

House Research Act Summary

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Overview

This act provides funding for the fiscal years 2010-2011 biennium to the Minnesota Department of Agriculture (MDA), the Board of Animal Health (BAH), the Agricultural Utilization Research Institute (AURI), and the Departments of Veterans Affairs (MDVA) and Military Affairs (DMA). Many policy provisions are also included. In Article 2, \$35 million in general obligation bond proceeds are appropriated to the state's agricultural lending arm—the Rural Finance Authority.

Section

Article 1: Agriculture

Overview

This article constitutes the biennial budget for the state's three main agricultural entities. Several policy provisions are also included.

- 1 Summary of appropriations.** Summarizes appropriations to each public entity, by year, by fund.
- 2 Agriculture appropriations.** Inserts boilerplate omnibus appropriation language.
- 3 Department of agriculture.** Appropriates funds for the MDA's activities, as grouped into four categories.

Subd. 1. Total appropriation. Provides the total appropriation for all four categories and the breakdown of that total by state treasury fund.

Subd. 2. Protection services. Provides the total appropriation and amount by fund for the MDA's protection activities. The amounts specifically appropriated for certain activities are provided, along with varying levels of instruction and agency discretion.

Subd. 3. Agricultural marketing and development. Provides the total general fund appropriation for the MDA's agricultural marketing and development activities. The amounts specifically appropriated for certain activities are provided, along with varying levels of instruction and agency discretion.

Subd. 4. Bioenergy and value-added agriculture. Provides the total general fund appropriation for the ethanol producer payment program.

Subd. 5. Administration and financial assistance. Provides the total appropriation and amount by fund for the MDA's administration and financial assistance activities. The amounts specifically appropriated for certain activities are provided, along with varying levels of instruction and agency discretion. Requires grants to several named entities.

- 4 Board of animal health.** Appropriates general fund dollars for the BAH's activities, including those specifically required by the rider language in this section.
- 5 Agricultural utilization research institute.** Appropriates general fund dollars for AURI's activities.
- 6 Compensation required.** Modifies the statute governing the MDA's grey wolf livestock damage compensation program to allow the MDA to spend the full \$150,000 for both compensation programs combined (see next section) in each fiscal year, as appropriated in section 3, subdivision 2.
- 7 Compensation.** Modifies the statute governing the MDA's elk crop damage compensation program to allow the MDA to spend the full \$150,000 for both compensation programs combined (see last section) in each fiscal year, as appropriated in section 3, subdivision 2.
- 8 Research, monitoring, or assessment data.** Classifies as private or nonpublic certain identifying information that the MDA collects as part of the agency's research, monitoring, and farm practice assessment activities. Certain related data would remain open to the public (see paragraph b).

The MDA could disclose private/nonpublic data with permission of the subject of the data or if the MDA deems that withholding the data seriously threatens human health or the environment or hinders law enforcement.

Minnesota Statutes, chapter 13, the Minnesota Government Data Practices Act, creates a presumption that all government data is open to the public unless otherwise specified in statute. Data classified as private or nonpublic is only available to the person or business that is the subject of the data.

- 9 Contracts; appropriation.** Removes a requirement that the MDA report to the Legislature

the receipt and disposition of any money given to the MDA by any public or private entity, as part of a formal contract, to reimburse the agency for its activities. These funds are statutorily appropriated to the MDA.

- 10 Duties.** Expands the MDA’s sustainable agriculture duties.
- 11 Loan criteria.** (Sustainable Agriculture Loan Program – MDA) Modifies statutory eligibility criteria to require eligible projects to benefit both the environment and the farmer’s profitability. Increases the maximum direct loan amount by 60 percent. Removes obsolete language.
- This section is effective following final enactment.
- 12 Definitions.** Technical.
- 13 Process.** Modifies the Livestock Investment Grant program waiting list so that unfunded applicants are given consideration – not priority – during the next applicable fiscal year.
- 14 Purpose.** Technical (Note: sections 14 – 43 modify the Minnesota Noxious Weed Law)
- 15 Citation.** Technical
- 16 Scope.** Technical
- 17 Certified noxious weed free.** Provides a new definition for this term, as used in the Minnesota Noxious Weed Law.
- 18 Commissioner.** Provides a new definition for this term, as used in the Minnesota Noxious Weed Law.
- 19 Control.** Modifies the existing definition of “control” to state that control includes destroying all or a portion of a weed’s aboveground growth without causing unreasonable environmental harm.
- 20 County-designated employee.** Defines a new entity as used in the Minnesota Noxious Weed Law. A county must appoint either a county-designated employee or an agricultural inspector (see section 28).
- 21 Growing crop.** Modifies the existing definition of “growing crop” to state that this term does not include noncrop areas used for grazing or hay purposes and not regularly harvested.
- 22 Inspector.** Provides a new definition for this term, as used in the Minnesota Noxious Weed Law, that includes the MDA.
- 23 Noxious weed management plan.** Provides a new definition for this term, as used in the Minnesota Noxious Weed Law.
- 24 Weed management area.** Provides a new definition for this term, as used in the Minnesota Noxious Weed Law.
- 25 Generally.** Modifies the general duty to control noxious weeds to provide that—in addition to county or municipal weed inspectors—the MDA could now order control or eradication of noxious weeds. (See the new definition for *inspector* in section 22.)

- 26 Cooperative weed control agreement.** Authorizes the MDA, a city, town, or county representative to enter into a mutually agreed upon noxious weed control agreement with a landowner or weed management area group. The agreement would last for up to three years during which time any further enforcement action would be prohibited. However, enforcement could proceed—in the form of a weed control order—if a property owner violates the agreement.
- 27 Duties of commissioner.**
- Subd. 1. Enforcement.** Technical
- Subd. 2. Authorized agents.** Establishes duties for a county agricultural inspector and a county-designated employee and requires a county to publicly identify a county-designated employee.
- Subd. 3. Entry upon land.** Expands land access authority to include the MDA during performance of its weed inspection duties.
- Subd. 4. Rules.** Technical
- Subd. 5. Order for control or eradication of noxious weeds.** Modifies the authority to issue an order for the control or eradication of noxious weeds to allow counties, municipalities, and now the MDA to issue an order within its jurisdiction. Requires a county to publicly identify a county-designated employee.
- Subds. 6 - 10.** Various technical and substantive changes, including allowing the MDA to provide technical assistance to counties.
- Subd. 12. Noxious-weed-free forage and mulch certification agency.** Expands material eligible for weed-free certification to include soil, gravel, and other material. Maintains the MDA's authority to determine an official weed-free certification agency and allows the MDA to do the certification itself.
- Subd. 13. Noxious weed designation.** Requires the MDA to identify and periodically publish a list of noxious weeds subject to the Minnesota Noxious Weed Law. Requires the MDA to consult the new Noxious Weed Advisory Committee established in section 43. Allows the MDA to accept and consider outside petitions for noxious weed designation.
- Subd. 14. County petition.** Allows a county to petition the MDA to designate as noxious a weed that is problematic in the county.
- Subd. 15. Noxious weed management.** Requires the MDA to develop management strategies and criteria for each noxious weed category.
- Subd. 16. Gifts; grants; contracts; funds.** Allows the MDA, counties, and municipalities to accept federal or other public and private funds for weed control purposes.
- Subd. 17. Noxious weed investigation.** Requires the MDA to conduct noxious weed investigations outside of Minnesota in order to protect the state from noxious weeds.

Subd. 18. Noxious weed education. Requires the MDA to educate the public about noxious weeds and invasive plants to enhance regulatory and voluntary weed control efforts.

Subd. 19. State and federal lands. Requires the MDA to inform and direct state and federal agencies to manage and control noxious weeds on their lands.

Subd. 20. Interagency cooperation. Require the MDA to cooperate with agencies of the federal and state governments as well as local governments and other persons carrying out the Minnesota Noxious Weed Law.

Subd. 21. Weed management area. Authorizes the MDA to establish geographic weed management areas in consultation with the Noxious Weed Advisory Committee. Requires that a weed management plan for the area must be MDA- and committee-approved. Authorizes weed management areas to apply for state funding under section 42.

- 28 County agricultural inspectors; and county-designated employees.** Removes a requirement that a county employee carry out certain duties. Lifts other requirements and allows the county to designate an employee that is not a county agricultural/weed inspector to carry out portions of the Minnesota Noxious Weed Law.
- 29 Duties; county agricultural inspectors and county-designated employees.** Establishes mandatory duties for the county agricultural/weed inspector or county-designated employee.
- 30 County agricultural inspectors.** Establishes additional duties for a county agricultural inspector.
- 31 Nonperformance by inspectors; reimbursement for expenses.** Replaces mandatory county oversight of local weed inspectors with permissive language. Involves the MDA in consultation with the county agricultural inspector or county-designated employee.
- 32 Permits.** Changes language to reflect the fact that the MDA may serve as a weed inspector and may issue weed transport permits.
- 33 Duration of permit; revocation.** Changes language to reflect the fact that the MDA or a county employee may revoke a weed transport permit for noncompliance.
- 34 Control; eradication; notices; expenses.**
- Subd. 1. General weed notice.** Removes the MDA's ability to tell a county when to publish a general notice for noxious weed control.
- Subds. 2 to 6.** Technical
- Subd. 7. Expenses; reimbursements.** No change.
- 35 Counties and municipalities.** Technical
- 36 Appeal of charges to county board.** Technical
- 37 ~~Court~~ Appeal of costs to district court; petition.** Broadens judicial review eligibility beyond a noncompliant person who has appealed to their county board to include any

person ordered to control noxious weeds and subsequently charged for the government's cost to control the weeds.

- 38 Unlawful acts.** Changes language to reflect the fact that the MDA could now act as weed inspector.
- 39 Penalty.** Changes language to reflect the fact that the MDA could now act as weed inspector.
- 40 Noxious weed program funding.** Removes a requirement that the county board pay for quarantines in the county. Requires county board approval of funding used for the enforcement and administration of the Minnesota Noxious Weed Law.
- 41 Noxious weed and invasive plant species assistance fund.** Establishes a new fund in the state treasury. Funds in the account would be continuously available to the MDA to provide grants to local governments under section 42.
- 42 Grant program.** Establishes an MDA grant program to provide assistance to counties, municipalities, and other weed management entities for the cost of implementing and maintaining noxious weed control programs and addressing special weed control problems. Requires consultation with the Noxious Weed Advisory Committee established in section 43. Provides a list of eight eligible purposes and nine selection prioritization criteria. Notes that this section does not relieve a person of the duty to control the spread of noxious weeds on land under their control.
- 43 Advisory committee; membership.** Establishes an MDA-appointed Noxious Weed Advisory Committee to advise the MDA. Provides specific duties—including those relating to creating and maintaining the state's noxious weed lists—and lists members organizations.
- 44 Agricultural pesticide.** Provides a new definition for the purposes of subsequent sections. Agricultural pesticides would be those products that under federal law must include certain worker safety information on the product label.
- (Note: sections 44 - 59 and 61 modify two of the MDA's pesticide control programs – 1) the registration fees assessed on pesticide products sold and used in this state, and 2) the waste pesticide collection program.)
- 45 Agricultural pesticide dealer.** Defines a new regulated entity.
- 46 Distribute.** Expands the existing definition of “distribute” (a pesticide), to include the movement of pesticide products into the state.
- 47 Nonagricultural pesticide.** Provides a new definition for the purposes of subsequent sections. In contrast to “agricultural pesticides” (section 44), these products are not required by federal law to include certain worker safety information on the product label.
- 48 Collection and disposal.** Makes technical changes to a section governing the waste pesticide collection program.
- 49 Implementation.** Allows the MDA to turn away certain pesticide products offered for collection by an end user. Allows the MDA to charge pesticide end users a fee for the collection and disposal of waste pesticide.

- 50 Disposal site requirement.** Loosens the collection period for agricultural waste pesticide from one collection per county per year, to at least one collection per county every other year. Modifies requirements related to the reporting of waste pesticide products collected, whether by the MDA, a local unit of government operating under a cooperative agreement with the MDA, or a private contractor.
- 51 Information, education and report.** Requires an annual legislative report detailing (1) each instance that the MDA charged a fee to a pesticide end user or declined to accept a product offered for collection by an end user, and (2) the type and quantity of product collected in the previous calendar year along with collection trends and any program recommendations.
- 52 Cooperative agreements.** Allows the MDA, as part of a contract with a local unit of government, to establish limits on the type and quantity of waste pesticide product collected.
- 53 Waste pesticide program surcharge.** Establishes a new fee of \$50 per registered pesticide product.
- 54 Waste pesticide program cooperative agreement account.** Appropriates the fees collected under section 53 to the MDA to pay for cooperative waste pesticide collection agreements with local units of government. If additional funds are available in the account, these funds are appropriated to the MDA to fund its waste pesticide collection efforts.
- 55 Requirement.** States that it is illegal to distribute any unregistered pesticide product. Requires a person who physically or electronically sells a registered pesticide product for use in the state to pay a flat registration application fee, a fee based on sales, and the new waste pesticide program surcharge in section 53.
- 56 Registration application and gross sales fee.** Creates two classes of pesticide product, each with its own fee structure. The registrant of an agricultural pesticide would be required to pay an annual registration fee of \$350. The registrant of a nonagricultural pesticide would be required to pay the annual \$350 registration fee plus a fee equal to 0.5% of the gross sales of the product in this state in the previous calendar year. For agricultural pesticide, this gross sales fee would be paid not by the registrant, but by the licensed dealer, at a rate of 0.55%. The licensed agricultural pesticide dealer (see section 59) is required to submit annual gross sales data in the same manner as the registrant of a nonagricultural pesticide product. Requires an agricultural pesticide product registrant who also sells the product at retail to obtain a new agricultural pesticide dealer license. Allows the MDA to increase the registration and/or gross sales fee in fiscal year 2014 if the MDA collects less than \$6.6 million in any of fiscal years 2011, 2012, or 2013. Increases the registration late fee from \$100 to \$175. Requires registrants to keep detailed records, which must be made available to the MDA to audit. Authorizes the MDA to create audit rules.
- Provides an involved effective date, reflecting the transition to a new fee regime and the temporary overlap between the old and new pesticide registrant and dealer sales-reporting requirements.
- 57 License.** Extends the expiration of the existing pesticide dealer license to coincide with the new agricultural pesticide dealer license created in section 59.

- 58 Application.** Provides that an application for a pesticide dealer license is not complete until the MDA receives required reports and fees based on the person's agricultural pesticide product sales during the previous calendar year.

This section is effective January 1, 2010.

- 59 Agricultural pesticide dealer license and reporting.** Establishes a new required license for persons who sell agricultural pesticide in this state or into the state and are not already licensed as a pesticide dealer. Many of the requirements established in this section also apply to persons licensed by the MDA as a pesticide dealer.

Subd. 1. Requirement. Requires a separate license for each location that sells agricultural pesticide in the state or into the state (i.e. an out-of-state dealer).

Subd. 2. Exemption. Exempts pesticide registrants, unless the registrants sells the product at retail.

Subd. 3. Resident agent. Requires a licensed dealer to maintain an office and employee or other agent in the state.

Subd. 4. Responsibility. States that the in-state agent is responsible for the actions of the out-of-state pesticide dealer.

Subd. 5. Records. Requires pesticide dealers to retain records that are available for MDA audit.

Subd. 6. Agricultural pesticide sales invoices. Requires the sales invoice for an agricultural pesticide to show the gross sales fee assessed by the MDA (see section 56). States that only the person who actually pays the fee may show the fee as a line item on the invoice.

Subd. 7. License. States that the license is annual and must be displayed at the place of business and/or office of the out-of-state entity's resident agent.

Subd. 8. Report of sales and payment to the commissioner. Requires a licensee to annually submit gross sales data for the previous calendar year, which forms the basis of the MDA's gross sales fee.

Subd. 9. Application. Provides application material and process requirements.

Subd. 10. Application fee. Requires a \$150 fee, plus a \$75 late fee, if applicable.

- 60 Pesticide application on railroad property.** Regulates the application of pesticide to certain railroad property.

Subd. 1. Applicability. States that this law applies only to rail companies that offer transportation services to the public (i.e. common carrier railroads).

Subd. 2. Safety information. Requires the MDA to provide annual pesticide safety outreach to railroad employees and requires the railroad to provide annual employee pesticide safety training.

Subd. 3. Pesticide applications. Prohibits an off-label application of a restricted

use pesticide to certain railroad property. States that employees may not be required to work in a pesticide application area in a manner that is prohibited by the directions and/or warning information on the pesticide product's label.

Subd. 4. Misuse reporting. Requires a railroad or a pesticide applicator hired by a railroad to report any off-label or other illegal use of a pesticide product to the MDA as soon as practicable so the MDA can investigate and take enforcement action if warranted.

61 Pesticide dealer. Modifies licensed pesticide dealer annual reporting requirements to as requested by the MDA.

62 Effective period. Technical

(Note: sections 62 – 66 modify fertilizer law)

63 Distributor's tonnage report.

Subdivision. 1. ~~Semiannual statement~~ Annual tonnage report. Changes the semiannual fertilizer quantity reporting requirement to an annual report due July 31 and reflecting the tonnage distributed during the previous calendar year. Clarifies that a custom applicator must submit a tonnage report unless the person only distributes fertilizer via custom application. Allows a person to report this information in a substitute format approved by the MDA. Clarifies that the person must report the number of net tons and grade of each raw fertilizer material distributed in the state. Eliminates the requirement that licensed entities who sell to the ultimate consumer submit records or invoices demonstrating that a person earlier in the fertilizer supply chain (e.g. a manufacturer or wholesaler) paid the required inspection fee.

Subd. 2. No change.

Subd. 3. Late annual report and inspection fee penalty. Increases the late penalty from \$25 to \$50. Authorizes the MDA to use its full agricultural chemical law enforcement powers to enforce the reporting and inspection fee requirements.

Subd. 4. ~~Responsibility for inspection fees.~~ Removes a provision stating that if more than one person is involved in the distribution of fertilizer, the person responsible for the inspection fee is the one who imports/manufactures/produces the fertilizer or who registers the specialty fertilizer/soil amendment/plant amendment.

Subd. 5. Verification of ~~statements~~ annual tonnage report. Technical change reflecting the move to annual reporting provided in subdivision 1 above.

64 Fee for late application. Clarifies that if a person fails to renew their annual license or product registration by December 31st, that person must pay a late fee in addition to the standard renewal fee. (The late fee remains unchanged at 50 percent of the applicable renewal fee.)

65 Payment of inspection fees fee. (a) Clarifies that a person must pay an inspection fee if they register and distribute a specialty (i.e. non-agricultural) fertilizer, soil amendment, or plant amendment in Minnesota.

(b) States that a licensed fertilizer distributor, custom applicator, or manufacturer who distributes product to an unlicensed person is responsible for the inspection fee on that product unless the person distributes fertilizer only via custom application.

(c) Increases the MDA's fertilizer, soil amendment, and plant amendment inspection fee from 30 to 70 cents per ton for the next ten years.

(d) Requires a product registrant or a fertilizer licensee to retain for three years any invoices that substantiate the amount of product distributed and any inspection fees paid.

- 66 Expenditures.** Allows the MDA to use the proceeds of fees levied on pesticide and fertilizer products and used to clean up product spills for the MDA's spill response/cleanup costs. Currently the MDA's response costs are paid from the agricultural fund.
- 67 Fee.** Adjusts language pertaining to the cleanup program fee levied on pesticide registrants and dealers to reflect the change to the new fee structure established in section 56.
- Establishes a staggered effect date.
- 68 Report.** Requires the MDA, as part of an existing annual Legislative reporting requirement, to report the amount the MDA withdraws from the chemical spill cleanup account to pay the MDA's cleanup/response costs, as authorized in section 66.
- 69 Individual Dormant.** Creates a definition for "dormant" and inserts this new definition in alphabetical order within the list of definitions in section 18H.02.
- (Note: Sections 69 - 76 modify nursery stock law. All are effective following final enactment.)
- 70 Etiolated growth.** Creates a definition for "etiolated growth" as used in chapter 18H.
- 71 Individual.** Technical – reinstates in alphabetical order the definition for "individual" that was deleted in section 69 to make room for "dormant."
- 72 Packaged stock.** Creates a definition for "packaged stock" as used in chapter 18H.
- 73 Nursery stock growers certificate.** Changes the fee deadline that nursery stock growers must meet from received by January 1 to postmarked by December 31.
- 74 Nursery stock dealer certificate.** Makes a corresponding change to the deadline for nursery stock dealer fees.
- 75 Nursery stock certification requirements.** Adds plants identified by nursery stock dealers and submitted for inspection to the MDA's mandatory plant inspection duties.
- 76 Storage of nursery stock.** Requires a person who stores packaged dormant nursery stock to maintain conditions that retard growth, prevent etiolated growth, and protect the dormant stock's viability.
- 77 Violations; prohibited acts.** Increases the MDA's food handler reinspection fees.
- 78 Duties.** Food Safety and Defense Task Force. Adds duties pertaining to food defense, consistent with the group's title.

- 79 Commissioner duties.** Minnesota Organic Advisory Task Force. No longer would the MDA appoint task force members by itself – representatives of the University of Minnesota would now be involved in task force selection. The task force would advise not only the MDA but also the University. The task force would be required to advise the MDA and University on how available resources could best be utilized to meet the needs of the organic agriculture community. Broadens task force eligibility to allow representatives of organic products other than food. Requires a representative of organic product retailers. The number of at-large or public members would increase from one to two. Extends the task force’s expiration date four years, to 2013.
- 80 Feeding Minnesota task force.** Creates a new task force to advise the MDA and Legislature on how to maximize the consumption of Minnesota grown produce and livestock by hungry people.
- This section is effective June 30, 2009.
- 81 Grade A inspection fees.** Increases the MDA’s dairy farm reinspection fee from \$45 to \$60 or \$150 depending on the number of cows on the farm.
- 82 Ethanol producer payments.** Authorizes the MDA to use any excess appropriation for ethanol payments to provide financial assistance under the new Agricultural Growth, Research, and Innovation program in section 83. Prohibits deficiency payments to ethanol plants that are not majority owned by farmers and local residents.
- 83 Agricultural Growth, Research, and Innovation Program.** Creates a new financial assistance program for the state’s agricultural and renewable energy industries. The program expires June 30, 2013.
- 84 State participation.** (Basic Beginning Farmer Loan Program – RFA) Increases the maximum state participation amount by 50 percent.
- This section is effective following final enactment.
- 85 State participation.** (Restructure II Loan Program – RFA) Increases the maximum state participation amount by approximately 78 percent.
- This section is effective following final enactment.
- 86 Participation limit; interest.** (Seller-Assisted Loan Program – RFA) Increases the maximum state participation amount by 50 percent.
- This section is effective following final enactment.
- 87 Loan participation.** (Agricultural Improvement Loan Program – RFA) Increases the maximum state participation amount by 50 percent.
- This section is effective following final enactment.
- 88 Loan participation.** (Livestock Expansion Loan Program – RFA) Increases the maximum state participation amount by approximately 45 percent.
- This section is effective following final enactment.

- 89 Duties; generally.** Authorizes the Department of Natural Resources (DNR) to capture, control, and authorize the taking of, certain at-large animals in consultation with the MDA and BAH.
- 90 Minimum ethanol content required.** Modifies the 10% ethanol mandate to require the “E10” or a higher gasoline-ethanol blend authorized by the United States Environmental Protection Agency.
- 91 Minimum ethanol content required.** Modifies the 20% ethanol-gasoline mandate (not currently in effect), to require “E20” or a higher gasoline-ethanol blend authorized by the United States Environmental Protection Agency.
- 92 Rights after default; judicial enforcement; consignor or buyer of accounts, chattel paper, payment intangibles, or promissory notes.** Requires a creditor seizing collateral that is agricultural property due to the borrower’s default on a debt exceeding \$5,000 to include the amount of the outstanding debt in the required mediation notice.
- 93 Acquisition of property, appropriations.** Removes the annual limit on appropriations from a county or city to a society for the prevention of cruelty to animals.
- 94 Contents.** Requires a creditor seizing collateral that is agricultural property due to the borrower’s default on a debt exceeding \$5,000 to include the amount of the outstanding debt in the required mediation notice.
- 95 Contents.** Requires a person cancelling the sale of agricultural property due to the purchaser’s default on a contract with a remaining balance exceeding \$5,000 to include the amount of the outstanding balance in the required mediation notice.
- 96 Contents.** Requires a person foreclosing a mortgage on agricultural property with a secured debt that exceeds \$5,000 to include the amount of the outstanding balance in the required mediation notice.
- 97 Expiration.** Extends the sunset date on the Farmer-Lender Mediation Act by four years.
This section is effective following final enactment.
- 98 Bovine tuberculosis control assessment; temporary assessment; appropriation.** Modifies a 2008 law requiring a one-year \$1/head assessment on cattle sales in this state to fund the state’s bovine TB eradication efforts, including herd buyouts.
This section is effective retroactive to January 1, 2009.
- 99 Interagency staff.** Prohibits the MDA, BAH, and AURI from paying for the services of staff in the Office of the Governor.
- 100 Green jobs food production study; report.** Requires the AURI to study and report on how to increase the number of green jobs in the food production sector.
- 101 Federal stimulus funding.** Requires the MDA to apply for relevant stimulus dollars available through the 2009 federal stimulus act.
- 102 Report on Minnesota processed foods labeling.** Requires the MDA to consult with certain groups and provide analysis and recommendations regarding the creation of a new

food product label to identify food processed in Minnesota.

- 103 Feral swine report.** Requires the DNR, in consultation with the MDA and BAH, to report on any changes needed to state laws and policies in order to control feral swine and other nonnative or domestic animals running at large.
- 104 Deadline for appointments.** Requires the MDA to appoint members to three task forces created or modified in this article by September 1, 2009.
- 105 Appropriation modification.** Allows the BAH to use certain funds appropriated in 2008 to pay certain bovine TB herd buyout participants.
- 106 Unused office space.** Requires the MDA to seek tenants for vacant office space in the Freeman Building and appropriates any proceeds for grants to livestock producers under the new financial assistance program in section 83.
- 107 Repealer.** Repeals the following laws:
- § 17.49, subd. 3 – annual MDA report on the aquaculture industry
 - § 18.81, subd. 1 – lists duties for county agricultural inspectors
 - § 18G.12, subd. 5 – annual MDA report on harmful terrestrial invasive species
 - § 38.02, subd. 3 – requires a county or district agriculture society to hold at least two annual fairs before it is eligible to state aid payments (as provided under section 3, subdivision 5, above)
 - § 38.02, subd. 4 – limits state fair aid payment to a poultry association or society to no more than the exhibition premium paid, or \$150/county
 - Chapter 41 – The Family Farm Security Act
 - Minnesota Rules, part 1505.0820 – pertaining to care of dormant nursery stock

Article 2: Rural Finance Authority

Overview

The Department of Finance, on behalf of the Rural Finance Authority (RFA), is authorized to issue up to \$35 million in user-financed general obligation bonds to fund the Authority's farmer loan programs.

Article 3: Veterans Affairs

- 1 Veterans appropriations.** Standard omnibus appropriation language.
- 2 Department of Veterans Affairs.** Appropriates funds to the MDVA's activities.

Subd. 1. Total appropriation. Provides the total by year: \$58,325,000 in fiscal

year 2010 and \$58,568,000 in fiscal year 2011.

Subd. 2. Veterans Services. \$14,652,000 each year is for Veterans Services. Of the two major activity areas of the MDVA – Veterans Services and Veterans Homes – appropriations for Veterans Services comprise about 25% of the total. Veterans Services constitutes essentially all of the Department’s activities other than the Veterans Homes.

Homeless Veterans. Of the appropriations for Veterans Services, \$250,000 each year is for an increase over the base amount for the Minnesota Assistance Council for Veterans (MACV), for veterans and their families who are homeless or at risk of homelessness.

Computer Systems Merger. \$500,000 each year is for continuing work on the merger of the computer systems of the recently acquired Veterans Homes with the existing computer systems of the Department. (In 2008, the Veterans Home Board was abolished, and responsibility for the 5 Minnesota Veterans Homes was transferred to the Department of Veterans Affairs.)

Minnesota GI Bill. \$100,000 each year is for the costs of administering the Minnesota GI Bill program under Minnesota Statutes, section 197.791. (This amount will be transferred from the MDVA to the Minnesota Office of Higher Education for this purpose.)

Veterans Service Organization Grants. \$353,000 each year is for continued funding of the base amount for the following veterans service organizations, to be allocated proportionately to the current FY2009 distribution of funds: DAV, MOPH, American Legion, VFW, VVOA, AMVETS, and Paralyzed Veterans of America.

Subd. 3. Veterans Homes. \$43,673,000 in fiscal year 2010 and \$43,916,000 in fiscal year 2011 is for the operation of Minnesota’s 5 state veterans homes (located in Minneapolis, Hastings, Silver Bay, Luverne, and Fergus Falls).

Veterans Homes Special Revenue Account. Standard appropriations language.

Repair and betterment. \$1,000,000 in fiscal year 2010 and \$500,000 in fiscal year 2011 is for repair, maintenance, rehabilitation and betterment activities at the Minnesota veterans homes statewide.

Hastings Veterans Home. \$220,000 each year is for increases in the mental health program at the Hastings veterans home.

Food. \$92,000 in fiscal year 2010 and \$189,000 in fiscal year 2011 are for increases in food costs at the Minnesota veterans homes statewide.

Pharmaceuticals. \$287,000 in fiscal year 2010 and \$617,000 in fiscal year 2011 are for increases in pharmaceutical costs at the Minnesota veterans homes statewide.

Fuel and Utilities. \$277,000 in fiscal year 2010 and \$593,000 in fiscal year 2011 are for increases in fuel and utility costs at the Minnesota veterans homes statewide.

Medicare Part D. \$141,000 in each fiscal year are for implementation of the new requirement for using Medicare Part D when possible for pharmaceutical costs for

veterans who are residents at the Minnesota veterans homes.

- 3 , 4, 5, 8, 19** **Veteran-owned small businesses; preference in state contracting.** Directs that the commissioner of each executive agency shall award up to a 6% preference to veterans-owned small businesses in state contracting for goods and services by the agency. This new Minnesota law piggybacks onto federal law and regulations for the definition and certification of veteran-owned small businesses, thereby avoiding duplication at the state level. Accordingly, the term *veteran-owned small business (VOB)*, encompasses as well any *service-disabled veteran owned small business (SDVOB)*. Any small business that is verified under federal law as a VOB or SDVOB is automatically certified under Minnesota law as eligible to use this preference when bidding for state contracts. The new law applies to executive agencies, including MNDOT and MNSCU (with an exception for the Metropolitan Council), as well as the University of Minnesota.
- 6** **Veterans preference in state employment: interview required.** Directs that, when hiring into the state civil service, state government agencies must grant an interview to each of the top five veterans, provided that the veteran is qualified for the position, has served in federal active service at any time since September 11, 2001, and has been honorably discharged from the military. (See also, sections 14 and 22)
- 7** **Dependent health insurance for veterans post-deployment.** Allows a dependent of a state employee to enroll in the State Employee Group Insurance Plan (SEGIP) even though the dependent is over age 19 and not a full-time student, if the dependent has recently completed military service and was a full-time student immediately before entering military service. Permits the enrollment to continue until the dependent's 25th birthday, which is the same age limit that regularly applies to full-time students who are dependents of state government employees. (If the state employee already has family health coverage, adding this additional dependent will not increase the amount of the employee's insurance premium payments.)
- 8** **Veteran-owned small businesses; preference in state contracting.** Conforming provision. (See sections 3, 4, 5, 8 and 19.)
- 9 , 13** **Gold Star license plate.** Authorizes a new *Gold Star* license plate for motor vehicles owned or co-owned by the spouse or parent of a person who has died while serving honorably in active military service. The usual \$10 fee for a set of veterans plates is waived for eligible applicants. The commissioner of finance is authorized to transfer funds from the *Support our Troops Account* in the Special Revenue Fund to pay for the cost of the new plates.
- 10** **Veterans designation on driver's license.** Provides that when making application for a Minnesota Drivers License or Minnesota Identification Card, a veteran may optionally request that his or her *veterans status* be printed on the license or card.
- 11** **Veterans designation on driver's license.** Stipulates that when a veteran is requesting issuance, renewal, or reissuance of the person's driver's license or Minnesota ID card and requesting that the *veterans status* be shown on it, the veteran must show proof with a certified copy of his or her DD-214 discharge papers. The applicant is not exempt from the normal fee.
- 12** **Veterans designation on driver's license.** Directs that the commissioner of public safety must maintain a computer record of the names of veterans requesting a driver's license or

Minnesota ID card showing the person's status as a *veteran*. Such data is private data on individuals, and may be removed from the list only upon written request by the applicant.

- 13 Gold Star license plate.** Conforming. (See also section 9.)
- 14 Veterans preference: removal options.** Extends to veterans employed in State classified civil service positions certain protections pertaining to job dismissal that currently apply to local government employees. Provides that the veteran may make an irrevocable choice to either file a grievance under the contract provisions normally applicable to the person as a state employee, or to request a hearing under the terms of veterans preference laws. A veteran appealing through the veterans preference provisions is precluded from appealing under the grievance procedure of the collective bargaining agreement. (See also Sections 6 and 22.)
- 15 Veterans preference for teachers facing dismissal.** Strikes a provision in current law that prohibits veterans preference laws from applying to the position of teacher in Minnesota's public education systems. The current law being amended provides certain hearing protections for a veteran facing dismissal from a covered position of employment.
- 16 Minnesota GI Bill funding.** Establishes an open and standing appropriation for payment of entitlements under the Minnesota GI Bill Program. The total amount of such funding may not exceed \$6 million in any year.
- 17 Federal monies.** Authorizes the commissioner of veterans affairs to apply for and receive federal funding for authorized departmental purposes, thereby conforming Minnesota law to ongoing practice (e.g., funding for construction of Minnesota veteran cemeteries, and for operations of the Minnesota veterans homes).
- 18 Medicare Part D; pharmacy costs.** Directs the commissioner to maximize the use of Medicare Part D to pay pharmacy costs for eligible veterans in state veterans homes. The commissioner must take any necessary steps to prevent an eligible veteran from receiving any less benefit under Medicare Part D than the person would receive under the person's existing VA benefits.
- 19 Veteran-owned small businesses; preference in state contracting.** Conforming. (See Sections 3, 4, 5, 8 and 19.)
- 20 Veteran eligibility for Peace Officer reciprocity exam.** Broadens the ways in which a veteran can become eligible for taking the Minnesota Reciprocity Exam for Peace Officer Licensing.
- 21 County Veteran Service Officers; CVSO working group time extension.** Extends by one year (to June 30, 2010) the time frame for the County Veteran Service Officer (CVSO) working group. (This Section is not codified into Minnesota Statutes.)
- 22 Veterans preference study; Reporting Required.** Directs the commissioner of finance to annually collect certain data from each cabinet level state agency, except for the Metropolitan Council, and report those data specifically by agency, to the Legislature. The specified data items were chosen to reflect upon agency recruitment and hiring of veterans in a manner that will reflect whether and where any fallout might be occurring. (Uncodified; See also Sections 6 and 14.)

- 23 Veterans Homes Construction; priority listing.** Directs that the commissioner shall continue to plan for the construction of a new veterans home, and shall include in the priority listing any project for which state monies have already been appropriated. (Uncodified.)
- 24 Veterans Cemetery Siting.** Directs the commissioner of Veterans Affairs to work with veterans groups, local government, community groups, and the DNR to identify suitable locations for a state veterans cemetery in both northeastern Minnesota and southwestern Minnesota, with priority consideration for sites involving donated land. (Uncodified.)
- 25 Interagency staff; governor's office.** Prohibits the commissioner of veterans affairs from using any funds appropriated in this Article for directly or indirectly paying for the services of staff from the Governor's Office. (Uncodified.)

Article 4: Military Affairs

- 1 Military affairs appropriations.** Standard omnibus appropriations language.
- 2 Department of Military Affairs.** Appropriates funds to the DMA's activities.
- Subd. 1. Total appropriation.** Provides the total by year: \$22,374,000 in 2010 and \$19,374,000 in 2011.
- Subd. 2. Maintenance of training facilities.** \$6,660,000 each year.
- Subd. 3. General support.** \$2,366,000 each year.
- Subd. 4. Enlistment incentives.** \$13,348,000 in 2010, and \$10,348,000 in 2011. \$3 million of the funding in the first year is a onetime appropriation. The principal program in this category is the National Guard Tuition Reimbursement Program, which provides national guard members with higher education funding assistance.
- 3 Uncompensated and voluntary services.** Authorizes the Adjutant General to accept uncompensated voluntary services as may be practical from time to time, and to compensate the volunteers for travel expenses at the same rate per mile as state employees.
- 4 Post-deployment health assessments.** Directs the Adjutant General to establish a program to assess the health and wellness of National Guard soldiers returning from deployment outside the U.S. between 6 months and one year following their return.
- 5 to 10 Power of Attorney; short form authorized.** Authorizes a new short form for use by National Guard members to designate one or more powers of attorney to selected trustees on a temporary basis during their deployment to active military service.
- 11 Interagency staff.** Prohibits the adjutant general from using funds appropriated in this bill for paying for the services of Governor's staff.