

1 Senator Vickerman from the Committee on Agriculture,
2 Veterans and Gaming, to which was referred

3 S.F. No. 1730: A bill for an act relating to agriculture;
4 directing the commissioner of agriculture to conduct a study
5 regarding a rail container load-out facility in or near Clara
6 City.

7 Reports the same back with the recommendation that the bill
8 be amended as follows:

9 Page 1, line 11, delete "such"

10 And when so amended the bill do pass and be re-referred to
11 the Committee on Finance. Amendments adopted. Report adopted.

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13 .....
14 (Committee Chair)

15
16 March 21, 2005.....
17 (Date of Committee recommendation)

1 Senator Vickerman from the Committee on Agriculture,
2 Veterans and Gaming, to which was referred

3 S.F. No. 1774: A bill for an act relating to agriculture;
4 changing application of certain penalties; changing certain
5 procedures and time limits; amending Minnesota Statutes 2004,
6 sections 17.982, subdivision 1; 17.983, subdivisions 1, 3;
7 repealing Minnesota Statutes 2004, sections 17.983, subdivision
8 2.

9 Reports the same back with the recommendation that the bill
10 be amended as follows:

11 Page 1, line 17, after "violated" insert "a provision of"

12 Page 1, line 21, reinstate the stricken language and after
13 the reinstated "correction" insert ", if applicable"

14 And when so amended the bill do pass. Amendments adopted.
15 Report adopted.

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18 (Committee Chair)

19 March 21, 2005.....
20 (Date of Committee recommendation)

1 Senator Vickerman from the Committee on Agriculture,
2 Veterans and Gaming, to which was referred

3 S.F. No. 1772: A bill for an act relating to agriculture;
4 changing certain provisions concerning plant pests, nursery
5 stock, and wildflowers; amending Minnesota Statutes 2004,
6 sections 18G.03, subdivision 1; 18H.02, subdivisions 21, 22, 23,
7 32, 34, by adding a subdivision; 18H.05; 18H.06; 18H.09; 18H.13,
8 subdivision 1; 18H.15; 18H.18, subdivision 1; repealing
9 Minnesota Statutes 2004, section 18H.02, subdivisions 15, 19.

10 Reports the same back with the recommendation that the bill
11 be amended as follows:

12 Page 9, line 5, after "dealer" insert "who is required to
13 be certified"

14 And when so amended the bill do pass. Amendments adopted.
15 Report adopted.

16 .....
17 (Committee Chair)

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19 March 21, 2005.....
20 (Date of Committee recommendation)

1 Senator Vickerman from the Committee on Agriculture,
2 Veterans and Gaming, to which was referred

3 S.F. No. 1625: A bill for an act relating to the military;
4 providing for pay and allowances for certain retired national
5 guard personnel who are ordered to active duty; amending
6 Minnesota Statutes 2004, section 192.19.

7 Reports the same back with the recommendation that the bill
8 do pass and be placed on the Consent Calendar. Report adopted.

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Jim Vickerman
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(Committee Chair)

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March 21, 2005.....
(Date of Committee recommendation)

1 Senator Vickerman from the Committee on Agriculture,
2 Veterans and Gaming, to which was referred

3 S.F. No. 1771: A bill for an act relating to agriculture;
4 changing certain penalties; amending Minnesota Statutes 2004,
5 sections 31.032, subdivision 1; 31A.10.

6 Reports the same back with the recommendation that the bill
7 do pass and be re-referred to the Committee on Crime Prevention
8 and Public Safety. Report adopted.

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Jim Vickerman
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(Committee Chair)

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March 21, 2005.....
(Date of Committee recommendation)

1 Senator Vickerman from the Committee on Agriculture,
2 Veterans and Gaming, to which was referred

3 S.F. No. 1726: A bill for an act relating to health;
4 allowing persons in active military service to suspend
5 MinnesotaCare enrollment without a lapse in coverage; modifying
6 MinnesotaCare eligibility determinations and premium payment
7 calculations for persons in active military service; amending
8 Minnesota Statutes 2004, sections 256L.05, by adding a
9 subdivision; 256L.07, by adding a subdivision; 256L.15, by
10 adding a subdivision.

11 Reports the same back with the recommendation that the bill
12 do pass and be re-referred to the Committee on Health and Family
13 Security. Report adopted.

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(Committee Chair)

March 21, 2005.....
(Date of Committee recommendation)

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1761
Version: As introduced

DATE: March 21, 2005

STATUS: Governmental Operations
and Veterans Affairs
Committee

Authors: Kahn and others

Subject: Veterans, MinnesotaCare health insurance

Analyst: Jim Cleary

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Overview

This bill would amend MinnesotaCare eligibility rules to allow a person who is ordered to active military service the *option of suspending* the person's MinnesotaCare enrollment and premium payments during that military service, and to restart that coverage upon termination of the person's military health insurance without reapplication, reenrollment or lapse of coverage.

Under current law, enrollees ordered to active service do not have an option to suspend enrollment but must either discontinue MinnesotaCare coverage or continue MinnesotaCare coverage while enrolled in the military's Tricare health program. Enrollees who voluntarily discontinue MinnesotaCare coverage cannot reapply for the program until four months have elapsed and there is also the possibility of a break in coverage upon reapplication, since MinnesotaCare coverage takes effect the month after the month in which the premium is paid.

In addition, the bill provides that for soldiers *who opt instead to continue* their MinnesotaCare coverage while in the military, eligibility and premium determinations are to be based on the lower of the enrollee's income prior to reporting for active service or the enrollee's income while on active service. Further, only the *base-pay* portion of the person's military income may be considered for purposes of calculating MinnesotaCare eligibility and premium amounts. Under current law, total military pay – including base pay and any pay allowance (e.g., the combat pay allowance) – is considered.

Section

- 1 **Enrollees in active military service; option to suspend coverage.** Amends § 256L.05, by adding subd. 6. Provides that MinnesotaCare enrollees ordered into active military service *may suspend* MinnesotaCare coverage for themselves and their families, and restart that coverage without reapplication, reenrollment or lapse upon termination of the person's military health insurance. Provides that enrollees who suspend coverage are not subject to the four-month bar on enrollment that applies to persons who voluntarily terminate coverage. Provides an effective date of the day following final enactment.
- 2 **Enrollees in active military service.** Amends § 256L.07, by adding subd. 5. Provides that for MinnesotaCare enrollees who choose *to continue* MinnesotaCare coverage while in the military, eligibility determinations are to be based on the lower of the enrollee's gross income received prior to reporting for active service or the enrollee's gross income received while in active service, with only the base pay portion of the person's income being considered. Provides an effective date of the day following final enactment.
- 3 **Premium calculation for enrollees in active military service.** Amends § 256L.15, by adding subd. 4. Provides that for MinnesotaCare enrollees who choose *to continue* MinnesotaCare coverage while in the military, premium calculations are to be based on the lower of the enrollee's gross income received prior to reporting for active service or the enrollee's gross income received while in active service, with only the base pay portion of the person's income being considered. Provides an effective date of the day following final enactment.

Senators Kubly, Wergin, Murphy, Vickerman and Kiscaden introduced--
S.F. No. 1726: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act

2 relating to health; allowing persons in active
3 military service to suspend MinnesotaCare enrollment
4 without a lapse in coverage; modifying MinnesotaCare
5 eligibility determinations and premium payment
6 calculations for persons in active military service;
7 amending Minnesota Statutes 2004, sections 256L.05, by
8 adding a subdivision; 256L.07, by adding a
9 subdivision; 256L.15, by adding a subdivision.

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

11 Section 1. Minnesota Statutes 2004, section 256L.05, is
12 amended by adding a subdivision to read:

13 Subd. 6. [ENROLLEES IN ACTIVE MILITARY SERVICE; OPTION TO
14 SUSPEND COVERAGE.] Enrollees who are ordered to active military
15 service and their dependents may suspend MinnesotaCare coverage
16 upon the effective date of health coverage under Tricare, the
17 Civilian Health and Medical Program of the Uniformed Service
18 (CHAMPUS), or other coverage provided under United States Code,
19 title 10, subtitle A, part II, chapter 55. These enrollees and
20 their dependents are eligible for MinnesotaCare without
21 reapplication or reenrollment and without any lapse in coverage,
22 immediately upon termination of health coverage under Tricare,
23 CHAMPUS, or other coverage provided under United States Code,
24 title 10, subtitle A, part II, chapter 55, provided that all
25 MinnesotaCare eligibility criteria are met. Enrollees who
26 suspend coverage under this subdivision remain MinnesotaCare
27 enrollees and are not subject to the four calendar month bar on

1 enrollment that applies to persons who voluntarily terminate
2 coverage under section 256L.06, subdivision 3, paragraph (d).

3 [EFFECTIVE DATE.] This section is effective the day
4 following final enactment.

5 Sec. 2. Minnesota Statutes 2004, section 256L.07, is
6 amended by adding a subdivision to read:

7 Subd. 5. [ENROLLEES IN ACTIVE MILITARY SERVICE.] When
8 determining eligibility for enrollees ordered to active military
9 service who choose to continue MinnesotaCare coverage while in
10 active service, and their dependents, the commissioner must
11 consider the enrollee's income while in active service to be the
12 lower of: (1) enrollee gross income received prior to reporting
13 for active service; or (2) enrollee gross income received while
14 in active service, counting only the enrollee's base military
15 pay.

16 [EFFECTIVE DATE.] This section is effective the day
17 following final enactment.

18 Sec. 3. Minnesota Statutes 2004, section 256L.15, is
19 amended by adding a subdivision to read:

20 Subd. 4. [PREMIUM CALCULATION FOR ENROLLEES IN ACTIVE
21 MILITARY SERVICE.] When calculating premiums for enrollees
22 ordered to active military service who choose to continue
23 MinnesotaCare coverage while in active service, and their
24 dependents, the commissioner shall consider the enrollee's
25 income while in active service to be the lower of: (1) enrollee
26 gross income received prior to reporting for active service; or
27 (2) enrollee gross income received while in active service,
28 counting only the enrollee's base military pay.

29 [EFFECTIVE DATE.] This section is effective the day
30 following final enactment.

Amended

Senator Kubly introduced--

S.F. No. 1730: Referred to the Committee on Agriculture, Veterans and Gaming.

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A bill for an act

relating to agriculture; directing the commissioner of agriculture to conduct a study regarding a rail container load-out facility in or near Clara City.

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

Section 1. [RAIL CONTAINER LOAD-OUT FACILITY STUDY.]

The commissioner of agriculture, in close consultation with the commissioner of transportation, shall conduct a study of the feasibility and desirability of constructing a rail container load-out facility in or near the city of Clara City. The study must include an estimate of the costs and benefits of such a facility to the city and region and to the state transportation system. The commissioner shall report to the governor and legislature on the results of the study by January 15, 2006.

Amended, Passed

Senators Rosen, Pariseau, Vickerman, Skoe and Wergin introduced--
S.F. No. 1772: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act
2 relating to agriculture; changing certain provisions
3 concerning plant pests, nursery stock, and
4 wildflowers; amending Minnesota Statutes 2004,
5 sections 18G.03, subdivision 1; 18H.02, subdivisions
6 21, 22, 23, 32, 34, by adding a subdivision; 18H.05;
7 18H.06; 18H.09; 18H.13, subdivision 1; 18H.15; 18H.18,
8 subdivision 1; repealing Minnesota Statutes 2004,
9 section 18H.02, subdivisions 15, 19.

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

11 Section 1. Minnesota Statutes 2004, section 18G.03,
12 subdivision 1, is amended to read:

13 Subdivision 1. [ENTRY AND INSPECTION.] (a) The
14 commissioner may enter and inspect a public or private place
15 that might harbor plant pests and may require that the owner
16 destroy or treat plant pests, plants, or other material.

17 (b) If the owner fails to properly comply with a directive
18 of the commissioner, the commissioner may have any necessary
19 work done at the owner's expense. The commissioner shall notify
20 the owner of the deadline for paying those expenses. If the
21 owner does not reimburse the commissioner for an expense within
22 a time specified by the commissioner, the expense is a charge
23 upon the county as provided in subdivision 4.

24 (c) If a dangerous harmful plant pest infestation or
25 infection threatens plants of an area in the state, the
26 commissioner may take any measures necessary to eliminate or
27 alleviate the danger potential significant damage or harm.

1 (d) The commissioner may collect fees required by this
2 chapter.

3 (e) The commissioner may issue and enforce a written or
4 printed "stop-sale" order orders, compliance agreements, and
5 other directives and requests to the owner or custodian of any
6 plants or articles infested or infected with ~~dangerously~~
7 ~~injurious~~ a harmful plant pests pest.

8 Sec. 2. Minnesota Statutes 2004, section 18H.02, is
9 amended by adding a subdivision to read:

10 Subd. 12a. [INDIVIDUAL.] "Individual" means a human being.

11 Sec. 3. Minnesota Statutes 2004, section 18H.02,
12 subdivision 21, is amended to read:

13 Subd. 21. [NURSERY STOCK BROKER.] "Nursery stock broker"
14 means a nursery stock dealer engaged in the business of selling
15 or reselling certified nursery stock as a business transaction
16 without taking ownership or handling the nursery stock.

17 Sec. 4. Minnesota Statutes 2004, section 18H.02,
18 subdivision 22, is amended to read:

19 Subd. 22. [NURSERY STOCK DEALER.] "Nursery stock dealer"
20 means a person involved in the acquisition and further
21 distribution of certified nursery stock; the utilization of
22 certified nursery stock for landscaping or purchase of certified
23 nursery stock for other persons; or the distribution
24 of certified nursery stock with a mechanical digger, commonly
25 known as a tree spade, or by any other means. A person who
26 purchases more than half of the certified nursery stock offered
27 for sale at a sales location during the current certificate year
28 is considered a nursery stock dealer rather than a nursery stock
29 grower for the purposes of determining a proper fee schedule.
30 Nursery stock brokers, landscapers, and tree spade operators are
31 considered nursery stock dealers for purposes of determining
32 proper certification.

33 Sec. 5. Minnesota Statutes 2004, section 18H.02,
34 subdivision 23, is amended to read:

35 Subd. 23. [NURSERY STOCK GROWER.] "Nursery stock grower"
36 includes, but is not limited to, a person who raises, grows, or

1 propagates nursery stock, outdoors or indoors. A person who
2 grows more than half of the certified nursery stock offered for
3 sale at a sales location during the current certificate year is
4 considered a nursery stock grower for the purpose of determining
5 a proper fee schedule.

6 Sec. 6. Minnesota Statutes 2004, section 18H.02,
7 subdivision 32, is amended to read:

8 Subd. 32. [SALES LOCATION.] "Sales location" means a fixed
9 location from which certified nursery stock is displayed or
10 distributed.

11 Sec. 7. Minnesota Statutes 2004, section 18H.02,
12 subdivision 34, is amended to read:

13 Subd. 34. [TREE SPADE OPERATOR.] "Tree spade operator"
14 means a ~~nursery-stock-dealer~~ person who uses a tree spade to dig
15 ~~nursery-stock-and-sells~~, sell, ~~offers~~ offer for sale,
16 ~~distributes~~ distribute, ~~and-transport~~ or transport certified
17 nursery stock.

18 Sec. 8. Minnesota Statutes 2004, section 18H.05, is
19 amended to read:

20 18H.05 [NURSERY CERTIFICATE REQUIREMENTS.]

21 (a) No person may offer for sale or distribute certified
22 nursery stock as a nursery stock grower or dealer without first
23 obtaining the appropriate nursery stock certificate from the
24 commissioner. The commissioner may not issue a certificate to a
25 person who does not sell certified nursery stock. Certificates
26 are issued solely for these purposes and may not be used for
27 other purposes.

28 (b) A certificate issued by the commissioner expires on
29 December 31 of the year it is issued.

30 (c) A person required to be certified by this section must
31 apply for a certificate or for renewal on a form furnished by
32 the commissioner which must contain:

33 (1) the name and address of the applicant, the number of
34 locations to be operated by the applicant and their addresses,
35 and the assumed business name of the applicant;

36 (2) if other than an individual, a statement whether a

1 person is a partnership, corporation, or other organization; and

2 (3) the type of business to be operated and, if the
3 applicant is an agent, the principals the applicant represents;
4 and

5 (4) source or sources of purchased nursery stock.

6 (d) No person may:

7 (1) falsely claim to be a certified dealer, grower, broker,
8 or agent; or

9 (2) make willful false statements when applying for a
10 certificate; or

11 (3) sell or distribute certified nursery stock to an
12 uncertified nursery stock dealer or nursery stock grower.

13 (e) Each application for a certificate must be accompanied
14 by the appropriate certificate fee under section 18H.07.

15 (f) Certificates issued by the commissioner must be
16 prominently displayed to the public in the place of business
17 where certified nursery stock is sold or distributed.

18 (g) The commissioner may refuse to issue a certificate for
19 cause.

20 (h) Each grower or dealer is entitled to one sales location
21 under the certificate of the grower or dealer. Each additional
22 sales location maintained by the person requires the payment of
23 the full certificate fee for each additional sales outlet.

24 (i) A grower who is also a dealer is certified only as a
25 grower for that specific site.

26 (j) A certificate is personal to the applicant and may not
27 be transferred. A new certificate is necessary if the business
28 entity is changed or if the membership of a partnership is
29 changed, whether or not the business name is changed.

30 (k) The certificate issued to a dealer or grower applies to
31 the particular premises named in the certificate. However, if
32 prior approval is obtained from the commissioner, the place of
33 business may be moved to the other premises or location without
34 an additional certificate fee.

35 (l) A collector of nursery stock from the wild is required
36 to obtain a dealer's certificate from the commissioner and is

1 subject to all the requirements that apply to the inspection of
2 nursery stock. All collected nursery stock must be labeled as
3 "collected from the wild."

4 Sec. 9. Minnesota Statutes 2004, section 18H.06, is
5 amended to read:

6 18H.06 [EXEMPT NURSERY SALES.]

7 Subdivision 1. [NOT-FOR-PROFIT SALES.] An organization or
8 individual may offer for sale certified nursery stock and be
9 exempt from the requirement to obtain a nursery stock dealer
10 certificate if sales are conducted by a nonprofit charitable,
11 educational, or religious organization that:

12 (1) conducts sales or distributions of certified nursery
13 stock on ~~14~~ ten or fewer days in a calendar year; and

14 (2) uses the proceeds from its certified nursery stock
15 sales or distribution for charitable, educational, or religious
16 purposes.

17 Subd. 2. [~~NURSERY-HOBBYIST OCCASIONAL SALES.~~] (a) An
18 ~~organization or~~ individual may offer nursery stock for sale and
19 be exempt from the requirement to obtain a nursery stock dealer
20 certificate if:

21 (1) the gross sales of all nursery stock in a calendar year
22 do not exceed \$2,000;

23 (2) all nursery stock sold or distributed by the hobbyist
24 individual is intended for planting in Minnesota; and

25 (3) all nursery stock purchased or procured for resale or
26 distribution was grown in Minnesota and has been certified by
27 the commissioner; and

28 (4) conducts sales or distributions of nursery stock on ten
29 or fewer days in a calendar year.

30 (b) The commissioner may prescribe the conditions of the
31 exempt nursery sales under this subdivision and may conduct
32 routine inspections of the nursery stock offered for sale.

33 Sec. 10. Minnesota Statutes 2004, section 18H.09, is
34 amended to read:

35 18H.09 [NURSERY INSPECTIONS-REQUIRED STOCK CERTIFICATION
36 REQUIREMENTS.]

1 (a) All nursery stock growing at sites in Minnesota must
2 have had an identified by nursery stock growers and submitted
3 for inspection must be inspected by the commissioner during
4 within the previous 12 months prior to sale and found apparently
5 free from quarantine and regulated nonquarantine pests as well
6 as significantly dangerous or potentially damaging plant pests.
7 The commissioner may waive a site inspection under the following
8 conditions:

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

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

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

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

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

27 (c) Inspection reports issued to growers must contain a
28 list of the plant pests found at the time of inspection.
29 Withdrawal-from-distribution orders are considered part of the
30 inspection reports. A withdrawal-from-distribution order must
31 contain a list of plants withdrawn from distribution and the
32 location of the plants.

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

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

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

9 Sec. 11. Minnesota Statutes 2004, section 18H.13,
10 subdivision 1, is amended to read:

11 Subdivision 1. [~~LABELING IDENTIFICATION OF~~
12 ~~ORIGIN.~~] ~~Plants, plant materials, or nursery stock distributed~~
13 ~~into Minnesota must be conspicuously labeled on the exterior~~
14 ~~with the name of the consignor, the state of origin, and the~~
15 ~~name of the consignee and must be accompanied by certification~~
16 ~~documents to satisfy all applicable state and federal~~
17 ~~quarantines.~~ Proof of valid nursery certification and origin of
18 all nursery stock must also accompany the shipment. It is the
19 shared responsibility of both the consignee and consignor to
20 examine all shipments for the presence of current and applicable
21 nursery stock certifications for all plant material from all
22 sources of stock in each shipment.

23 Sec. 12. Minnesota Statutes 2004, section 18H.15, is
24 amended to read:

25 18H.15 [VIOLATIONS.]

26 (a) A person who offers to distribute nursery stock that is
27 uncertified, uninspected, or falsely labeled or advertised
28 possesses an illegal regulated commodity that is considered
29 infested or infected with harmful plant pests and subject to
30 regulatory action and control. If the commissioner determines
31 that the provisions of this section have been violated, the
32 commissioner may order the destruction of all of the plants
33 unless the person:

34 (1) provides proper phytosanitary preclearance,
35 phytosanitary certification, or nursery stock certification;

36 (2) agrees to have the plants, plant materials, or nursery

1 stock returned to the consignor; and
2 (3) provides proper documentation, certification, or
3 compliance to support advertising claims.

4 (b) The plant owner is liable for all costs associated with
5 a withdrawal-from-distribution order or the quarantine,
6 treatment, or destruction of plants. The commissioner is not
7 liable for actual or incidental costs incurred by a person due
8 to the commissioner's actions. The commissioner must be
9 reimbursed by the owner of the plants for the actual expenses
10 incurred in carrying out a withdrawal-from-distribution order or
11 the quarantine, treatment, or destruction of any plants.

12 (c) It is unlawful for a person to:

13 (1) misrepresent, falsify, or knowingly distribute, sell,
14 advertise, or display damaged, mislabeled, misrepresented,
15 infested, or infected nursery stock;

16 (2) fail to obtain a nursery certificate as required by the
17 commissioner;

18 (3) fail to renew a nursery certificate, but continue
19 business operations;

20 (4) fail to display a nursery certificate;

21 (5) misrepresent or falsify a nursery certificate;

22 (6) refuse to submit to a nursery inspection;

23 (7) fail to provide the cooperation necessary to conduct a
24 successful nursery inspection;

25 (8) offer for sale uncertified plants, plant materials, or
26 nursery stock;

27 (9) possess an illegal regulated commodity;

28 (10) violate or disobey a commissioner's order;

29 (11) violate a quarantine issued by the commissioner;

30 (12) fail to obtain phytosanitary certification for plant
31 material or nursery stock brought into Minnesota;

32 (13) deface, mutilate, or destroy a nursery stock
33 certificate, phytosanitary certificate, or phytosanitary
34 preclearance certificate, or other commissioner mark, permit, or
35 certificate;

36 (14) fail to notify the commissioner of an uncertified

1 shipment of plants, plant materials, or nursery stock; or
2 (15) transport uncertified plants, plant materials, or
3 nursery stock in Minnesota; or

4 (16) sell nursery stock to an uncertified nursery stock
5 dealer.

6 Sec. 13. Minnesota Statutes 2004, section 18H.18,
7 subdivision 1, is amended to read:

8 Subdivision 1. [RESTRICTIONS ON COLLECTING.] No person
9 shall distribute ~~the-state-flower-(Cypripedium-reginae)~~, or any
10 species of ~~lady-slipper-(Cypripedieae)~~ orchids
11 (Orchidaceae), ~~any-member-of-the-orchid-family~~, any gentian
12 (Gentiana), arbutus (Epigaea repens), lilies (Lilium species),
13 coneflowers (Echinacea species), bloodroot (Sanguinaria
14 canadensis), mayapple (Podophyllum peltatutum), any species of
15 trillium (Trillium species), or lotus (Nelumbo lutea), which
16 have been collected in any manner from any public or private
17 property without the written permission of the property owner
18 and written authorization from the commissioner.

19 Sec. 14. [REPEALER.]

20 Minnesota Statutes 2004, section 18H.02, subdivisions 15
21 and 19, are repealed.

APPENDIX
Repealed Minnesota Statutes for 05-1627

18H.02 DEFINITIONS.

Subd. 15. **Landscaper.** "Landscaper" includes, but is not limited to, a nursery stock dealer or person who procures certified stock for immediate sale, distribution, or transplantation and who does not grow or care for nursery stock.

Subd. 19. **Nursery hobbyist.** "Nursery hobbyist" means a person who grows, offers for sale, or distributes less than \$2,000 worth of certified nursery stock annually.

Senator Lourey introduced--

S.F. No. 1625: Referred to the Committee on Agriculture, Veterans and Gaming.

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A bill for an act

relating to the military; providing for pay and allowances for certain retired national guard personnel who are ordered to active duty; amending Minnesota Statutes 2004, section 192.19.

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

Section 1. Minnesota Statutes 2004, section 192.19, is amended to read:

192.19 [RETIRED MEMBERS MAY BE ORDERED TO ACTIVE DUTY.]

The commander-in-chief or the adjutant general may assign officers, warrant officers, and enlisted personnel on the retired list, with their consent, to temporary active service in recruiting, upon courts-martial, courts of inquiry and boards, to staff duty not involving service with troops, or in charge of a military reservation left temporarily without officers. Such personnel while so assigned shall receive the full pay and allowances of their grades at time of retirement, except that the commander-in-chief or the adjutant general may authorize pay and allowances in a higher grade when it is considered appropriate based on special skills or experience of the person being assigned to temporary active service.

Amended,

Senators Wergin, Nienow and Dille introduced--

S.F. No. 1774: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act

2 relating to agriculture; changing application of
3 certain penalties; changing certain procedures and
4 time limits; amending Minnesota Statutes 2004,
5 sections 17.982, subdivision 1; 17.983, subdivisions
6 1, 3; repealing Minnesota Statutes 2004, sections
7 17.983, subdivision 2.

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

9 Section 1. Minnesota Statutes 2004, section 17.982,
10 subdivision 1, is amended to read:

11 Subdivision 1. [CRIMINAL PENALTIES.] A person who violates
12 a provision of chapter 28A, 29, 31, 31A, 31B, or 34 for which a
13 penalty has not been prescribed is guilty of a misdemeanor.

14 Sec. 2. Minnesota Statutes 2004, section 17.983,
15 subdivision 1, is amended to read:

16 Subdivision 1. [ADMINISTRATIVE PENALTIES; CITATION.] If a
17 person has violated chapter 28A, 29, 31, 31A, 31B, 32, or 34,
18 the commissioner may issue a written citation to the person by
19 personal service or by certified mail. The citation shall must
20 describe the nature of the violation and the statute or rule
21 alleged to have been violated, ~~state the time for correction,~~
22 and the amount of any proposed fine. The citation must advise
23 the person to notify the commissioner in writing within 30 days
24 if the person wishes to appeal the citation. If the person
25 fails to appeal the citation, the citation is the final order
26 and not subject to further review.

1 Sec. 3. Minnesota Statutes 2004, section 17.983,
2 subdivision 3, is amended to read:

3 Subd. 3. [CONTESTED CASE.] If a person appeals a citation
4 or a penalty assessment within the time limits in
5 ~~subdivisions~~ subdivision 1 and-2, the commissioner~~, within-40~~
6 ~~days-after-receiving-the-appeal~~, shall initiate a contested
7 proceeding under chapter 14. The report of the administrative
8 law judge is the final decision of the commissioner of
9 agriculture.

10 Sec. 4. [REPEALER.]

11 Minnesota Statutes 2004, section 17.983, subdivision 2, is
12 repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0963

17.983 ADMINISTRATIVE PENALTIES AND ENFORCEMENT.

Subd. 2. Failure to correct. If a person fails to correct a violation within the time prescribed by the commissioner, the commissioner shall notify the person by certified mail of the failure to correct and the penalty amount assessed. The notice must state that the person must notify the commissioner in writing within 30 days if the person wishes to appeal the penalty. If the person fails to appeal the penalty in writing within 30 days of receipt of the notice, the penalty is a final order and not subject to further review.

Senators Kubly, Wergin, Murphy, Vickerman and Kiscaden introduced--
S.F. No. 1726: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act

2 relating to health; allowing persons in active
3 military service to suspend MinnesotaCare enrollment
4 without a lapse in coverage; modifying MinnesotaCare
5 eligibility determinations and premium payment
6 calculations for persons in active military service;
7 amending Minnesota Statutes 2004, sections 256L.05, by
8 adding a subdivision; 256L.07, by adding a
9 subdivision; 256L.15, by adding a subdivision.

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

11 Section 1. Minnesota Statutes 2004, section 256L.05, is
12 amended by adding a subdivision to read:

13 Subd. 6. [ENROLLEES IN ACTIVE MILITARY SERVICE; OPTION TO
14 SUSPEND COVERAGE.] Enrollees who are ordered to active military
15 service and their dependents may suspend MinnesotaCare coverage
16 upon the effective date of health coverage under Tricare, the
17 Civilian Health and Medical Program of the Uniformed Service
18 (CHAMPUS), or other coverage provided under United States Code,
19 title 10, subtitle A, part II, chapter 55. These enrollees and
20 their dependents are eligible for MinnesotaCare without
21 reapplication or reenrollment and without any lapse in coverage,
22 immediately upon termination of health coverage under Tricare,
23 CHAMPUS, or other coverage provided under United States Code,
24 title 10, subtitle A, part II, chapter 55, provided that all
25 MinnesotaCare eligibility criteria are met. Enrollees who
26 suspend coverage under this subdivision remain MinnesotaCare
27 enrollees and are not subject to the four calendar month bar on

1 enrollment that applies to persons who voluntarily terminate
2 coverage under section 256L.06, subdivision 3, paragraph (d).

3 [EFFECTIVE DATE.] This section is effective the day
4 following final enactment.

5 Sec. 2. Minnesota Statutes 2004, section 256L.07, is
6 amended by adding a subdivision to read:

7 Subd. 5. [ENROLLEES IN ACTIVE MILITARY SERVICE.] When
8 determining eligibility for enrollees ordered to active military
9 service who choose to continue MinnesotaCare coverage while in
10 active service, and their dependents, the commissioner must
11 consider the enrollee's income while in active service to be the
12 lower of: (1) enrollee gross income received prior to reporting
13 for active service; or (2) enrollee gross income received while
14 in active service, counting only the enrollee's base military
15 pay.

16 [EFFECTIVE DATE.] This section is effective the day
17 following final enactment.

18 Sec. 3. Minnesota Statutes 2004, section 256L.15, is
19 amended by adding a subdivision to read:

20 Subd. 4. [PREMIUM CALCULATION FOR ENROLLEES IN ACTIVE
21 MILITARY SERVICE.] When calculating premiums for enrollees
22 ordered to active military service who choose to continue
23 MinnesotaCare coverage while in active service, and their
24 dependents, the commissioner shall consider the enrollee's
25 income while in active service to be the lower of: (1) enrollee
26 gross income received prior to reporting for active service; or
27 (2) enrollee gross income received while in active service,
28 counting only the enrollee's base military pay.

29 [EFFECTIVE DATE.] This section is effective the day
30 following final enactment.

Senator Kubly introduced--

S.F. No. 1730: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act

2 relating to agriculture; directing the commissioner of
3 agriculture to conduct a study regarding a rail
4 container load-out facility in or near Clara City.

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

6 Section 1. [RAIL CONTAINER LOAD-OUT FACILITY STUDY.]

7 The commissioner of agriculture, in close consultation with
8 the commissioner of transportation, shall conduct a study of the
9 feasibility and desirability of constructing a rail container
10 load-out facility in or near the city of Clara City. The study
11 must include an estimate of the costs and benefits of such a
12 facility to the city and region and to the state transportation
13 system. The commissioner shall report to the governor and
14 legislature on the results of the study by January 15, 2006.

Senators Rosen, Pariseau, Vickerman, Skoe and Wergin introduced--
S.F. No. 1772: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act

2 relating to agriculture; changing certain provisions
3 concerning plant pests, nursery stock, and
4 wildflowers; amending Minnesota Statutes 2004,
5 sections 18G.03, subdivision 1; 18H.02, subdivisions
6 21, 22, 23, 32, 34, by adding a subdivision; 18H.05;
7 18H.06; 18H.09; 18H.13, subdivision 1; 18H.15; 18H.18,
8 subdivision 1; repealing Minnesota Statutes 2004,
9 section 18H.02, subdivisions 15, 19.

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

11 Section 1. Minnesota Statutes 2004, section 18G.03,
12 subdivision 1, is amended to read:

13 Subdivision 1. [ENTRY AND INSPECTION.] (a) The
14 commissioner may enter and inspect a public or private place
15 that might harbor plant pests and may require that the owner
16 destroy or treat plant pests, plants, or other material.

17 (b) If the owner fails to properly comply with a directive
18 of the commissioner, the commissioner may have any necessary
19 work done at the owner's expense. The commissioner shall notify
20 the owner of the deadline for paying those expenses. If the
21 owner does not reimburse the commissioner for an expense within
22 a time specified by the commissioner, the expense is a charge
23 upon the county as provided in subdivision 4.

24 (c) If a dangerous harmful plant pest infestation or
25 infection threatens plants of an area in the state, the
26 commissioner may take any measures necessary to eliminate or
27 alleviate the danger potential significant damage or harm.

1 (d) The commissioner may collect fees required by this
2 chapter.

3 (e) The commissioner may issue and enforce a written or
4 printed "stop-sale" order orders, compliance agreements, and
5 other directives and requests to the owner or custodian of any
6 plants or articles infested or infected with ~~dangerously~~
7 injurious a harmful plant pests pest.

8 Sec. 2. Minnesota Statutes 2004, section 18H.02, is
9 amended by adding a subdivision to read:

10 Subd. 12a. [INDIVIDUAL.] "Individual" means a human being.

11 Sec. 3. Minnesota Statutes 2004, section 18H.02,
12 subdivision 21, is amended to read:

13 Subd. 21. [NURSERY STOCK BROKER.] "Nursery stock broker"
14 means a nursery stock dealer engaged in the business of selling
15 or reselling certified nursery stock as a business transaction
16 without taking ownership or handling the nursery stock.

17 Sec. 4. Minnesota Statutes 2004, section 18H.02,
18 subdivision 22, is amended to read:

19 Subd. 22. [NURSERY STOCK DEALER.] "Nursery stock dealer"
20 means a person involved in the acquisition and further
21 distribution of certified nursery stock; the utilization of
22 certified nursery stock for landscaping or purchase of certified
23 nursery stock for other persons; or the distribution
24 of certified nursery stock with a mechanical digger, commonly
25 known as a tree spade, or by any other means. A person who
26 purchases more than half of the certified nursery stock offered
27 for sale at a sales location during the current certificate year
28 is considered a nursery stock dealer rather than a nursery stock
29 grower for the purposes of determining a proper fee schedule.
30 Nursery stock brokers, landscapers, and tree spade operators are
31 considered nursery stock dealers for purposes of determining
32 proper certification.

33 Sec. 5. Minnesota Statutes 2004, section 18H.02,
34 subdivision 23, is amended to read:

35 Subd. 23. [NURSERY STOCK GROWER.] "Nursery stock grower"
36 includes, but is not limited to, a person who raises, grows, or

1 propagates nursery stock, outdoors or indoors. A person who
2 grows more than half of the certified nursery stock offered for
3 sale at a sales location during the current certificate year is
4 considered a nursery stock grower for the purpose of determining
5 a proper fee schedule.

6 Sec. 6. Minnesota Statutes 2004, section 18H.02,
7 subdivision 32, is amended to read:

8 Subd. 32. [SALES LOCATION.] "Sales location" means a fixed
9 location from which certified nursery stock is displayed or
10 distributed.

11 Sec. 7. Minnesota Statutes 2004, section 18H.02,
12 subdivision 34, is amended to read:

13 Subd. 34. [TREE SPADE OPERATOR.] "Tree spade operator"
14 means a nursery-stock-dealer person who uses a tree spade to dig
15 nursery-stock-and-sells, sell, offers offer for sale,
16 distributes distribute, and-transport or transport certified
17 nursery stock.

18 Sec. 8. Minnesota Statutes 2004, section 18H.05, is
19 amended to read:

20 18H.05 [NURSERY CERTIFICATE REQUIREMENTS.]

21 (a) No person may offer for sale or distribute certified
22 nursery stock as a nursery stock grower or dealer without first
23 obtaining the appropriate nursery stock certificate from the
24 commissioner. The commissioner may not issue a certificate to a
25 person who does not sell certified nursery stock. Certificates
26 are issued solely for these purposes and may not be used for
27 other purposes.

28 (b) A certificate issued by the commissioner expires on
29 December 31 of the year it is issued.

30 (c) A person required to be certified by this section must
31 apply for a certificate or for renewal on a form furnished by
32 the commissioner which must contain:

33 (1) the name and address of the applicant, the number of
34 locations to be operated by the applicant and their addresses,
35 and the assumed business name of the applicant;

36 (2) if other than an individual, a statement whether a

1 person is a partnership, corporation, or other organization; and

2 (3) the type of business to be operated and, if the
3 applicant is an agent, the principals the applicant represents;
4 and

5 (4) source or sources of purchased nursery stock.

6 (d) No person may:

7 (1) falsely claim to be a certified dealer, grower, broker,
8 or agent; or

9 (2) make willful false statements when applying for a
10 certificate; or

11 (3) sell or distribute certified nursery stock to an
12 uncertified nursery stock dealer or nursery stock grower.

13 (e) Each application for a certificate must be accompanied
14 by the appropriate certificate fee under section 18H.07.

15 (f) Certificates issued by the commissioner must be
16 prominently displayed to the public in the place of business
17 where certified nursery stock is sold or distributed.

18 (g) The commissioner may refuse to issue a certificate for
19 cause.

20 (h) Each grower or dealer is entitled to one sales location
21 under the certificate of the grower or dealer. Each additional
22 sales location maintained by the person requires the payment of
23 the full certificate fee for each additional sales outlet.

24 (i) A grower who is also a dealer is certified only as a
25 grower for that specific site.

26 (j) A certificate is personal to the applicant and may not
27 be transferred. A new certificate is necessary if the business
28 entity is changed or if the membership of a partnership is
29 changed, whether or not the business name is changed.

30 (k) The certificate issued to a dealer or grower applies to
31 the particular premises named in the certificate. However, if
32 prior approval is obtained from the commissioner, the place of
33 business may be moved to the other premises or location without
34 an additional certificate fee.

35 (l) A collector of nursery stock from the wild is required
36 to obtain a dealer's certificate from the commissioner and is

1 subject to all the requirements that apply to the inspection of
2 nursery stock. All collected nursery stock must be labeled as
3 "collected from the wild."

4 Sec. 9. Minnesota Statutes 2004, section 18H.06, is
5 amended to read:

6 18H.06 [EXEMPT NURSERY SALES.]

7 Subdivision 1. [NOT-FOR-PROFIT SALES.] An organization or
8 individual may offer for sale certified nursery stock and be
9 exempt from the requirement to obtain a nursery stock dealer
10 certificate if sales are conducted by a nonprofit charitable,
11 educational, or religious organization that:

12 (1) conducts sales or distributions of certified nursery
13 stock on ~~14~~ ten or fewer days in a calendar year; and

14 (2) uses the proceeds from its certified nursery stock
15 sales or distribution for charitable, educational, or religious
16 purposes.

17 Subd. 2. [NURSERY-HOBBYIST OCCASIONAL SALES.] (a) An
18 organization or individual may offer nursery stock for sale and
19 be exempt from the requirement to obtain a nursery stock dealer
20 certificate if:

21 (1) the gross sales of all nursery stock in a calendar year
22 do not exceed \$2,000;

23 (2) all nursery stock sold or distributed by the hobbyist
24 individual is intended for planting in Minnesota; and

25 (3) all nursery stock purchased or procured for resale or
26 distribution was grown in Minnesota and has been certified by
27 the commissioner; and

28 (4) conducts sales or distributions of nursery stock on ten
29 or fewer days in a calendar year.

30 (b) The commissioner may prescribe the conditions of the
31 exempt nursery sales under this subdivision and may conduct
32 routine inspections of the nursery stock offered for sale.

33 Sec. 10. Minnesota Statutes 2004, section 18H.09, is
34 amended to read:

35 18H.09 [NURSERY INSPECTIONS-REQUIRED STOCK CERTIFICATION
36 REQUIREMENTS.]

1 (a) All nursery stock growing at sites in Minnesota must
2 have had an identified by nursery stock growers and submitted
3 for inspection must be inspected by the commissioner during
4 within the previous 12 months prior to sale and found apparently
5 free from quarantine and regulated nonquarantine pests as well
6 as significantly dangerous or potentially damaging plant pests.
7 The commissioner may waive a site inspection under the following
8 conditions:

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

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

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

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

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

27 (c) Inspection reports issued to growers must contain a
28 list of the plant pests found at the time of inspection.
29 Withdrawal-from-distribution orders are considered part of the
30 inspection reports. A withdrawal-from-distribution order must
31 contain a list of plants withdrawn from distribution and the
32 location of the plants.

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

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

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

9 Sec. 11. Minnesota Statutes 2004, section 18H.13,
10 subdivision 1, is amended to read:

11 Subdivision 1. [~~LABELING IDENTIFICATION OF~~
12 ORIGIN.] ~~Plants, plant materials, or nursery stock distributed~~
13 ~~into Minnesota must be conspicuously labeled on the exterior~~
14 ~~with the name of the consignor, the state of origin, and the~~
15 ~~name of the consignee and must be accompanied by certification~~
16 ~~documents to satisfy all applicable state and federal~~
17 ~~quarantines. Proof of valid nursery certification and origin of~~
18 all nursery stock must also accompany the shipment. It is the
19 shared responsibility of both the consignee and consignor to
20 examine all shipments for the presence of current and applicable
21 nursery stock certifications for all plant material from all
22 sources of stock in each shipment.

23 Sec. 12. Minnesota Statutes 2004, section 18H.15, is
24 amended to read:

25 18H.15 [VIOLATIONS.]

26 (a) A person who offers to distribute nursery stock that is
27 uncertified, uninspected, or falsely labeled or advertised
28 possesses an illegal regulated commodity that is considered
29 infested or infected with harmful plant pests and subject to
30 regulatory action and control. If the commissioner determines
31 that the provisions of this section have been violated, the
32 commissioner may order the destruction of all of the plants
33 unless the person:

34 (1) provides proper phytosanitary preclearance,
35 phytosanitary certification, or nursery stock certification;

36 (2) agrees to have the plants, plant materials, or nursery

1 stock returned to the consignor; and

2 (3) provides proper documentation, certification, or
3 compliance to support advertising claims.

4 (b) The plant owner is liable for all costs associated with
5 a withdrawal-from-distribution order or the quarantine,
6 treatment, or destruction of plants. The commissioner is not
7 liable for actual or incidental costs incurred by a person due
8 to the commissioner's actions. The commissioner must be
9 reimbursed by the owner of the plants for the actual expenses
10 incurred in carrying out a withdrawal-from-distribution order or
11 the quarantine, treatment, or destruction of any plants.

12 (c) It is unlawful for a person to:

13 (1) misrepresent, falsify, or knowingly distribute, sell,
14 advertise, or display damaged, mislabeled, misrepresented,
15 infested, or infected nursery stock;

16 (2) fail to obtain a nursery certificate as required by the
17 commissioner;

18 (3) fail to renew a nursery certificate, but continue
19 business operations;

20 (4) fail to display a nursery certificate;

21 (5) misrepresent or falsify a nursery certificate;

22 (6) refuse to submit to a nursery inspection;

23 (7) fail to provide the cooperation necessary to conduct a
24 successful nursery inspection;

25 (8) offer for sale uncertified plants, plant materials, or
26 nursery stock;

27 (9) possess an illegal regulated commodity;

28 (10) violate or disobey a commissioner's order;

29 (11) violate a quarantine issued by the commissioner;

30 (12) fail to obtain phytosanitary certification for plant
31 material or nursery stock brought into Minnesota;

32 (13) deface, mutilate, or destroy a nursery stock
33 certificate, phytosanitary certificate, or phytosanitary
34 preclearance certificate, or other commissioner mark, permit, or
35 certificate;

36 (14) fail to notify the commissioner of an uncertified

1 shipment of plants, plant materials, or nursery stock; or
2 (15) transport uncertified plants, plant materials, or
3 nursery stock in Minnesota; or

4 (16) sell nursery stock to an uncertified nursery stock
5 dealer.

6 Sec. 13. Minnesota Statutes 2004, section 18H.18,
7 subdivision 1, is amended to read:

8 Subdivision 1. [RESTRICTIONS ON COLLECTING.] No person
9 shall distribute ~~the-state-flower-(Cypripedium-reginae)~~, or any
10 species of ~~lady-slipper-(Cypripediceae)~~ orchids
11 (Orchidaceae), ~~any-member-of-the-orchid-family~~, any gentian
12 (Gentiana), arbutus (Epigaea repens), lilies (Lilium species),
13 coneflowers (Echinacea species), bloodroot (Sanguinaria
14 canadensis), mayapple (Podophyllum peltatum), any species of
15 trillium (Trillium species), or lotus (Nelumbo lutea), which
16 have been collected in any manner from any public or private
17 property without the written permission of the property owner
18 and written authorization from the commissioner.

19 Sec. 14. [REPEALER.]

20 Minnesota Statutes 2004, section 18H.02, subdivisions 15
21 and 19, are repealed.

APPENDIX
Repealed Minnesota Statutes for 05-1627

18H.02 DEFINITIONS.

Subd. 15. **Landscaper.** "Landscaper" includes, but is not limited to, a nursery stock dealer or person who procures certified stock for immediate sale, distribution, or transplantation and who does not grow or care for nursery stock.

Subd. 19. **Nursery hobbyist.** "Nursery hobbyist" means a person who grows, offers for sale, or distributes less than \$2,000 worth of certified nursery stock annually.

~~Senator Lourey introduced--~~

S.F. No. 1625: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act
2 relating to the military; providing for pay and
3 allowances for certain retired national guard
4 personnel who are ordered to active duty; amending
5 Minnesota Statutes 2004, section 192.19.
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
7 Section 1. Minnesota Statutes 2004, section 192.19, is
8 amended to read:
9 192.19 [RETIRED MEMBERS MAY BE ORDERED TO ACTIVE DUTY.]
10 The commander-in-chief or the adjutant general may assign
11 officers, warrant officers, and enlisted personnel on the
12 retired list, with their consent, to temporary active service in
13 recruiting, upon courts-martial, courts of inquiry and boards,
14 to staff duty not involving service with troops, or in charge of
15 a military reservation left temporarily without officers. Such
16 personnel while so assigned shall receive the full pay and
17 allowances of their grades at time of retirement, except that
18 the commander-in-chief or the adjutant general may authorize pay
19 and allowances in a higher grade when it is considered
20 appropriate based on special skills or experience of the person
21 being assigned to temporary active service.

Senators Nienow, Wergin and Dille introduced--

S.F. No. 1771: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act

2 relating to agriculture; changing certain penalties;
3 amending Minnesota Statutes 2004, sections 31.032,
4 subdivision 1; 31A.10.

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

6 Section 1. Minnesota Statutes 2004, section 31.032,
7 subdivision 1, is amended to read:

8 Subdivision 1. [~~MISDEMEANOR~~ PENALTY.] Any A person who
9 violates ~~any-of-the-provisions~~ a provision of section 31.02,
10 paragraph (d), (e), (f), (g), (h), or (l), is guilty of a
11 misdemeanor. A person who violates any other provision of
12 section 31.02 is guilty of a gross misdemeanor.

13 Sec. 2. Minnesota Statutes 2004, section 31A.10, is
14 amended to read:

15 31A.10 [~~PROHIBITIONS;~~ PENALTY.]

16 (a) No person may, with respect to an animal, carcass, part
17 of a carcass, poultry, poultry food product, meat, or meat food
18 product:

19 (1) slaughter an animal or prepare an article that is
20 usable as human food, at any establishment preparing articles
21 solely for intrastate commerce, except in compliance with this
22 chapter;

23 (2) sell, transport, offer for sale or transportation, or
24 receive for transportation, in intrastate commerce (i) articles
25 which are usable as human food and are adulterated or misbranded

1 at the time of sale, transportation, offer for sale or
2 transportation, or receipt for transportation; or (ii) articles
3 required to be inspected under sections 31A.01 to 31A.16 that
4 have not been inspected and passed;

5 (3) do something to an article that is usable as human food
6 while the article is being transported in intrastate commerce or
7 held for sale after transportation, which is intended to cause
8 or has the effect of causing the article to be adulterated or
9 misbranded; or

10 (4) sell, offer for sale, or possess with intent to sell
11 meat derived from custom processing.

12 (b) A violation of this section is a gross misdemeanor.

Senators Wergin, Nienow and Dille introduced--

S.F. No. 1774: Referred to the Committee on Agriculture, Veterans and Gaming.

1 A bill for an act

2 relating to agriculture; changing application of
3 certain penalties; changing certain procedures and
4 time limits; amending Minnesota Statutes 2004,
5 sections 17.982, subdivision 1; 17.983, subdivisions
6 1, 3; repealing Minnesota Statutes 2004, sections
7 17.983, subdivision 2.

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

9 Section 1. Minnesota Statutes 2004, section 17.982,
10 subdivision 1, is amended to read:

11 Subdivision 1. [CRIMINAL PENALTIES.] A person who violates
12 a provision of chapter 28A, 29, 31, 31A, 31B, or 34 for which a
13 penalty has not been prescribed is guilty of a misdemeanor.

14 Sec. 2. Minnesota Statutes 2004, section 17.983,
15 subdivision 1, is amended to read:

16 Subdivision 1. [ADMINISTRATIVE PENALTIES; CITATION.] If a
17 person has violated chapter 28A, 29, 31, 31A, 31B, 32, or 34,
18 the commissioner may issue a written citation to the person by
19 personal service or by certified mail. The citation shall must
20 describe the nature of the violation and the statute or rule
21 alleged to have been violated, ~~state the time for correction,~~
22 and the amount of any proposed fine. The citation must advise
23 the person to notify the commissioner in writing within 30 days
24 if the person wishes to appeal the citation. If the person
25 fails to appeal the citation, the citation is the final order
26 and not subject to further review.

1 Sec. 3. Minnesota Statutes 2004, section 17.983,
2 subdivision 3, is amended to read:

3 Subd. 3. [CONTESTED CASE.] If a person appeals a citation
4 or a penalty assessment within the time limits in
5 ~~subdivisions~~ subdivision 1 and-2, the commissioner~~, within-40~~
6 ~~days-after-receiving-the-appeal~~, shall initiate a contested
7 proceeding under chapter 14. The report of the administrative
8 law judge is the final decision of the commissioner of
9 agriculture.

10 Sec. 4. [REPEALER.]

11 Minnesota Statutes 2004, section 17.983, subdivision 2, is
12 repealed.

APPENDIX
Repealed Minnesota Statutes for 05-0963

17.983 ADMINISTRATIVE PENALTIES AND ENFORCEMENT.

Subd. 2. Failure to correct. If a person fails to correct a violation within the time prescribed by the commissioner, the commissioner shall notify the person by certified mail of the failure to correct and the penalty amount assessed. The notice must state that the person must notify the commissioner in writing within 30 days if the person wishes to appeal the penalty. If the person fails to appeal the penalty in writing within 30 days of receipt of the notice, the penalty is a final order and not subject to further review.