.3 this appropriation must be repaid by the Rural Finance Authority under Minnesota
61.4 Statutes, section 16A.643. Loan participations must be priced to provide full interest and
61.5 principal coverage and a reserve for potential losses. Priority for loans must be given
61.6 first, to basic beginning farmer loans; second, to seller-sponsored loans; and third, to
61.7 agricultural improvement loans.

61.8 Subd. 2. **Bond sale.** To provide the money appropriated in this section from the
61.9 bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in
61.10 an amount up to \$35,000,000 in the manner, upon the terms, and with the effect prescribed
61.11 by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution,
61.12 article XI, sections 4 to 7.

61.13 Subd. 3. **Notice.** If the appropriations in this section are enacted more than once in
61.14 the 2009 regular legislative session, these appropriations must be given effect only once.

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

ARTICLE 3

VETERANS AFFAIRS

61.18 Section 1. **VETERANS AFFAIRS.**

61.19 The sums shown in the columns marked "Appropriations" are appropriated to the
61.20 agencies and for the purposes specified in this article. The appropriations are from the
61.21 general fund and are available for the fiscal years indicated for each purpose. The figures
61.22 "2010" and "2011" used in this article mean that the appropriations listed under them are
61.23 available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The
61.24 first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is
61.25 fiscal years 2010 and 2011.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2010</u>	<u>2011</u>

61.30 Sec. 2. **VETERANS AFFAIRS**

61.31	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 59,127,000</u>	<u>\$ 58,192,000</u>
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61.32	<u>Subd. 2. Veterans Services</u>	<u>15,716,000</u>	<u>15,716,000</u>
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62.1 Of this amount, \$500,000 in fiscal year 2010
62.2 and \$500,000 in fiscal year 2011 are to be
62.3 used to continue working on the merger of
62.4 the Department of Veterans Affairs computer
62.5 system and the former Veterans Homes
62.6 Board computer system.

62.7 **Minnesota GI Bill.** \$1,450,000 each year
62.8 is for the Minnesota GI Bill program in
62.9 Minnesota Statutes, section 197.791. Of
62.10 this amount, \$100,000 each year must be
62.11 transferred to the Office of Higher Education
62.12 for use in administering the GI Bill program.

62.13 **Veterans Service Organization Grants.**
62.14 \$353,000 each year is for grants to the
62.15 following congressionally chartered veterans
62.16 service organizations, as designated by the
62.17 commissioner: Disabled American Veterans,
62.18 Military Order of the Purple Heart, the
62.19 American Legion, Veterans of Foreign Wars,
62.20 Vietnam Veterans of America, AMVETS,
62.21 and Paralyzed Veterans of America. This
62.22 funding must be allocated in direct proportion
62.23 to the funding currently being provided by
62.24 the commissioner to these organizations.

62.25 **Homeless Veterans.** \$350,000 each year
62.26 is in addition to the base and is a onetime
62.27 appropriation for a grant to the Minnesota
62.28 Assistance Council for Veterans (MACV)
62.29 to provide assistance throughout Minnesota
62.30 to veterans and their families who are
62.31 homeless or in danger of homelessness,
62.32 including housing, utility, employment, and
62.33 legal assistance, according to guidelines
62.34 established by the commissioner. In
62.35 order to avoid duplication of services,

63.1 the commissioner must ensure that this
63.2 assistance will be coordinated with all other
63.3 available programs for veterans.

63.4 **Subd. 3. Veterans Homes** 43,411,000 42,476,000

63.5 **Veterans Homes Special Revenue Account.**

63.6 The general fund appropriations made to
63.7 the department may be transferred to a
63.8 veterans homes special revenue account in
63.9 the special revenue fund in the same manner
63.10 as other receipts are deposited according
63.11 to Minnesota Statutes, section 198.34, and
63.12 are appropriated to the department for the
63.13 operation of veterans homes facilities and
63.14 programs.

63.15 **Repair and Betterment.** Of this
63.16 appropriation, \$1,435,000 in fiscal year
63.17 2010 and \$500,000 in fiscal year 2011
63.18 are to be used for repair, maintenance,
63.19 rehabilitation, and betterment activities at
63.20 facilities statewide.

63.21 **Hastings Veterans Home.** \$220,000 each
63.22 year is for increases in the mental health
63.23 program at the Hastings Veterans Home.

63.24 **Food and Pharmaceuticals.** \$600,000
63.25 each year is for increases in food and
63.26 pharmaceutical costs at the Minnesota
63.27 veterans homes. This is a onetime
63.28 appropriation.

63.29 Sec. 3. Minnesota Statutes 2008, section 43A.11, subdivision 7, is amended to read:

63.30 Subd. 7. **Ranking of veterans.** Applicants who meet the minimum qualifications
63.31 for a vacant position and claim disabled veteran's preference shall be listed in the applicant
63.32 pool ahead of all other applicants. Applicants who meet the minimum qualifications for a
63.33 vacant position and claim nondisabled veteran's preference shall be listed in the applicant
63.34 pool after those claiming disabled veteran's preference and ahead of nonveterans. Each

64.1 recently separated veteran who meets minimum qualifications for a vacant position and
64.2 has claimed a veterans or disabled veterans preference must be granted an interview for
64.3 the position by the hiring authority.

64.4 The term "recently separated veteran" means a veteran, as defined in section
64.5 197.447, who has served in active military service, at any time on or after September
64.6 11, 2001, and who has been honorably discharged from active service, as shown by the
64.7 person's form DD-214.

64.8 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to all
64.9 appointments made on or after that date.

64.10 Sec. 4. Minnesota Statutes 2008, section 171.06, subdivision 3, is amended to read:

64.11 Subd. 3. **Contents of application; other information.** (a) An application must:

64.12 (1) state the full name, date of birth, sex, and either (i) the residence address of the
64.13 applicant, or (ii) designated address under section 5B.05;

64.14 (2) as may be required by the commissioner, contain a description of the applicant
64.15 and any other facts pertaining to the applicant, the applicant's driving privileges, and the
64.16 applicant's ability to operate a motor vehicle with safety;

64.17 (3) state:

64.18 (i) the applicant's Social Security number; or

64.19 (ii) if the applicant does not have a Social Security number and is applying for a
64.20 Minnesota identification card, instruction permit, or class D provisional or driver's license,
64.21 that the applicant certifies that the applicant does not have a Social Security number;

64.22 (4) contain a space where the applicant may indicate a desire to make an anatomical
64.23 gift according to paragraph (b); ~~and~~

64.24 (5) contain a notification to the applicant of the availability of a living will/health
64.25 care directive designation on the license under section 171.07, subdivision 7; and

64.26 (6) contain a space where the applicant may request a veteran designation on the
64.27 license under section 171.07, subdivision 15, and the driving record under section 171.12,
64.28 subdivision 5a.

64.29 (b) If the applicant does not indicate a desire to make an anatomical gift when
64.30 the application is made, the applicant must be offered a donor document in accordance
64.31 with section 171.07, subdivision 5. The application must contain statements sufficient to
64.32 comply with the requirements of the Darlene Luther Revised Uniform Anatomical Gift
64.33 Act, chapter 525A, so that execution of the application or donor document will make
64.34 the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a
64.35 desire to make an anatomical gift. The application must be accompanied by information

65.1 describing Minnesota laws regarding anatomical gifts and the need for and benefits of
65.2 anatomical gifts, and the legal implications of making an anatomical gift, including the
65.3 law governing revocation of anatomical gifts. The commissioner shall distribute a notice
65.4 that must accompany all applications for and renewals of a driver's license or Minnesota
65.5 identification card. The notice must be prepared in conjunction with a Minnesota organ
65.6 procurement organization that is certified by the federal Department of Health and Human
65.7 Services and must include:

65.8 (1) a statement that provides a fair and reasonable description of the organ donation
65.9 process, the care of the donor body after death, and the importance of informing family
65.10 members of the donation decision; and

65.11 (2) a telephone number in a certified Minnesota organ procurement organization that
65.12 may be called with respect to questions regarding anatomical gifts.

65.13 (c) The application must be accompanied also by information containing relevant
65.14 facts relating to:

65.15 (1) the effect of alcohol on driving ability;

65.16 (2) the effect of mixing alcohol with drugs;

65.17 (3) the laws of Minnesota relating to operation of a motor vehicle while under the
65.18 influence of alcohol or a controlled substance; and

65.19 (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests
65.20 for alcohol-related violations.

65.21 Sec. 5. Minnesota Statutes 2008, section 171.07, is amended by adding a subdivision
65.22 to read:

65.23 Subd. 15. **Veteran designation.** (a) At the request of the applicant and on payment
65.24 of the required fee, the department shall issue, renew, or reissue a driver's license or
65.25 Minnesota identification card bearing the designation "Veteran" to an applicant who is
65.26 a veteran, as defined in section 197.447.

65.27 (b) At the time of the initial application for the designation provided under this
65.28 subdivision, the applicant must have a certified copy of the veteran's discharge papers.

65.29 (c) The commissioner of public safety is required to issue drivers' licenses and
65.30 Minnesota identification cards with the veteran designation only after entering a new
65.31 contract or in coordination with producing a new card design with modifications made
65.32 as required by law.

65.33 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
65.34 drivers' licenses and Minnesota identification cards issued as stated in paragraph (c).

66.1 Sec. 6. Minnesota Statutes 2008, section 171.12, is amended by adding a subdivision
66.2 to read:

66.3 Subd. 5a. **Veteran designation.** When an applicant for a driver's license, instruction
66.4 permit, or Minnesota identification card requests a veteran designation under section
66.5 171.06, subdivision 3, the commissioner shall maintain a computer record of veteran
66.6 designations. The veteran designation may be removed from the computer record only
66.7 upon written notice to the department. The veteran designation is classified as private data
66.8 on individuals as defined in section 13.02, subdivision 12.

66.9 Sec. 7. Minnesota Statutes 2008, section 197.455, subdivision 1, is amended to read:

66.10 Subdivision 1. **Application.** (a) This section shall govern preference of a veteran
66.11 under the civil service laws, charter provisions, ordinances, rules or regulations of a
66.12 county, city, town, school district, or other municipality or political subdivision of this
66.13 state. Any provision in a law, charter, ordinance, rule or regulation contrary to the
66.14 applicable provisions of this section is void to the extent of such inconsistency.

66.15 (b) Sections 197.46 to 197.48 ~~shall not also~~ apply to ~~state civil service.~~ a veteran
66.16 who is an incumbent in a classified appointment in the state civil service and has
66.17 completed the probationary period for that position, as defined under section 43A.16.
66.18 In matters of dismissal from such a position, a qualified veteran has the irrevocable
66.19 option of using the procedures described in sections 197.46 to 197.481, or the procedures
66.20 provided in the collective bargaining agreement applicable to the person, but not both.
66.21 For a qualified veteran electing to use the procedures of sections 197.46 to 197.481, the
66.22 matters governed by those sections must not be considered grievances under a collective
66.23 bargaining agreement, and if a veteran elects to appeal the dispute through those sections,
66.24 the veteran is precluded from making an appeal under the grievance procedure of the
66.25 collective bargaining agreement.

66.26 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
66.27 appointments to state and local government positions of employment made on or after
66.28 that date.

66.29 Sec. 8. Minnesota Statutes 2008, section 197.46, is amended to read:

66.30 **197.46 VETERANS PREFERENCE ACT; REMOVAL FORBIDDEN; RIGHT**
66.31 **OF MANDAMUS.**

66.32 Any person whose rights may be in any way prejudiced contrary to any of the
66.33 provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong.

67.1 No person holding a position by appointment or employment in the several counties,
67.2 cities, towns, school districts and all other political subdivisions in the state, who is a
67.3 veteran separated from the military service under honorable conditions, shall be removed
67.4 from such position or employment except for incompetency or misconduct shown after a
67.5 hearing, upon due notice, upon stated charges, in writing.

67.6 Any veteran who has been notified of the intent to discharge the veteran from an
67.7 appointed position or employment pursuant to this section shall be notified in writing of
67.8 such intent to discharge and of the veteran's right to request a hearing within 60 days of
67.9 receipt of the notice of intent to discharge. The failure of a veteran to request a hearing
67.10 within the provided 60-day period shall constitute a waiver of the right to a hearing. Such
67.11 failure shall also waive all other available legal remedies for reinstatement.

67.12 Request for a hearing concerning such a discharge shall be made in writing and
67.13 submitted by mail or personal service to the employment office of the concerned employer
67.14 or other appropriate office or person.

67.15 In all governmental subdivisions having an established civil service board or
67.16 commission, or merit system authority, such hearing for removal or discharge shall be
67.17 held before such civil service board or commission or merit system authority. Where no
67.18 such civil service board or commission or merit system authority exists, such hearing
67.19 shall be held by a board of three persons appointed as follows: one by the governmental
67.20 subdivision, one by the veteran, and the third by the two so selected. In the event the two
67.21 persons so selected do not appoint the third person within ten days after the appointment
67.22 of the last of the two, then the judge of the district court of the county wherein the
67.23 proceeding is pending, or if there be more than one judge in said county then any judge in
67.24 chambers, shall have jurisdiction to appoint, and upon application of either or both of the
67.25 two so selected shall appoint, the third person to the board and the person so appointed
67.26 by the judge with the two first selected shall constitute the board. The veteran may
67.27 appeal from the decision of the board upon the charges to the district court by causing
67.28 written notice of appeal, stating the grounds thereof, to be served upon the governmental
67.29 subdivision or officer making the charges within 15 days after notice of the decision and
67.30 by filing the original notice of appeal with proof of service thereof in the office of the court
67.31 administrator of the district court within ten days after service thereof. Nothing in section
67.32 197.455 or this section shall be construed to apply to the position of private secretary,
67.33 ~~teacher~~, superintendent of schools, or one chief deputy of any elected official or head of
67.34 a department, or to any person holding a strictly confidential relation to the appointing
67.35 officer. The burden of establishing such relationship shall be upon the appointing officer
67.36 in all proceedings and actions relating thereto.

68.1 All officers, boards, commissions, and employees shall conform to, comply with,
68.2 and aid in all proper ways in carrying into effect the provisions of section 197.455 and this
68.3 section notwithstanding any laws, charter provisions, ordinances or rules to the contrary.
68.4 Any willful violation of such sections by officers, officials, or employees is a misdemeanor.

68.5 **EFFECTIVE DATE.** This section is effective July 1, 2009.

68.6 Sec. 9. Minnesota Statutes 2008, section 198.003, is amended by adding a subdivision
68.7 to read:

68.8 Subd. 7. **Use of Medicare Part D for pharmacy costs.** (a) The commissioner
68.9 shall maximize the use of Medicare Part D to pay pharmacy costs for eligible veterans
68.10 residing at the veterans homes.

68.11 (b) The commissioner shall encourage eligible veterans to participate in the
68.12 Medicare Part D program and assist veterans in obtaining Medicare Part D coverage.

68.13 (c) The commissioner shall take any necessary steps to prevent an eligible veteran
68.14 participating in Medicare Part D from receiving fewer benefits under Medicare Part D
68.15 than they would have received under their existing Veterans Administration benefits.

68.16 Sec. 10. [198.365] **VETERANS MENTAL HEALTH FACILITY; KANDIYOHI**
68.17 **COUNTY.**

68.18 Subdivision 1. **Establishment.** (a) The commissioner of veterans affairs shall
68.19 establish a 90-bed facility in Kandiyohi County to provide residential mental health
68.20 nursing services to veterans, in conformance with licensing rules of the Department of
68.21 Health and funding requirements of the United States Department of Veterans Affairs.

68.22 (b) Services provided by the facility must include, but not be limited to:

68.23 (1) geriatric care for mentally ill veterans who have severe behavior problems;

68.24 (2) inpatient treatment, including long-term and domiciliary care, for veterans with
68.25 traumatic brain injury;

68.26 (3) inpatient treatment services, including long-term and domiciliary care, for
68.27 veterans with posttraumatic stress disorder;

68.28 (4) inpatient treatment for veterans with a dual diagnosis of mental illness and
68.29 chemical dependency;

68.30 (5) long-term and domiciliary care for any veteran; and

68.31 (6) standard long-term care.

68.32 (c) To the extent practicable, the facility shall accept referrals from veterans homes
68.33 in the state.

69.1 Subd. 2. **Funding.** (a) The facility must be purchased or built with funds, 65
69.2 percent of which must be provided by the federal government and 35 percent by other
69.3 nonstate sources, including local units of government, veterans organizations, business
69.4 entities, volunteer organizations, and any other nonstate sources deemed acceptable by
69.5 the commissioner. Local contributions must include land for the facility and grounds,
69.6 and funding sufficient to cover the full state and local contribution for the federal
69.7 matching grant. The commissioner is authorized to accept pledges and funding, including
69.8 contributions of land, from these local sources for this purpose.

69.9 (b) The commissioner shall seek private funding to develop a public-private
69.10 partnership to provide services at this facility for veterans with traumatic brain injury and
69.11 with posttraumatic stress disorder, as well as for veterans who have a dual diagnosis of
69.12 mental illness and chemical dependency.

69.13 (c) The commissioner shall seek all sources of federal funding available for
69.14 long-term and domiciliary care, and for treatment of posttraumatic stress disorder and
69.15 traumatic brain injury at this facility.

69.16 (d) The commissioner shall seek funding from state and federal sources to fund
69.17 traumatic brain injury research at this facility.

69.18 Subd. 3. **Ownership; lease/buyback agreement.** Upon completion of construction
69.19 and commencement of operations, the county or city providing the majority of the local
69.20 share funding shall own the facility. The commissioner of administration may enter into a
69.21 20-year lease/buyback agreement with that local government entity, following satisfaction
69.22 of which all ownership shall transfer to the state.

69.23 Sec. 11. Minnesota Statutes 2008, section 626.8517, is amended to read:

69.24 **626.8517 ELIGIBILITY FOR RECIPROCITY EXAMINATION BASED ON**
69.25 **RELEVANT MILITARY EXPERIENCE.**

69.26 (a) For purposes of this section, "relevant military experience" means ~~five years of~~
69.27 ~~active duty military police service.~~

69.28 (1) five years' active service experience in a military law enforcement occupational
69.29 specialty;

69.30 (2) three years' active service experience in a military law enforcement occupational
69.31 specialty and completion of a two-year or more degree from a regionally accredited
69.32 postsecondary education institution; or

69.33 (3) five years' cumulative experience as a full-time peace officer in another state
69.34 combined with active service experience in a military law enforcement occupational
69.35 specialty.

70.1 (b) A person who has relevant military experience under paragraph (a) and who
70.2 has been honorably discharged from ~~the~~ military active service as evidenced by a form
70.3 DD-214 is eligible to take the reciprocity examination. "Active service" has the meaning
70.4 given in section 190.05, subdivision 5.

70.5 Sec. 12. Laws 2008, chapter 297, article 2, section 26, subdivision 3, is amended to
70.6 read:

70.7 Subd. 3. **Administrative provisions.** (a) The commissioner of veterans affairs, or
70.8 the commissioner's designee, must convene the initial meeting of the working group.
70.9 Upon request of the working group, the commissioner must provide meeting space and
70.10 administrative services for the group. The members of the working group must elect a
70.11 chair or co-chairs from the legislative members of the working group at the initial meeting.
70.12 Each subsequent meeting is at the call of the chair or co-chairs.

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

70.15 (c) The working group expires on June 30, ~~2009~~ 2010, unless an extension is
70.16 authorized by law by that date.

70.17 Sec. 13. **DATE OPERATIONAL.**

70.18 To the extent practicable, the commissioner of veterans affairs shall design,
70.19 construct, furnish, and equip the veterans mental health facility authorized in Minnesota
70.20 Statutes, section 198.365, for commencement of operations on July 1, 2013. No state
70.21 general fund money may be expended for operational costs for this facility prior to that
70.22 date and without further legislative authorization.

70.23 Sec. 14. **REPORTING REQUIRED.**

70.24 (a) The commissioner of finance must collect the following data annually from each
70.25 cabinet-level state agency, with the exception of the Metropolitan Council, and must report
70.26 those data, by agency, by the second week of each legislative session, beginning in 2011,
70.27 to the chairs and leading minority members of each of the house of representatives and
70.28 senate committees having responsibility for veterans policy and finance issues:

70.29 (1) the total number of persons employed in full-time positions by the state agency;

70.30 (2) the total number of employees identified in clause (1) who are veterans;

70.31 (3) the total number of vacant full-time positions in the agency filled by hiring or
70.32 appointment during the designated fiscal year;

70.33 (4) the total number of applications received for the positions identified in clause (3);

71.1 (5) the total number of applications identified in clause (4) for which veterans
71.2 preference was elected by the applicant;

71.3 (6) the total number of applications identified in clause (5) for which the veteran
71.4 applicant was judged by the hiring authority as meeting minimum requirements for the
71.5 open positions of employment;

71.6 (7) the total number of veteran applicants identified in clause (6) who were
71.7 interviewed by the hiring authority for the open positions of employment in the agency;

71.8 (8) the total number of veteran applicants identified in clause (7) who were selected
71.9 for and offered employment within the open positions of employment in the agency;

71.10 (9) the total number of veteran applicants identified in clause (8) who were hired
71.11 into the open positions of employment in the agency;

71.12 (10) the total number of veteran applicants identified in clause (6) who were sent a
71.13 rejection letter, in accordance with Minnesota Statutes, section 43A.11, subdivision 9; and

71.14 (11) any other data or information deemed important by the commissioner of
71.15 administration and reflecting on the efforts of the subject agency to recruit and hire
71.16 veterans.

71.17 (b) The data must reflect one full fiscal year or one full calendar year, as determined
71.18 by the commissioner of finance.

71.19 (c) The term "veteran" has the meaning given in Minnesota Statutes, section 197.447.

71.20 **EFFECTIVE DATE.** This section is effective July 1, 2009.

71.21 Sec. 15. **ALLIED FORCES; ESTIMATE OF ELIGIBILITY.**

71.22 By January 15, 2010, the commissioner of veterans affairs shall contact the United
71.23 States Department of Defense, the United States Department of Veterans Affairs, and
71.24 other relevant federal agencies as necessary to determine the number and identities of
71.25 Minnesota residents who, as former residents of Vietnam or Laos, significantly aided or
71.26 assisted the United States armed forces during the period of the Vietnam War, and, to the
71.27 extent possible and in observance of federal and state privacy laws and best practices, shall
71.28 locate an official federal list of those persons. The purpose of this directive is to provide
71.29 information helpful to the legislature in weighing the feasibility of extending state veterans'
71.30 benefits to Minnesota residents who have served as allied soldiers during the Vietnam War.

71.31 Sec. 16. **INTERAGENCY STAFF.**

71.32 For fiscal years 2010 and 2011, the Department of Veterans Affairs may not use
71.33 funds appropriated in this article directly or indirectly to pay for the services of staff in the
71.34 Office of the Governor.