

1.1 A bill for an act

1.2 relating to the operation of state government; making certain changes in
1.3 agriculture, fuel, and veterans policy; establishing or changing certain programs,
1.4 requirements, and procedures; regulating certain activities; establishing a
1.5 planning group and a working group; appropriating money; amending Minnesota
1.6 Statutes 2006, sections 13.785, by adding a subdivision; 18B.065, subdivisions
1.7 2, 7; 18B.07, subdivision 2; 18D.305, subdivision 2; 18E.04, subdivision 2;
1.8 28A.03, by adding a subdivision; 28A.08; 28A.082, by adding a subdivision;
1.9 28A.09, subdivision 1; 29.23; 31.05; 31.171; 41D.01, subdivision 4; 97A.028,
1.10 subdivision 3; 148.01, subdivision 1, by adding subdivisions; 192.20; 192.32,
1.11 by adding a subdivision; 196.021; 196.03; 197.236; 198.32, subdivision 1;
1.12 239.051, subdivision 15; 239.77, as amended; 239.7911, subdivision 2; 296A.01,
1.13 subdivision 2; 349.12, subdivision 3a; 609.115, by adding a subdivision;
1.14 Minnesota Statutes 2007 Supplement, sections 18B.065, subdivisions 1, 2a;
1.15 18B.26, subdivision 3; 31.175; 35.244; 41A.105, subdivision 2; 197.791,
1.16 subdivisions 1, 4, 5; 239.761, subdivision 4, by adding subdivisions; 296A.01,
1.17 subdivisions 8a, 25; Laws 2007, chapter 45, article 1, section 3, subdivisions 3,
1.18 4, 5; proposing coding for new law in Minnesota Statutes, chapters 17; 32; 148;
1.19 192; 196; 197; repealing Minnesota Statutes 2006, sections 190.17; 197.236,
1.20 subdivisions 7, 10; 198.001, subdivisions 6, 9; 198.002, subdivisions 1, 3, 6;
1.21 198.003, subdivisions 5, 6; 198.004, subdivision 2; Minnesota Statutes 2007
1.22 Supplement, sections 41A.105, subdivision 5; 198.002, subdivision 2; 198.004,
1.23 subdivision 1; Minnesota Rules, part 9050.0040, subpart 15.

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

1.25 **ARTICLE 1**

1.26 **AGRICULTURE POLICY**

1.27 **Section 1. [17.118] LIVESTOCK INVESTMENT GRANT PROGRAM.**

1.28 **Subdivision 1. Establishment.** The commissioner may award a livestock investment
1.29 grant to a person who raises livestock in this state equal to ten percent of the first \$500,000
1.30 of qualifying expenditures, provided the person makes qualifying expenditures of at least

2.1 \$4,000. The commissioner may award multiple livestock investment grants to a person
2.2 over the life of the program as long as the cumulative amount does not exceed \$50,000.

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

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

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

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

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

2.12 (i) lanes used by livestock returning from pasture to a central location;

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

2.15 (iii) livestock stream crossing stabilization; and

2.16 (iv) fences; or

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

2.19 (i) freestall barns;

2.20 (ii) watering facilities;

2.21 (iii) feed storage and handling equipment;

2.22 (iv) milking parlors;

2.23 (v) robotic equipment;

2.24 (vi) scales;

2.25 (vii) milk storage and cooling facilities;

2.26 (viii) bulk tanks;

2.27 (ix) computer hardware and software and associated equipment used to monitor
2.28 the productivity and feeding of livestock;

2.29 (x) manure pumping and storage facilities;

2.30 (xi) swine farrowing facilities;

2.31 (xii) swine and cattle finishing barns;

2.32 (xiii) calving facilities;

2.33 (xiv) digesters;

2.34 (xv) equipment used to produce energy;

2.35 (xvi) on-farm processing facilities equipment;

2.36 (xvii) fences; and

3.1 (xviii) livestock pens and corrals and sorting, restraining, and loading chutes.

3.2 Except for qualifying pasture development expenditures under clause (2), qualifying
3.3 expenditures only include amounts that are allowed to be capitalized and deducted under
3.4 either section 167 or 179 of the Internal Revenue Code in computing federal taxable
3.5 income. Qualifying expenditures do not include an amount paid to refinance existing debt.

3.6 (d) "Qualifying period" means, for a grant awarded during a fiscal year, that full
3.7 calendar year of which the first six months precede the first day of the current fiscal year.
3.8 For example, an eligible person who makes qualifying expenditures during calendar
3.9 year 2008 is eligible to receive a livestock investment grant between July 1, 2008, and
3.10 June 30, 2009.

3.11 Subd. 3. **Eligibility.** (a) To be eligible for a livestock investment grant, a person
3.12 must:

3.13 (1) be a resident of Minnesota or an entity authorized to farm in this state under
3.14 section 500.24, subdivision 3;

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

3.16 (3) hold an appropriate feedlot registration; and

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

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

3.23 Subd. 4. **Process.** The commissioner shall review completed applications and
3.24 award grants to eligible applicants in the order in which applications were received by
3.25 the commissioner. The commissioner shall certify eligible applications up to the amount
3.26 appropriated for a fiscal year. The commissioner must place any additional eligible
3.27 applications on a waiting list and, notwithstanding subdivision 2, paragraph (c), give
3.28 them priority during the next fiscal year. The commissioner shall notify in writing any
3.29 applicant who applies for a grant and is ineligible under the provisions of this section
3.30 as well as any applicant whose application is received or reviewed after the fiscal year
3.31 funding limit has been reached.

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

3.34 Subdivision 1. **Collection and disposal.** The commissioner of agriculture shall
3.35 establish and operate a program to collect and dispose of waste pesticides. The program

4.1 must be made available to ~~agriculture~~ agricultural and residential pesticide end users
4.2 whose waste generating activity occurs in this state.

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

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

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

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

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

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

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

4.27 (c) The person responsible for waste pesticide collections under paragraphs (a) and
4.28 (b) shall record information on each waste pesticide product collected including, but not
4.29 limited to, the product name, active ingredient or ingredients, and the quantity. The person
4.30 must submit this information to the commissioner at least annually.

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

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

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

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

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

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

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

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

5.16 (b) A person may not direct a pesticide onto property beyond the boundaries of the
5.17 target site. A pesticide application resulting in pesticide drift beyond the boundaries of
5.18 the target site, whether intentional or not, is illegal. A person may not apply a pesticide
5.19 resulting in damage to adjacent property.

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

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

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

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

5.27 (4) the pesticide application is for a public health risk, as determined by the
5.28 commissioner of health, and the commissioner of health, in consultation with the
5.29 commissioner of agriculture, determines that the application is warranted based on
5.30 the commissioner's balancing of the public health risk with the risk that the pesticide
5.31 application poses to the health of the general population, with special attention to the
5.32 health of children.

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

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

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

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

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

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

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

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

6.14 (f) For purposes of this subdivision, "direct notification" may include mailings,
6.15 public meetings, posted placards, neighborhood newsletters, or other means of contact
6.16 designed to reach as many residents as possible. Public meetings held to meet this
6.17 requirement for adult mosquito control, under paragraph (d), must be held within each
6.18 city or town where the pesticide treatments are to be made, at a time and location that is
6.19 convenient for residents of the area where the treatments will occur.

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

6.22 (h) Except for public health purposes, it is a violation of this chapter to apply for hire
6.23 a pesticide to the incorrect site or to a site where an application has not been requested,
6.24 ordered, or contracted for by the property owner or lawful manager or property manager
6.25 of the site, notwithstanding that the application is done in a manner consistent with the
6.26 label or labeling.

6.27 (i) Except for a pesticide application performed by a unit of government or its agent
6.28 for maintenance purposes, it is illegal to apply a pesticide to a public right-of-way or to
6.29 apply a pesticide on nearby property in a manner that results in the pesticide drifting onto
6.30 a public right-of-way, whether the drift is intentional or not.

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

6.33 Subd. 3. **Application fee.** (a) A registrant shall pay an annual application fee for
6.34 each pesticide to be registered, and this fee is set at 0.4 percent of annual gross sales
6.35 within the state and annual gross sales of pesticides used in the state, with a minimum

7.1 nonrefundable fee of \$250. The registrant shall determine when and which pesticides
7.2 are sold or used in this state. The registrant shall secure sufficient sales information of
7.3 pesticides distributed into this state from distributors and dealers, regardless of distributor
7.4 location, to make a determination. Sales of pesticides in this state and sales of pesticides
7.5 for use in this state by out-of-state distributors are not exempt and must be included in the
7.6 registrant's annual report, as required under paragraph (c), and fees shall be paid by the
7.7 registrant based upon those reported sales. Sales of pesticides in the state for use outside
7.8 of the state are exempt from the application fee in this paragraph if the registrant properly
7.9 documents the sale location and distributors. A registrant paying more than the minimum
7.10 fee shall pay the balance due by March 1 based on the gross sales of the pesticide by the
7.11 registrant for the preceding calendar year. The fee for disinfectants and sanitizers shall be
7.12 the minimum. The minimum fee is due by December 31 preceding the year for which
7.13 the application for registration is made. ~~The commissioner shall spend at least \$400,000,~~
7.14 ~~not including the commissioner's administrative costs, per fiscal year from the pesticide~~
7.15 ~~regulatory account for the purposes of the waste pesticide collection program.~~ In each
7.16 fiscal year, the commissioner shall allocate from the pesticide regulatory account a sum
7.17 sufficient to collect and dispose of waste pesticides under section 18B.065. However,
7.18 notwithstanding section 18B.065, if at the end of any fiscal year the balance in the pesticide
7.19 regulatory account is less than \$1,000,000, the commissioner may suspend waste pesticide
7.20 collections or provide partial payment to a person for waste pesticide collection. The
7.21 commissioner must notify as soon as possible and no later than August 1 a person under
7.22 contract to collect waste pesticides of an anticipated suspension or payment reduction.

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

7.25 (c) A registrant must annually report to the commissioner the amount and type of
7.26 each registered pesticide sold, offered for sale, or otherwise distributed in the state. The
7.27 report shall be filed by March 1 for the previous year's registration. The commissioner
7.28 shall specify the form of the report and require additional information deemed necessary
7.29 to determine the amount and type of pesticides annually distributed in the state. The
7.30 information required shall include the brand name, amount, and formulation of each
7.31 pesticide sold, offered for sale, or otherwise distributed in the state, but the information
7.32 collected, if made public, shall be reported in a manner which does not identify a specific
7.33 brand name in the report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.1 (c) An eligible person is not eligible for payment or reimbursement and must refund
9.2 amounts paid or reimbursed by the board if false statements or misrepresentations are
9.3 made in the affidavit or other evidence submitted to the commissioner to show an inability
9.4 to pay corrective action costs.

9.5 (d) The board may pay the eligible person and one or more designees by multiparty
9.6 check.

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

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

9.13 Sec. 11. Minnesota Statutes 2006, section 28A.08, is amended to read:

9.14 **28A.08 LICENSE FEES; PENALTIES.**

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

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

9.26	Type of food handler	Penalties		
		9.27 License Fee	9.28 Late	9.29 No License
9.30		Effective	Renewal	
		July 1, 2003		
9.31	1. Retail food handler			
9.32	(a) Having gross sales of only			
9.33	prepackaged nonperishable food of			
9.34	less than \$15,000 for the immediately			
9.35	previous license or fiscal year and filing a			
	statement with the commissioner	\$ 50	\$ 17	\$ 33

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10.1	(b) Having under \$15,000 gross sales			
10.2	<u>or service</u> including food preparation or			
10.3	having \$15,000 to \$50,000 gross sales			
10.4	<u>or service</u> for the immediately previous			
10.5	license or fiscal year	\$ 77	\$ 25	\$ 51
10.6	(c) Having \$50,001 to \$250,000 gross			
10.7	sales <u>or service</u> for the immediately			
10.8	previous license or fiscal year	\$155	\$ 51	\$102
10.9	(d) Having \$250,001 to \$1,000,000 gross			
10.10	sales <u>or service</u> for the immediately			
10.11	previous license or fiscal year	\$276	\$ 91	\$ 182
10.12	(e) Having \$1,000,001 to \$5,000,000			
10.13	gross sales <u>or service</u> for the immediately			
10.14	previous license or fiscal year	\$799	\$264	\$527
10.15	(f) Having \$5,000,001 to \$10,000,000			
10.16	gross sales <u>or service</u> for the immediately			
10.17	previous license or fiscal year	\$1,162	\$383	\$767
10.18	(g) Having \$10,000,001 to \$15,000,000			
10.19	gross sales <u>or service</u> for the immediately			
10.20	previous license or fiscal year	\$1,376	\$454	\$908
10.21	(h) Having \$15,000,001 to \$20,000,000			
10.22	gross sales <u>or service</u> for the immediately			
10.23	previous license or fiscal year	\$1,607	\$530	\$1,061
10.24	(i) Having \$20,000,001 to \$25,000,000			
10.25	gross sales <u>or service</u> for the immediately			
10.26	previous license or fiscal year	\$1,847	\$610	\$1,219
10.27	(j) Having over \$25,000,001 gross sales			
10.28	<u>or service</u> for the immediately previous			
10.29	license or fiscal year	\$2,001	\$660	\$1,321
10.30	2. Wholesale food handler			
10.31	(a) Having gross sales or service of			
10.32	less than \$25,000 for the immediately			
10.33	previous license or fiscal year	\$ 57	\$ 19	\$ 38
10.34	(b) Having \$25,001 to \$250,000 gross			
10.35	sales or service for the immediately			
10.36	previous license or fiscal year	\$284	\$ 94	\$187
10.37	(c) Having \$250,001 to \$1,000,000			
10.38	gross sales or service from a mobile unit			
10.39	without a separate food facility for the			
10.40	immediately previous license or fiscal			
10.41	year	\$444	\$147	\$293
10.42	(d) Having \$250,001 to \$1,000,000			
10.43	gross sales or service not covered			
10.44	under paragraph (c) for the immediately			
10.45	previous license or fiscal year	\$590	\$195	\$389
10.46	(e) Having \$1,000,001 to \$5,000,000			
10.47	gross sales or service for the immediately			
10.48	previous license or fiscal year	\$769	\$254	\$508
10.49	(f) Having \$5,000,001 to \$10,000,000			
10.50	gross sales <u>or service</u> for the immediately			
10.51	previous license or fiscal year	\$920	\$304	\$607

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11.1	(g) Having \$10,000,001 to \$15,000,000			
11.2	gross sales or service for the immediately			
11.3	previous license or fiscal year	\$990	\$327	\$653
11.4	(h) Having \$15,000,001 to \$20,000,000			
11.5	gross sales or service for the immediately			
11.6	previous license or fiscal year	\$1,156	\$381	\$763
11.7	(i) Having \$20,000,001 to \$25,000,000			
11.8	gross sales or service for the immediately			
11.9	previous license or fiscal year	\$1,329	\$439	\$877
11.10	(j) Having over \$25,000,001 or more			
11.11	gross sales or service for the immediately			
11.12	previous license or fiscal year	\$1,502	\$496	\$991
11.13	3. Food broker	\$150	\$ 50	\$ 99
11.14	4. Wholesale food processor or manufacturer			
11.15	(a) Having gross sales <u>or service</u> of			
11.16	less than \$125,000 for the immediately			
11.17	previous license or fiscal year	\$169	\$ 56	\$112
11.18	(b) Having \$125,001 to \$250,000 gross			
11.19	sales <u>or service</u> for the immediately			
11.20	previous license or fiscal year	\$392	\$129	\$259
11.21	(c) Having \$250,001 to \$1,000,000 gross			
11.22	sales <u>or service</u> for the immediately			
11.23	previous license or fiscal year	\$590	\$195	\$389
11.24	(d) Having \$1,000,001 to \$5,000,000			
11.25	gross sales <u>or service</u> for the immediately			
11.26	previous license or fiscal year	\$769	\$254	\$508
11.27	(e) Having \$5,000,001 to \$10,000,000			
11.28	gross sales <u>or service</u> for the immediately			
11.29	previous license or fiscal year	\$920	\$304	\$607
11.30	(f) Having \$10,000,001 to \$15,000,000			
11.31	gross sales <u>or service</u> for the immediately			
11.32	previous license or fiscal year	\$1,377	\$454	\$909
11.33	(g) Having \$15,000,001 to \$20,000,000			
11.34	gross sales or service for the immediately			
11.35	previous license or fiscal year	\$1,608	\$531	\$1,061
11.36	(h) Having \$20,000,001 to \$25,000,000			
11.37	gross sales or service for the immediately			
11.38	previous license or fiscal year	\$1,849	\$610	\$1,220
11.39	(i) Having \$25,000,001 to \$50,000,000			
11.40	gross sales or service for the immediately			
11.41	previous license or fiscal year	\$2,090	\$690	\$1,379
11.42	(j) Having \$50,000,001 to \$100,000,000			
11.43	gross sales or service for the immediately			
11.44	previous license or fiscal year	\$2,330	\$769	\$1,538
11.45	(k) Having \$100,000,000 or more gross			
11.46	sales or service for the immediately			
11.47	previous license or fiscal year	\$2,571	\$848	\$1,697
11.48	5. Wholesale food processor of meat or			
11.49	poultry products under supervision of the			
11.50	U.S. Department of Agriculture			

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12.1	(a) Having gross sales <u>or service</u> of			
12.2	less than \$125,000 for the immediately			
12.3	previous license or fiscal year	\$112	\$ 37	\$ 74
12.4	(b) Having \$125,001 to \$250,000 gross			
12.5	sales <u>or service</u> for the immediately			
12.6	previous license or fiscal year	\$214	\$ 71	\$141
12.7	(c) Having \$250,001 to \$1,000,000 gross			
12.8	sales <u>or service</u> for the immediately			
12.9	previous license or fiscal year	\$333	\$110	\$220
12.10	(d) Having \$1,000,001 to \$5,000,000			
12.11	gross sales <u>or service</u> for the immediately			
12.12	previous license or fiscal year	\$425	\$140	\$281
12.13	(e) Having \$5,000,001 to \$10,000,000			
12.14	gross sales <u>or service</u> for the immediately			
12.15	previous license or fiscal year	\$521	\$172	\$344
12.16	(f) Having over \$10,000,001 gross sales			
12.17	<u>or service</u> for the immediately previous			
12.18	license or fiscal year	\$765	\$252	\$505
12.19	(g) Having \$15,000,001 to \$20,000,000			
12.20	gross sales <u>or service</u> for the immediately			
12.21	previous license or fiscal year	\$893	\$295	\$589
12.22	(h) Having \$20,000,001 to \$25,000,000			
12.23	gross sales <u>or service</u> for the immediately			
12.24	previous license or fiscal year	\$1,027	\$339	\$678
12.25	(i) Having \$25,000,001 to \$50,000,000			
12.26	gross sales <u>or service</u> for the immediately			
12.27	previous license or fiscal year	\$1,161	\$383	\$766
12.28	(j) Having \$50,000,001 to \$100,000,000			
12.29	gross sales <u>or service</u> for the immediately			
12.30	previous license or fiscal year	\$1,295	\$427	\$855
12.31	(k) Having \$100,000,001 or more gross			
12.32	sales <u>or service</u> for the immediately			
12.33	previous license or fiscal year	\$1,428	\$471	\$942
12.34	6. Wholesale food processor or manufacturer			
12.35	operating only at the State Fair	\$125	\$ 40	\$ 50
12.36	7. Wholesale food manufacturer having the			
12.37	permission of the commissioner to use the			
12.38	name Minnesota Farmstead cheese	\$ 30	\$ 10	\$ 15
12.39	8. Nonresident frozen dairy manufacturer	\$200	\$ 50	\$ 75
12.40	9. Wholesale food manufacturer processing			
12.41	less than 700,000 pounds per year of raw			
12.42	milk	\$ 30	\$ 10	\$ 15
12.43	10. A milk marketing organization without			
12.44	facilities for processing or manufacturing			
12.45	that purchases milk from milk producers			
12.46	for delivery to a licensed wholesale food			
12.47	processor or manufacturer	\$ 50	\$ 15	\$ 25

12.48 Sec. 12. Minnesota Statutes 2006, section 28A.082, is amended by adding a
 12.49 subdivision to read:

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

13.4 Sec. 13. Minnesota Statutes 2006, section 28A.09, subdivision 1, is amended to read:

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

13.9 (a) Food vending machines may be inspected by either a home rule charter or
13.10 statutory city, or a county, but not both, and if inspected by a home rule charter or statutory
13.11 city, or a county they shall not be subject to the state inspection fee, but the home rule
13.12 charter or statutory city, or the county may impose an inspection or license fee of no more
13.13 than the state inspection fee. A home rule charter or statutory city or county that does
13.14 not inspect food vending machines shall not impose a food vending machine inspection
13.15 or license fee.

13.16 (b) Vending machines dispensing only gum balls, hard candy, unsorted candy, or ice
13.17 manufactured and packaged by another ~~shall be~~, and water dispensing machines serviced
13.18 by a cashier, are exempt from the state inspection fee, but may be inspected by the state. A
13.19 home rule charter or statutory city may impose by ordinance an inspection or license fee
13.20 of no more than the state inspection fee for nonexempt machines on the vending machines
13.21 and water dispensing machines described in this paragraph. A county may impose
13.22 by ordinance an inspection or license fee of no more than the state inspection fee for
13.23 nonexempt machines on the vending machines and water dispensing machines described
13.24 in this paragraph which are not located in a home rule charter or statutory city.

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

13.28 Sec. 14. Minnesota Statutes 2006, section 29.23, is amended to read:

13.29 **29.23 GRADING.**

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

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

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

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

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

14.22 Sec. 15. Minnesota Statutes 2006, section 31.05, is amended to read:

14.23 **31.05 EMBARGOES AND CONDEMNATIONS.**

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

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

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

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

15.9 Subd. 3. **Remedies.** If the court finds that a detained or embargoed article or animal
15.10 is adulterated or misbranded, such article or animal shall, after entry of the decree, be
15.11 destroyed at the expense of the claimant thereof, under the supervision of such agent, and
15.12 all court costs and fees, and storage and other proper expenses, shall be taxed against
15.13 the claimant of such article or animal or the claimant's agent; provided, that when the
15.14 adulteration or misbranding can be corrected by proper labeling or processing of the article
15.15 or animal, the court, after entry of the decree and after such costs, fees, and expenses have
15.16 been paid and a good and sufficient bond, conditioned that such article or animal shall be
15.17 so labeled or processed, has been executed, may by order direct that such article or animal
15.18 be delivered to claimant thereof for such labeling or processing under the supervision of
15.19 an agent of the commissioner. The expense of such supervision shall be paid by claimant.
15.20 The article or animal shall be returned to the claimant and the bond shall be discharged on
15.21 the representation to the court by the commissioner that the article or animal is no longer
15.22 in violation and that the expenses of such supervision have been paid.

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

15.32 Subd. 5. **Emergency response.** In the event of an emergency declared by the
15.33 governor's order under section 12.31, if the commissioner finds or has probable cause to
15.34 believe that a livestock, food, or a consumer commodity within a specific area is likely
15.35 to be adulterated because of the emergency or so misbranded as to be dangerous or
15.36 fraudulent, or is in violation of section 31.131, subdivision 1, the commissioner may

16.1 embargo a geographic area that is included in the declared emergency. The commissioner
16.2 shall provide notice to the public and to those with custody of the product in as thorough a
16.3 manner as is practical under the emergency circumstances.

16.4 Sec. 16. Minnesota Statutes 2006, section 31.171, is amended to read:

16.5 **31.171 EMPLOYMENT OF DISEASED PERSON.**

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

16.13 It shall be the duty of the commissioner, or the commissioner's assistant, inspector, or
16.14 agent, to report to the state commissioner of health for investigation, any person suspected
16.15 to be dangerous to the public health, as provided for in this section, and immediately to
16.16 exclude such person from such employment pending investigation and during the period
16.17 of infectiousness, if such person is certified by the state commissioner of health, or an
16.18 authorized agent, to be dangerous to the public health.

16.19 Sec. 17. Minnesota Statutes 2007 Supplement, section 31.175, is amended to read:

16.20 **31.175 WATER, PLUMBING, AND SEWAGE.**

16.21 A person who is required by statutes administered by the Department of Agriculture,
16.22 or by rules adopted pursuant to those statutes, to provide a suitable water supply,
16.23 or plumbing or sewage disposal system, ~~may~~ shall not engage in the business of
16.24 manufacturing, processing, selling, handling, or storing food at wholesale or retail
16.25 unless the person's water supply is satisfactory ~~under plumbing codes~~ pursuant to rules
16.26 adopted by the Department of Health, the person's plumbing is satisfactory pursuant to
16.27 rules adopted by the Department of Labor and Industry, and the person's sewage disposal
16.28 system satisfies the rules of the Pollution Control Agency.

16.29 Sec. 18. **[32.416] SOMATIC CELL COUNT, GOAT MILK.**

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

17.1 Sec. 19. Minnesota Statutes 2007 Supplement, section 35.244, is amended to read:

17.2 **35.244 RULES FOR CONTROL OF BOVINE TUBERCULOSIS.**

17.3 Subdivision 1. Designation of zones. The board has the authority to control
17.4 tuberculosis and the movement of cattle, bison, goats, and farmed cervidae within and
17.5 between tuberculosis zones in the state. Zones within the state may be designated
17.6 as accreditation preparatory, modified accredited, modified accredited advanced, or
17.7 accredited free as those terms are defined in Code of Federal Regulations, title 9, part 77.

17.8 Subd. 2. Control within modified accredited zone. In a modified accredited
17.9 zone, the board has the authority to:

17.10 (1) require owners of cattle, bison, goats, or farmed cervidae to report personal
17.11 contact information and location of livestock to the board;

17.12 (2) require a permit or movement certificates for all cattle, bison, goats, and farmed
17.13 cervidae moving between premises within the zone or leaving or entering the zone;

17.14 (3) require official identification of all cattle, bison, goats, and farmed cervidae
17.15 within the zone or leaving or entering the zone;

17.16 (4) require a negative tuberculosis test within 60 days prior to movement for any
17.17 individual cattle, bison, goats, or farmed cervidae leaving the zone with the exception of
17.18 cattle moving under permit directly to a slaughter facility under state or federal inspection;

17.19 (5) require a whole-herd tuberculosis test within 12 months prior to moving breeding
17.20 cattle out of the zone;

17.21 (6) require annual herd inventories on all cattle, bison, goat, or farmed cervidae
17.22 herds;

17.23 (7) require that a risk assessment be performed to evaluate the interaction of
17.24 free-ranging deer with cattle, bison, goat, and farmed cervidae herds and require the owner
17.25 to implement the recommendations of the risk assessment; and

17.26 (8) provide financial assistance to a person who fences a cattle feeding area.

17.27 Subd. 3. Authority to adopt rules. The board may adopt rules to provide for the
17.28 control of tuberculosis in cattle. The rules may include provisions for quarantine, tests,
17.29 and such other measures as the board deems appropriate. Federal regulations, as provided
17.30 by Code of Federal Regulations, title 9, part 77, and the Bovine Tuberculosis Eradication
17.31 Uniform Methods and Rules, are incorporated as part of the rules in this state.

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

17.33 Sec. 20. Minnesota Statutes 2007 Supplement, section 41A.105, subdivision 2, is
17.34 amended to read:

18.1 Subd. 2. **NextGen Energy Board.** There is created a NextGen Energy Board
18.2 consisting of the commissioners of agriculture, commerce, natural resources, the Pollution
18.3 Control Agency, and employment and economic development; the chairs of the house and
18.4 senate committees with jurisdiction over energy finance; the chairs of the house and senate
18.5 committees with jurisdiction over agriculture finance; one member of the second largest
18.6 political party in the house, as appointed by the chairs of the house committees with
18.7 jurisdiction over agriculture finance and energy finance; one member of the second largest
18.8 political party in the senate, as appointed by the chairs of the senate committees with
18.9 jurisdiction over agriculture finance and energy finance; and the executive director of the
18.10 Agricultural Utilization Research Institute. In addition, the governor shall appoint ~~seven~~
18.11 eight members: two representing statewide agriculture organizations; two representing
18.12 statewide environment and natural resource conservation organizations; one representing
18.13 the University of Minnesota; one representing the Minnesota Institute for Sustainable
18.14 Agriculture; ~~and~~ one representing the Minnesota State Colleges and Universities system;
18.15 and one representing the forest products industry.

18.16 Sec. 21. Minnesota Statutes 2006, section 41D.01, subdivision 4, is amended to read:

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

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

18.19 Sec. 22. Minnesota Statutes 2006, section 97A.028, subdivision 3, is amended to read:

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

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

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

18.33 (2) a cooperative damage management agreement cannot be implemented
18.34 immediately.

19.1 (c) A person may receive emergency deterrent materials assistance under this
19.2 subdivision more than once, but the cumulative total value of deterrent materials provided
19.3 to a person, or for use on a parcel, may not exceed \$3,000 for specialty crops, ~~\$5,000 for~~
19.4 ~~measures to prevent the spread of bovine tuberculosis within a five-mile radius of a cattle~~
19.5 ~~herd that is infected with bovine tuberculosis as determined by the Board of Animal~~
19.6 ~~Health~~, \$750 for protecting stored forage crops, or \$500 for agricultural crops damaged by
19.7 flightless Canada geese. If a person is a co-owner or cotenant with respect to the specialty
19.8 crops for which the deterrent materials are provided, the deterrent materials are deemed to
19.9 be "provided" to the person for the purposes of this paragraph.

19.10 (d) As a condition of receiving emergency deterrent materials assistance under this
19.11 subdivision, a landowner or tenant shall enter into a cooperative damage management
19.12 agreement with the commissioner. Deterrent materials provided by the commissioner may
19.13 include repellents, fencing materials, or other materials recommended in the agreement
19.14 to alleviate the damage problem. If requested by a landowner or tenant, any fencing
19.15 materials provided must be capable of providing long-term protection of specialty crops.
19.16 A landowner or tenant who receives emergency deterrent materials assistance under
19.17 this subdivision shall comply with the terms of the cooperative damage management
19.18 agreement.

19.19 Sec. 23. Minnesota Statutes 2006, section 148.01, subdivision 1, is amended to read:

19.20 Subdivision 1. **Definitions.** For the purposes of sections 148.01 to 148.10₂:

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

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

19.28 (i) performing surgery;

19.29 (ii) dispensing or administering of medications; or

19.30 (iii) performing traditional veterinary care and diagnosis.

19.31 Sec. 24. Minnesota Statutes 2006, section 148.01, is amended by adding a subdivision
19.32 to read:

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

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

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

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

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

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

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

20.30 Sec. 28. **[148.032] EDUCATIONAL CRITERIA FOR LICENSURE IN ANIMAL**
20.31 **CHIROPRACTIC DIAGNOSIS AND TREATMENT; RECORDS; TREATMENT**
20.32 **NOTES.**

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

- 21.4 (1) anatomy;
- 21.5 (2) anatomy laboratory;
- 21.6 (3) biomechanics and gait;
- 21.7 (4) chiropractic educational basics;
- 21.8 (5) animal chiropractic diversified adjusting technique, including:
 - 21.9 (i) lecture cervical;
 - 21.10 (ii) thoracic;
 - 21.11 (iii) lumbosacral;
 - 21.12 (iv) pelvic; and
 - 21.13 (v) extremity;
- 21.14 (6) animal chiropractic diversified adjusting technique, including:
 - 21.15 (i) laboratory cervical;
 - 21.16 (ii) thoracic;
 - 21.17 (iii) lumbosacral;
 - 21.18 (iv) pelvic; and
 - 21.19 (v) extremity;
- 21.20 (7) case management and case studies;
- 21.21 (8) chiropractic philosophy;
- 21.22 (9) ethics and legalities;
- 21.23 (10) neurology, neuroanatomy, and neurological conditions;
- 21.24 (11) pathology;
- 21.25 (12) radiology;
- 21.26 (13) research in current chiropractic and veterinary topics;
- 21.27 (14) rehabilitation, current topics, evaluation, and assessment;
- 21.28 (15) normal foot anatomy and normal foot care;
- 21.29 (16) saddle fit and evaluation, lecture, and laboratory;
- 21.30 (17) veterinary educational basics;
- 21.31 (18) vertebral subluxation complex; and
- 21.32 (19) zoonotic diseases.

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

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

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

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

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

22.13 Sec. 29. **[148.033] ANIMAL CHIROPRACTIC CONTINUING EDUCATION**
22.14 **HOURS.**

22.15 Any chiropractor engaged in the practice of animal chiropractic diagnosis and
22.16 treatment applying for renewal of a registration related to animal chiropractic diagnosis
22.17 and treatment must have completed a minimum of six hours annually of continuing
22.18 education in animal chiropractic diagnosis and treatment, in addition to the required 20
22.19 hours annually of continuing education in human chiropractic under this chapter. The
22.20 continuing education course attended for purposes of complying with this section must be
22.21 approved by the board prior to attendance by the chiropractor.

22.22 Sec. 30. **[148.035] SEPARATE TREATMENT ROOM REQUIRED.**

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

22.27 Sec. 31. Laws 2007, chapter 45, article 1, section 3, subdivision 3, is amended to read:

22.28 Subd. 3. **Agricultural Marketing and**
22.29 **Development**

8,547,000

5,157,000

22.30 \$186,000 the first year and \$186,000 the
22.31 second year are for transfer to the Minnesota
22.32 grown account and may be used as grants
22.33 for Minnesota grown promotion under

23.1 Minnesota Statutes, section 17.102. Grants
23.2 may be made for one year. Notwithstanding
23.3 Minnesota Statutes, section 16A.28, the
23.4 appropriations encumbered under contract on
23.5 or before June 30, 2009, for Minnesota grown
23.6 grants in this paragraph are available until
23.7 June 30, 2011. \$50,000 of the appropriation
23.8 in each year is for efforts that identify
23.9 and promote Minnesota grown products
23.10 in retail food establishments including but
23.11 not limited to restaurants, grocery stores,
23.12 and convenience stores. The balance in the
23.13 Minnesota grown matching account in the
23.14 agricultural fund is canceled to the Minnesota
23.15 grown account in the agricultural fund and
23.16 the Minnesota grown matching account is
23.17 abolished.

23.18 \$160,000 the first year and \$160,000 the
23.19 second year are for grants to farmers for
23.20 demonstration projects involving sustainable
23.21 agriculture as authorized in Minnesota
23.22 Statutes, section 17.116. Of the amount
23.23 for grants, up to \$20,000 may be used for
23.24 dissemination of information about the
23.25 demonstration projects. Notwithstanding
23.26 Minnesota Statutes, section 16A.28, the
23.27 appropriations encumbered under contract
23.28 on or before June 30, 2009, for sustainable
23.29 agriculture grants in this paragraph are
23.30 available until June 30, 2011.

23.31 \$100,000 the first year and \$100,000
23.32 the second year are to provide training
23.33 and technical assistance to county and
23.34 town officials relating to livestock siting
23.35 issues and local zoning and land use
23.36 planning, including a checklist template that

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24.1 would clarify the federal, state, and local
24.2 government requirements for consideration
24.3 of an animal agriculture modernization
24.4 or expansion project. In developing
24.5 the training and technical assistance
24.6 program, the commissioner shall seek
24.7 guidance, advice, and support of livestock
24.8 producer organizations, general agricultural
24.9 organizations, local government associations,
24.10 academic institutions, other government
24.11 agencies, and others with expertise in land
24.12 use and agriculture.

24.13 \$103,000 the first year and \$106,000 the
24.14 second year are for additional integrated pest
24.15 management activities.

24.16 \$2,500,000 the first year is for the agricultural
24.17 best management practices loan program. At
24.18 least \$2,000,000 is available for pass-through
24.19 to local governments and lenders for
24.20 low-interest loans. Any unencumbered
24.21 balance does not cancel at the end of the first
24.22 year and is available for the second year.

24.23 \$1,000,000 the first year is for the agricultural
24.24 best management practices loan program for
24.25 capital equipment loans for persons using
24.26 native, perennial cropping systems for energy
24.27 or seed production. This appropriation is
24.28 available until spent. * (The preceding text
24.29 beginning "\$1,000,000 the first year" was
24.30 indicated as vetoed by the governor.)

24.31 \$100,000 the first year and \$100,000 the
24.32 second year are for annual cost-share
24.33 payments to resident farmers or persons
24.34 who sell, process, or package agricultural
24.35 products in this state for the costs of organic

25.1 certification. Annual cost-share payments
25.2 per farmer must be two-thirds of the cost
25.3 of the certification or \$350, whichever is
25.4 less. In any year that a resident farmer or
25.5 person who sells, processes, or packages
25.6 agricultural products in this state receives
25.7 a federal organic certification cost-share
25.8 payment, that resident farmer or person is
25.9 not eligible for state cost-share payments.
25.10 A certified farmer is eligible to receive
25.11 annual certification cost-share payments for
25.12 up to five years. \$15,000 each year is for
25.13 organic market and program development.
25.14 The commissioner may allocate any excess
25.15 appropriation in either fiscal year for organic
25.16 producer education efforts, assistance for
25.17 persons transitioning from conventional
25.18 to organic agriculture, or sustainable
25.19 agriculture demonstration grants authorized
25.20 under Minnesota Statutes, section 17.116,
25.21 and pertaining to organic research or
25.22 demonstration. Any unencumbered balance
25.23 does not cancel at the end of the first year
25.24 and is available for the second year.

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

25.26 Sec. 32. Laws 2007, chapter 45, article 1, section 3, subdivision 4, is amended to read:

25.27 Subd. 4. **Bioenergy and Value-Added**
25.28 **Agricultural Products**

19,918,000	15,168,000
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25.29 \$15,168,000 the first year and \$15,168,000
25.30 the second year are for ethanol producer
25.31 payments under Minnesota Statutes, section
25.32 41A.09. If the total amount for which all
25.33 producers are eligible in a quarter exceeds
25.34 the amount available for payments, the
25.35 commissioner shall make payments on a

26.1 pro rata basis. If the appropriation exceeds
26.2 the total amount for which all producers
26.3 are eligible in a fiscal year for scheduled
26.4 payments and for deficiencies in payments
26.5 during previous fiscal years, the balance
26.6 in the appropriation is available to the
26.7 commissioner for value-added agricultural
26.8 programs including the value-added
26.9 agricultural product processing and
26.10 marketing grant program under Minnesota
26.11 Statutes, section 17.101, subdivision 5. The
26.12 appropriation remains available until spent.
26.13 \$3,000,000 the first year is for grants to
26.14 bioenergy projects. The NextGen Energy
26.15 Board shall make recommendations to
26.16 the commissioner on grants for owners of
26.17 Minnesota facilities producing bioenergy,
26.18 organizations that provide for on-station,
26.19 on-farm field scale research and outreach to
26.20 develop and test the agronomic and economic
26.21 requirements of diverse stands of prairie
26.22 plants and other perennials for bioenergy
26.23 systems, or certain nongovernmental
26.24 entities. For the purposes of this paragraph,
26.25 "bioenergy" includes transportation fuels
26.26 derived from cellulosic material as well as
26.27 the generation of energy for commercial heat,
26.28 industrial process heat, or electrical power
26.29 from cellulosic material via gasification
26.30 or other processes. The board must give
26.31 priority to a bioenergy facility that is at
26.32 least 60 percent owned and controlled by
26.33 farmers, as defined in Minnesota Statutes,
26.34 section 500.24, subdivision 2, paragraph
26.35 (n), or natural persons residing in the
26.36 county or counties contiguous to where the

27.1 facility is located. Grants are limited to 50
27.2 percent of the cost of research, technical
27.3 assistance, or equipment related to bioenergy
27.4 production or \$500,000, whichever is less.
27.5 Grants to nongovernmental entities for the
27.6 development of business plans and structures
27.7 related to community ownership of eligible
27.8 bioenergy facilities together may not exceed
27.9 \$150,000. The board shall make a good
27.10 faith effort to select projects that have
27.11 merit and when taken together represent a
27.12 variety of bioenergy technologies, biomass
27.13 feedstocks, and geographic regions of the
27.14 state. Projects must have a qualified engineer
27.15 certification on the technology and fuel
27.16 source. Grantees shall provide reports at
27.17 the request of the commissioner and must
27.18 actively participate in the Agricultural
27.19 Utilization Research Institute's Renewable
27.20 Energy Roundtable. No later than February
27.21 1, 2009, the commissioner shall report on
27.22 the projects funded under this appropriation
27.23 to the house and senate committees with
27.24 jurisdiction over agriculture finance. The
27.25 commissioner's costs in administering the
27.26 program may be paid from the appropriation.
27.27 Any unencumbered balance does not cancel
27.28 at the end of the first year and is available in
27.29 the second year.
27.30 \$350,000 the first year is for grants to
27.31 the Minnesota Institute for Sustainable
27.32 Agriculture at the University of Minnesota
27.33 to provide funds for on-station and on-farm
27.34 field scale research and outreach to develop
27.35 and test the agronomic and economic
27.36 requirements of diverse stands of prairie

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28.1 plants and other perennials for bioenergy
28.2 systems including, but not limited to,
28.3 multiple species selection and establishment,
28.4 ecological management between planting
28.5 and harvest, harvest technologies, financial
28.6 and agronomic risk management, farmer
28.7 goal setting and adoption of technologies,
28.8 integration of wildlife habitat into
28.9 management approaches, evaluation of
28.10 carbon and other benefits, and robust policies
28.11 needed to induce farmer conversion on
28.12 marginal lands. * (The preceding text
28.13 beginning "\$350,000 the first year" was
28.14 indicated as vetoed by the governor.)
28.15 \$200,000 the first year is for a grant to the
28.16 Minnesota Turf Seed Council for basic
28.17 and applied agronomic research on native
28.18 plants, including plant breeding, nutrient
28.19 management, pest management, disease
28.20 management, yield, and viability. The grant
28.21 recipient may subcontract with a qualified
28.22 third party for some or all of the basic
28.23 or applied research. The grant recipient
28.24 must actively participate in the Agricultural
28.25 Utilization Research Institute's Renewable
28.26 Energy Roundtable and no later than
28.27 February 1, 2009, must report to the house
28.28 and senate committees with jurisdiction
28.29 over agriculture finance. This is a onetime
28.30 appropriation and is available until spent.
28.31 \$200,000 the first year is for a grant to a joint
28.32 venture combined heat and power energy
28.33 facility located in Scott or LeSueur County
28.34 for the creation of a centrally located biomass
28.35 fuel supply depot with the capability of
28.36 unloading, processing, testing, scaling, and

29.1 storing renewable biomass fuels. The grant
29.2 must be matched by at least \$3 of nonstate
29.3 funds for every \$1 of state funds. The grant
29.4 recipient must actively participate in the
29.5 Agricultural Utilization Research Institute's
29.6 Renewable Energy Roundtable and no
29.7 later than February 1, 2009, must report
29.8 to the house and senate committees with
29.9 jurisdiction over agriculture finance. This is
29.10 a onetime appropriation and is available until
29.11 spent.

29.12 \$300,000 the first year is for a grant to the
29.13 Bois Forte Band of Chippewa for a feasibility
29.14 study of a renewable energy biofuels
29.15 demonstration facility on the Bois Forte
29.16 Reservation in St. Louis and Koochiching
29.17 Counties. The grant shall be used by the Bois
29.18 Forte Band to conduct a detailed feasibility
29.19 study of the economic and technical viability
29.20 of developing a multistream renewable
29.21 energy biofuels demonstration facility
29.22 on Bois Forte Reservation land to utilize
29.23 existing forest resources, woody biomass,
29.24 and cellulosic material to produce biofuels or
29.25 bioenergy. The grant recipient must actively
29.26 participate in the Agricultural Utilization
29.27 Research Institute's Renewable Energy
29.28 Roundtable and no later than February 1,
29.29 2009, must report to the house and senate
29.30 committees with jurisdiction over agriculture
29.31 finance. This is a onetime appropriation and
29.32 is available until spent.

29.33 \$300,000 the first year is for a grant to
29.34 the White Earth Band of Chippewa for a
29.35 feasibility study of a renewable energy
29.36 biofuels production, research, and production

30.1 facility on the White Earth Reservation in
30.2 Mahnomen County. The grant must be used
30.3 by the White Earth Band and the University
30.4 of Minnesota to conduct a detailed feasibility
30.5 study of the economic and technical viability
30.6 of (1) developing a multistream renewable
30.7 energy biofuels demonstration facility on
30.8 White Earth Reservation land to utilize
30.9 existing forest resources, woody biomass,
30.10 and cellulosic material to produce biofuels or
30.11 bioenergy, and (2) developing, harvesting,
30.12 and marketing native prairie plants and seeds
30.13 for bioenergy production. The grant recipient
30.14 must actively participate in the Agricultural
30.15 Utilization Research Institute's Renewable
30.16 Energy Roundtable and no later than
30.17 February 1, 2009, must report to the house
30.18 and senate committees with jurisdiction
30.19 over agriculture finance. This is a onetime
30.20 appropriation and is available until spent.
30.21 \$200,000 the first year is for a grant to the Elk
30.22 River Economic Development Authority for
30.23 upfront engineering and a feasibility study
30.24 of the Elk River renewable fuels facility.
30.25 The facility must use a plasma gasification
30.26 process to convert primarily cellulosic
30.27 material, but may also use plastics and other
30.28 components from municipal solid waste, as
30.29 feedstock for the production of methanol
30.30 for use in biodiesel production facilities.
30.31 Any unencumbered balance in fiscal year
30.32 2008 does not cancel but is available for
30.33 fiscal year 2009. Notwithstanding Minnesota
30.34 Statutes, section 16A.285, the agency must
30.35 not transfer this appropriation. The grant
30.36 recipient must actively participate in the

31.1 Agricultural Utilization Research Institute's
31.2 Renewable Energy Roundtable and no
31.3 later than February 1, 2009, must report
31.4 to the house and senate committees with
31.5 jurisdiction over agriculture finance. This is
31.6 a onetime appropriation and is available until
31.7 spent.
31.8 \$200,000 the first year is for a grant to
31.9 Chisago County to conduct a detailed
31.10 feasibility study of the economic and
31.11 technical viability of developing a
31.12 multistream renewable energy biofuels
31.13 demonstration facility in Chisago, Isanti,
31.14 or Pine County to utilize existing forest
31.15 resources, woody biomass, and cellulosic
31.16 material to produce biofuels or bioenergy.
31.17 Chisago County may expend funds to Isanti
31.18 and Pine Counties and the University of
31.19 Minnesota for any costs incurred as part
31.20 of the study. The feasibility study must
31.21 consider the capacity of: (1) the seed bank
31.22 at Wild River State Park to expand the
31.23 existing prairie grass, woody biomass, and
31.24 cellulosic material resources in Chisago,
31.25 Isanti, and Pine Counties; (2) willing and
31.26 interested landowners in Chisago, Isanti, and
31.27 Pine Counties to grow cellulosic materials;
31.28 and (3) the Minnesota Conservation Corps,
31.29 the sentence to serve program, and other
31.30 existing workforce programs in east central
31.31 Minnesota to contribute labor to these efforts.
31.32 The grant recipient must actively participate
31.33 in the Agricultural Utilization Research
31.34 Institute's Renewable Energy Roundtable and
31.35 no later than February 1, 2009, must report
31.36 to the house and senate committees with

32.1 jurisdiction over agriculture finance. This is
32.2 a onetime appropriation and is available until
32.3 spent.

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

32.5 Sec. 33. Laws 2007, chapter 45, article 1, section 3, subdivision 5, is amended to read:

32.6	Subd. 5. Administration and Financial		
32.7	Assistance	7,338,000	6,751,000

32.8 \$1,005,000 the first year and \$1,005,000
32.9 the second year are for continuation of
32.10 the dairy development and profitability
32.11 enhancement and dairy business planning
32.12 grant programs established under Laws 1997,
32.13 chapter 216, section 7, subdivision 2, and
32.14 Laws 2001, First Special Session chapter 2,
32.15 section 9, subdivision 2 . The commissioner
32.16 may allocate the available sums among
32.17 permissible activities, including efforts to
32.18 improve the quality of milk produced in the
32.19 state in the proportions that the commissioner
32.20 deems most beneficial to Minnesota's dairy
32.21 farmers. The commissioner must submit a
32.22 work plan detailing plans for expenditures
32.23 under this program to the chairs of the
32.24 house and senate committees dealing with
32.25 agricultural policy and budget on or before
32.26 the start of each fiscal year. If significant
32.27 changes are made to the plans in the course
32.28 of the year, the commissioner must notify the
32.29 chairs.

32.30 \$50,000 the first year and \$50,000 the
32.31 second year are for the Northern Crops
32.32 Institute. These appropriations may be spent
32.33 to purchase equipment.

33.1 \$19,000 the first year and \$19,000 the
33.2 second year are for a grant to the Minnesota
33.3 Livestock Breeders Association.

33.4 \$250,000 the first year and \$250,000 the
33.5 second year are for grants to the Minnesota
33.6 Agricultural Education Leadership Council
33.7 for programs of the council under Minnesota
33.8 Statutes, chapter 41D.

33.9 \$600,000 the first year is for grants for
33.10 fertilizer research as awarded by the
33.11 Minnesota Agricultural Fertilizer Research
33.12 and Education Council under Minnesota
33.13 Statutes, section 18C.71. ~~No later than~~
33.14 ~~February 1, 2009,~~ The amount available to
33.15 the commissioner pursuant to Minnesota
33.16 Statutes, section 18C.70, subdivision 2, for
33.17 administration of this activity is available
33.18 until February 1, 2009, by which time the
33.19 commissioner shall report to the house and
33.20 senate committees with jurisdiction over
33.21 agriculture finance. The report must include
33.22 the progress and outcome of funded projects
33.23 as well as the sentiment of the council
33.24 concerning the need for additional research
33.25 funded through an industry checkoff fee.

33.26 \$465,000 the first year and \$465,000 the
33.27 second year are for payments to county and
33.28 district agricultural societies and associations
33.29 under Minnesota Statutes, section 38.02,
33.30 subdivision 1. Aid payments to county and
33.31 district agricultural societies and associations
33.32 shall be disbursed not later than July 15 of
33.33 each year. These payments are the amount of
33.34 aid owed by the state for an annual fair held
33.35 in the previous calendar year.

34.1 \$65,000 the first year and \$65,000 the second
34.2 year are for annual grants to the Minnesota
34.3 Turf Seed Council for basic and applied
34.4 research on the improved production of
34.5 forage and turf seed related to new and
34.6 improved varieties. The grant recipient may
34.7 subcontract with a qualified third party for
34.8 some or all of the basic and applied research.
34.9 \$500,000 the first year and \$500,000 the
34.10 second year are for grants to Second Harvest
34.11 Heartland on behalf of Minnesota's six
34.12 Second Harvest food banks for the purchase
34.13 of milk for distribution to Minnesota's food
34.14 shelves and other charitable organizations
34.15 that are eligible to receive food from the food
34.16 banks. Milk purchased under the grants must
34.17 be acquired from Minnesota milk processors
34.18 and based on low-cost bids. The milk must be
34.19 allocated to each Second Harvest food bank
34.20 serving Minnesota according to the formula
34.21 used in the distribution of United States
34.22 Department of Agriculture commodities
34.23 under The Emergency Food Assistance
34.24 Program (TEFAP). Second Harvest
34.25 Heartland must submit quarterly reports
34.26 to the commissioner on forms prescribed
34.27 by the commissioner. The reports must
34.28 include, but are not limited to, information
34.29 on the expenditure of funds, the amount
34.30 of milk purchased, and the organizations
34.31 to which the milk was distributed. Second
34.32 Harvest Heartland may enter into contracts
34.33 or agreements with food banks for shared
34.34 funding or reimbursement of the direct
34.35 purchase of milk. Each food bank receiving
34.36 money from this appropriation may use up to

35.1 two percent of the grant for administrative
35.2 expenses.
35.3 \$100,000 the first year and \$100,000 the
35.4 second year are for transfer to the Board of
35.5 Trustees of the Minnesota State Colleges and
35.6 Universities for mental health counseling
35.7 support to farm families and business
35.8 operators through farm business management
35.9 programs at Central Lakes College and
35.10 Ridgewater College.
35.11 \$18,000 the first year and \$18,000 the
35.12 second year are for grants to the Minnesota
35.13 Horticultural Society.
35.14 \$50,000 is for a grant to the University of
35.15 Minnesota, Department of Horticultural
35.16 Science, Enology Laboratory, to upgrade
35.17 and purchase instrumentation to allow
35.18 rapid and accurate measurement of enology
35.19 components. This is a onetime appropriation
35.20 and is available until expended.

35.21 **Sec. 34. 2008 FAMILY MOTOR COACH ASSOCIATION EVENT.**

35.22 For the 2008 Family Motor Coach Association event held on the State Fair grounds,
35.23 the fee the State Agricultural Society must obtain for expansion of the recreational
35.24 camping area license, as required in Minnesota Statutes, section 327.15, shall be 50
35.25 percent of the primary license fee prescribed in Minnesota Rules, part 4630.2000.

35.26 **Sec. 35. INDUSTRIAL HEMP DEVELOPMENT AND REGULATION.**

35.27 (a) The Agricultural Utilization Research Institute, in consultation with the
35.28 commissioner of agriculture shall create a detailed proposal for establishing industrial
35.29 hemp as a cash crop option for Minnesota's agricultural producers. Commercial industrial
35.30 hemp production would not be allowed and the commissioner would not promulgate any
35.31 administrative rules until the United States Department of Justice, Drug Enforcement
35.32 Administration, authorizes a person to commercially grow industrial hemp in the United
35.33 States, at which time the commissioner shall evaluate industrial hemp laws in other states

36.1 and propose a system of licensure and regulation that does not interfere with the strict
36.2 regulation of controlled substances in this state.

36.3 (b) No later than January 15, 2009, the commissioner shall present the proposal in
36.4 paragraph (a) to the house and senate committees with jurisdiction over agriculture and
36.5 public safety policy and finance.

36.6 Sec. 36. **VIRAL HEMORRHAGIC SEPTICEMIA TESTING.**

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

36.14 Sec. 37. **REPEALER.**

36.15 Minnesota Statutes 2007 Supplement, section 41A.105, subdivision 5, is repealed.

36.16 **ARTICLE 2**

36.17 **BIODIESEL FUEL CONTENT**

36.18 Section 1. Minnesota Statutes 2006, section 239.77, as amended by Laws 2007, chapter
36.19 62, sections 3 and 4, is amended to read:

36.20 **239.77 BIODIESEL CONTENT MANDATE.**

36.21 Subdivision 1. **Biodiesel fuel.** "Biodiesel fuel" means a renewable, biodegradable,
36.22 mono alkyl ester combustible liquid fuel that is derived from agricultural or other
36.23 plant oils or animal fats ~~and~~; that meets American Society For Testing and Materials
36.24 specification D6751-07 for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels;
36.25 and that is manufactured by a person certified by the BQ-9000 National Biodiesel
36.26 Accreditation Program.

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

- | | | | |
|-------|-----|---------------------------|------------------|
| 36.31 | (1) | <u>September 29, 2005</u> | <u>2 percent</u> |
| 36.32 | (2) | <u>May 1, 2009</u> | <u>5 percent</u> |

37.1	<u>(3)</u>	<u>May 1, 2012</u>	<u>10 percent</u>
37.2	<u>(4)</u>	<u>May 1, 2015</u>	<u>20 percent</u>

37.3 The minimum content levels in clauses (3) and (4) are effective during the
37.4 months of April, May, June, July, August, September, and October only. The minimum
37.5 content for the remainder of the year is five percent. However, if the commissioners of
37.6 agriculture, commerce, and the Pollution Control Agency determine, after consultation
37.7 with the Biodiesel Task Force and other technical experts, that an American Society for
37.8 Testing and Materials specification or equivalent federal standard exists for the specified
37.9 biodiesel blend level in those clauses that adequately addresses technical issues associated
37.10 with Minnesota's cold weather and publish a notice in the State Register to that effect,
37.11 the commissioners may allow the specified biodiesel blend level in those clauses to be
37.12 effective year round.

37.13 (b) The minimum content levels in paragraph (a), clauses (3) and (4), become
37.14 effective on the date specified only if the commissioners of agriculture, commerce, and the
37.15 Pollution Control Agency publish notice in the State Register and provide written notice
37.16 to the chairs of the house of representatives and senate committees with jurisdiction over
37.17 agriculture, commerce, and transportation policy and finance, at least 270 days prior to the
37.18 date of each scheduled increase, that all of the following conditions have been met and the
37.19 state is prepared to move to the next scheduled minimum content level:

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

37.22 (2) a sufficient supply of biodiesel is available and the amount of biodiesel produced
37.23 in this state is equal to at least 50 percent of anticipated demand at the next minimum
37.24 content level; and

37.25 (3) adequate blending infrastructure and regulatory protocol are in place in order to
37.26 promote biodiesel quality and avoid any potential economic disruption.

37.27 (c) The commissioners of agriculture, commerce, and the Pollution Control Agency
37.28 must consult with the Biodiesel Task Force when assessing and certifying conditions in
37.29 paragraph (b), and in general must seek the guidance of the Biodiesel Task Force regarding
37.30 biodiesel labeling, enforcement, and other related issues.

37.31 (d) During a period of biodiesel fuel shortage or a problem with biodiesel quality
37.32 that negatively affects the availability of biodiesel fuel, the commissioner of commerce
37.33 may temporarily suspend the minimum content requirements in this subdivision until there
37.34 is sufficient biodiesel fuel, as defined in subdivision 1, available to fulfill the minimum
37.35 content requirements.

38.1 (e) By February 1, 2012, and periodically thereafter, the commissioner of commerce
38.2 shall determine the wholesale diesel price at various pipeline and refinery terminals in
38.3 the region, and the biodiesel price at biodiesel plants in the region after any applicable
38.4 per gallon federal tax credit is subtracted. The commissioner shall report wholesale price
38.5 differences to the governor who, after consultation with the commissioners of commerce
38.6 and agriculture, may by executive order adjust the biodiesel mandate if a price disparity
38.7 reported by the commissioner will cause economic hardship to retailers of diesel fuel
38.8 in this state. Any adjustment must be for a specified period of time, after which the
38.9 percentage of biodiesel fuel to be blended into diesel fuel returns to the amount required in
38.10 this subdivision. The biodiesel mandate must not be adjusted to less than five percent.

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

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

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

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

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

38.18 (5) vehicles and equipment used exclusively on an aircraft landing field.

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

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

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

38.31 Subd. 5. **Annual report.** Beginning in 2009, the commissioner of agriculture
38.32 must report by January 15 of each year to the chairs and ranking minority members of
38.33 the legislative committees and divisions with jurisdiction over agriculture policy and
38.34 finance regarding the implementation of the minimum content requirements in subdivision
38.35 2, including information about the price and supply of biodiesel fuel. The report must

39.1 include any written comments received from members of the Biodiesel Fuel Task Force
39.2 by January 1 of that year.

39.3 Sec. 2. Minnesota Statutes 2007 Supplement, section 296A.01, subdivision 8a, is
39.4 amended to read:

39.5 Subd. 8a. **Biodiesel fuel.** "Biodiesel fuel" ~~means a renewable, biodegradable, mono~~
39.6 ~~alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats~~
39.7 ~~and that meets American Society for Testing and Materials specification D6751-07 for~~
39.8 ~~Biodiesel Fuel (B100) Blend Stock for Distillate Fuels~~ has the meaning given in section
39.9 239.77, subdivision 1.

39.10 Sec. 3. **PROPOSAL; PETROLEUM INSPECTION FEE REVENUE.**

39.11 The commissioners of finance, commerce, and the Pollution Control Agency must
39.12 develop and submit to the legislature as part of their next biennial budget request a
39.13 proposal for eliminating, to the extent feasible, redundant fuel inspections and dedicating,
39.14 to the extent feasible, all revenue from the petroleum inspection fee levied on petroleum
39.15 products under Minnesota Statutes, section 239.101, subdivision 3, to the Weights and
39.16 Measures Division of the Department of Commerce. All additional funding appropriated
39.17 to the Weights and Measures Division under this proposal must be used for increased and
39.18 enhanced fuel quality assurance enforcement activities and equipment and for educational
39.19 activities focused on the handling, distribution, and use of biodiesel fuel.

39.20 Sec. 4. **BIO-BASED DIESEL ALTERNATIVES.**

39.21 (a) By January 1, 2011, the commissioners of agriculture, commerce, and
39.22 the Pollution Control Agency shall jointly review the technology, economics, and
39.23 operational characteristics associated with bio-based diesel alternatives and shall make
39.24 recommendations concerning their use in Minnesota to the governor and the chairs of
39.25 the house of representatives and senate committees with jurisdiction over agriculture
39.26 and energy finance.

39.27 (b) For the purposes of this section, "bio-based diesel alternatives" means
39.28 alternatives to petroleum diesel fuel that are warrantied for use in a standard diesel engine
39.29 without modification and derived from a biological resource.

39.30 Sec. 5. **TECHNICAL COLD WEATHER ISSUES.**

39.31 The commissioners of agriculture and commerce shall convene technical
39.32 stakeholders who are experts in cold weather biodiesel and petroleum diesel issues to

40.1 consider and make recommendations regarding improvements in the production, blending,
40.2 handling, and distribution of biodiesel blends to further ensure the performance of these
40.3 fuels in cold weather. The commissioners shall issue a report on these issues by January
40.4 15, 2009, to the chairs of the house of representatives and senate committees with
40.5 jurisdiction over agriculture and commerce policy and finance.

40.6 **ARTICLE 3**

40.7 **VETERANS AFFAIRS POLICY**

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

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

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

40.13 Sec. 2. **[192.056] PROTECTION OF RESERVIST-OWNED BUSINESS DURING**
40.14 **ACTIVE SERVICE.**

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

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

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

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

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

40.30 (b) If the business of a qualified service member is a defendant in a civil action, the
40.31 court may, on its own motion, grant a stay in the proceedings for a minimum of 60 days.
40.32 The court, on its own motion, may renew the stay as the court considers appropriate. If the

41.1 qualified service member petitions the court in any manner for a stay, the court must grant
41.2 a stay for a minimum of 60 days, provided that:

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

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

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

41.16 (d) A qualified service member who is granted a stay in the action or proceedings
41.17 against the member's business may in any manner request from the court an additional
41.18 stay, which the court may grant if the service member can show to the satisfaction of
41.19 the court that the member's military requirements affect the member's ability to appear.
41.20 However, the court is not obligated to grant the additional stay. If the court refuses to
41.21 grant an additional stay, the court must provide the service member with information
41.22 enabling the service member to acquire qualified legal counsel, at the service member's
41.23 discretion, for defending the action.

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

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

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

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

42.1 Sec. 3. Minnesota Statutes 2006, section 192.20, is amended to read:

42.2 **192.20 BREVET RANK.**

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

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

42.15 Subd. 2. Effect of brevet rank. Brevet rank shall be considered strictly honorary
42.16 and shall confer no privilege of precedence or command, nor pay any emoluments. Brevet
42.17 officers, warrant officers, and enlisted persons may wear the uniform of their brevet grade
42.18 on occasions of ceremony.

42.19 Sec. 4. Minnesota Statutes 2006, section 192.32, is amended by adding a subdivision
42.20 to read:

42.21 Subd. 2. Family of service member. It shall be unlawful for any employer to:

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

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

42.29 (i) departure or return ceremonies for deploying or returning military personnel
42.30 or units;

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

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

42.33 The employee must provide reasonable notice to the employer when requesting
42.34 time off, and the employer must provide a reasonable amount of nonpaid time off for the
42.35 employee, for the purposes enumerated in items (i) to (iii), not to exceed two consecutive

43.1 days or six days in a calendar year. The employer must not compel the employee to use
43.2 accumulated but unused vacation for these events.

43.3 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to
43.4 employer actions occurring on or after that date.

43.5 Sec. 5. Minnesota Statutes 2006, section 196.021, is amended to read:

43.6 **196.021 DEPUTY COMMISSIONERS; DUTIES.**

43.7 Subdivision 1. **Appointment.** The commissioner shall appoint a deputy
43.8 commissioner for veteran services ~~as provided in subdivision 2, and the board of directors~~
43.9 ~~of the Minnesota Veterans Homes may appoint~~ a deputy commissioner for veteran health
43.10 care ~~as provided in section 198.004.~~ Both deputy commissioners serve in the unclassified
43.11 service, ~~the deputy for veteran services at the pleasure of the commissioner and the deputy~~
43.12 ~~for veteran health care at the pleasure of the board.~~ Both deputies ~~shall~~ must be residents
43.13 of Minnesota, citizens of the United States, and veterans as defined in section 197.447.

43.14 Subd. 2. ~~Deputy for veteran services; Powers and duties.~~ The deputy
43.15 commissioner for veteran services ~~has~~ and the deputy commissioner for veteran health
43.16 care have those powers delegated by the commissioner ~~that have not otherwise been~~
43.17 ~~delegated to the deputy commissioner for veteran health care by the commissioner or~~
43.18 ~~assigned to that deputy commissioner by law.~~ A delegation must be in writing, signed
43.19 by the commissioner, and filed with the secretary of state.

43.20 Sec. 6. Minnesota Statutes 2006, section 196.03, is amended to read:

43.21 **196.03 OFFICERS AND EMPLOYEES.**

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

43.25 Sec. 7. **[196.30] VETERANS HEALTH CARE ADVISORY COUNCIL.**

43.26 Subdivision 1. Creation. The Veterans Health Care Advisory Council is established
43.27 to provide the Department of Veterans Affairs with advice and recommendations on
43.28 providing veterans with quality long-term care and the anticipated future needs of
43.29 Minnesota veterans.

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

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

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

44.5 (3) one additional member.

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

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

44.10 (d) Membership terms, removal of members, and the filling of vacancies are as
44.11 provided in section 15.059, subdivisions 2 and 4. Members shall not receive compensation
44.12 or per diem payments, but may receive reimbursement for expenses pursuant to section
44.13 15.059, subdivision 3.

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

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

44.19 (2) providing recommendations and advice on matters including clinical
44.20 performance, systemwide quality improvement efforts, culture and working environment
44.21 of the veterans homes, and other operational and organizational functions of the veterans
44.22 homes;

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

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

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

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

44.33 Subd. 4. **Continuation.** To ensure continued accountability and the active
44.34 involvement of healthcare experts and stakeholders in the governance structure of the
44.35 veterans homes, the governor may appoint a panel of experts to review the continuing
44.36 effectiveness of the council. The commissioner may disband the council at any time.

45.1 Sec. 8. [197.225] LIST OF DECEASED MILITARY PERSONNEL.

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

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

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

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

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

45.21 Sec. 9. Minnesota Statutes 2006, section 197.236, is amended to read:

45.22 **197.236 VETERANS CEMETERY STATE VETERANS CEMETERIES.**

45.23 Subd. 3. **Operation and maintenance.** The commissioner of veterans affairs shall
45.24 supervise and control the veterans ~~cemeteries~~ cemeteries established under this section. The
45.25 cemeteries are to be maintained and operated in accordance with the operational standards
45.26 and measures of the National Cemetery Administration. The commissioner may contract
45.27 for the maintenance ~~and operation~~ of the ~~cemeteries~~ cemeteries. All personnel, equipment,
45.28 and support necessary for maintenance and operation of the ~~cemeteries~~ cemeteries must be
45.29 included in the department's budget.

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

46.1 Subd. 6. **Permanent development and maintenance account.** A veterans
46.2 cemetery development and maintenance account is established in the special revenue
46.3 fund of the state treasury. Receipts for burial fees, ~~earnings from the veterans cemetery~~
46.4 ~~trust account~~ plot or interment allowance claims, designated appropriations, and any
46.5 other cemetery receipts must be deposited into this account. The money in the account,
46.6 including interest earned, is appropriated to the commissioner to be used for the
46.7 development, operation, maintenance, and improvement of the ~~cemetery~~ cemeteries.
46.8 To the extent practicable, the commissioner of veterans affairs must apply for available
46.9 federal grants ~~for the development and operation of the cemetery~~ to establish, expand, or
46.10 improve the cemeteries.

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

46.17 Subd. 8. **Eligibility.** ~~Any person who is eligible for burial in a national veterans~~
46.18 ~~cemetery is eligible for burial in the State Veterans Cemetery~~ Cemeteries must be operated
46.19 solely for the burial of service members who die on active duty, eligible veterans, and
46.20 their spouses and dependent children, as defined in United States Code, title 38, section
46.21 101, paragraph (2).

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

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

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

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

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

47.16 Subd. 12. **No staff.** No staff may be hired for or allocated to any new veterans
47.17 cemetery without explicit legislative approval.

47.18 Sec. 10. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 1, is
47.19 amended to read:

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

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

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

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

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

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

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

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

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

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

48.20 (i) Armed Forces Expeditionary Medal;

48.21 (ii) Kosovo Campaign Medal;

48.22 (iii) Afghanistan Campaign Medal;

48.23 (iv) Iraq Campaign Medal;

48.24 (v) Global War on Terrorism Expeditionary Medal; or

48.25 (vi) any other campaign medal authorized for service after September 11, 2001; or

48.26 ~~(2)~~ (3) received a service-related medical discharge from any period of service in a
48.27 foreign country during a time of hostilities in that country.

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

48.31 Sec. 11. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 4, is
48.32 amended to read:

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

48.35 (1) the person is:

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

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

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

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

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

49.16 ~~(3)~~ (2) the person receiving the educational assistance is a Minnesota resident, as
49.17 defined in section 136A.101, subdivision 8; and

49.18 ~~(4)~~ (3) the person receiving the educational assistance:

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

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

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

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

49.26 (v) is in compliance with child support payment requirements under section
49.27 136A.121, subdivision 2, clause (5); and

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

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

49.33 (c) To determine eligibility, the commissioner may require official documentation,
49.34 including the person's federal form DD-214 or other official military discharge papers;
49.35 correspondence from the United States Veterans Administration; birth certificate; marriage
49.36 certificate; proof of enrollment at an eligible institution; signed affidavits; proof of

50.1 residency; proof of identity; or any other official documentation the commissioner
50.2 considers necessary to determine eligibility.

50.3 (d) The commissioner may deny eligibility or terminate benefits under this section
50.4 to any person who has not provided sufficient documentation to determine eligibility for
50.5 the program. An applicant may appeal the commissioner's eligibility determination or
50.6 termination of benefits in writing to the commissioner at any time. The commissioner
50.7 must rule on any application or appeal within 30 days of receipt of all documentation that
50.8 the commissioner requires. The decision of the commissioner regarding an appeal is final.
50.9 However, an applicant whose appeal of an eligibility determination has been rejected by
50.10 the commissioner may submit an additional appeal of that determination in writing to the
50.11 commissioner at any time that the applicant is able to provide substantively significant
50.12 additional information regarding the applicant's eligibility for the program. An approval
50.13 of an applicant's eligibility by the commissioner following an appeal by the applicant is
50.14 not retroactively effective for more than one year or the semester of the person's original
50.15 application, whichever is later.

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

50.20 Sec. 12. Minnesota Statutes 2007 Supplement, section 197.791, subdivision 5, is
50.21 amended to read:

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

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

50.29 (1) the federal Pell Grant;

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

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

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

51.3 (1) \$1,000 per semester or term of enrollment;

51.4 (2) ~~\$2,000~~ \$3,000 per state fiscal year; and

51.5 (3) \$10,000 in a lifetime.

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

51.12 Sec. 13. Minnesota Statutes 2006, section 198.32, subdivision 1, is amended to read:

51.13 Subdivision 1. **Resident's rights.** A resident of a Minnesota veterans home has the
51.14 right to complain and otherwise exercise freedom of expression and assembly which is
51.15 guaranteed by amendment I of the United States Constitution. The administrator of the
51.16 home shall inform each resident in writing at the time of admission of the right to complain
51.17 to the administrator about home accommodations and services. A notice of the right to
51.18 complain shall be posted in the home. The administrator shall also inform each resident of
51.19 the right to complain to the ~~board or to the~~ commissioner of veterans affairs. Each resident
51.20 of a home shall be encouraged and assisted, throughout the period of stay in the home, to
51.21 understand and exercise the rights of freedom of expression and assembly as a resident
51.22 and as a citizen, and, to this end, the resident may voice grievances and recommend
51.23 changes in policies and services to home staff, other residents, and outside representatives
51.24 of the resident's choice, free from restraint, interference, coercion, discrimination, or
51.25 reprisal, including retaliatory eviction.

51.26 Sec. 14. Minnesota Statutes 2006, section 349.12, subdivision 3a, is amended to read:

51.27 Subd. 3a. **Allowable expense.** "Allowable expense" means the percentage of the
51.28 total cost incurred by the organization in the purchase of any good, service, or other item
51.29 which corresponds to the proportion of the total actual use of the good, service, or other
51.30 item that is directly related to conduct of lawful gambling. Allowable expense includes the
51.31 advertising of the conduct of lawful gambling, provided that the amount expended does
51.32 not exceed five percent of the annual gross profits of the organization or \$5,000 per year
51.33 per organization, whichever is less. The cost of a newsletter of a veterans organization is
51.34 an allowable expense if any portion of the newsletter is used to promote lawful gambling

52.1 in Minnesota. The board may adopt rules to regulate the content of the advertising to
52.2 ensure that the content is consistent with the public welfare.

52.3 Sec. 15. Minnesota Statutes 2006, section 609.115, is amended by adding a subdivision
52.4 to read:

52.5 Subd. 10. Veterans mental health status. If a defendant convicted of a crime is
52.6 currently serving in the military or is a veteran and has been diagnosed by a qualified
52.7 psychiatrist or clinical psychologist or physician with a mental illness, the court may:

52.8 (1) order that the officer preparing the report under subdivision 1 consult with the
52.9 United States Department of Veterans Affairs, Minnesota Department of Veterans Affairs,
52.10 or another agency or person with suitable knowledge or experience, for the purpose
52.11 of providing the court with information regarding treatment options available to the
52.12 defendant including federal, state, and local programming; and

52.13 (2) consider the treatment recommendations of any diagnosing or treating mental
52.14 health professionals together with the treatment options available to the defendant in
52.15 imposing sentence.

52.16 Sec. 16. **RULES TRANSFER.**

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

52.20 Sec. 17. **APPOINTMENTS.**

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

52.25 Sec. 18. **PARTNERING IN DELIVERY OF VETERANS SERVICES.**

52.26 The commissioner must seek input from a broad range of experienced
52.27 nongovernmental social service and health care providers, including both secular and
52.28 faith-based service organizations, from throughout the state regarding the feasibility of
52.29 public-private collaboration in providing services to Minnesota Veterans. The services
52.30 may include home health care, psychological counseling, life-skills rehabilitation
52.31 counseling, home hospice care, respite care, and other types of home-based health
52.32 care as judged necessary by the commissioner to enable veterans to recover from

53.1 service-connected injuries, illnesses, and disabilities. The commissioner must report to
53.2 the legislature by January 15, 2009, on its findings and recommendations for establishing
53.3 such service-delivery partnerships.

53.4 Sec. 19. **VETERANS HOMES STRATEGIC PLANNING GROUP.**

53.5 Subdivision 1. Creation. An intergovernmental and veterans study group shall be
53.6 appointed for the purpose of conducting strategic planning for existing and future state
53.7 veterans homes, including in-depth strategic planning for the Minneapolis veterans home.
53.8 This group is designated the "Veterans Homes Strategic Planning Group." The Veterans
53.9 Homes Strategic Planning Group shall consist of the following members:

53.10 (1) three senators, including two members of the majority party and one member
53.11 of the minority party, at least one of whom represents a Minneapolis legislative district
53.12 and one of whom represents a greater-Minnesota legislative district, appointed by the
53.13 Subcommittee on Committees of the Committee on Rules and Administration of the
53.14 senate;

53.15 (2) three members of the house of representatives, including two members of the
53.16 majority party and one member of the minority party, at least one of whom represents
53.17 a Minneapolis legislative district and one of whom represents a greater-Minnesota
53.18 legislative district, appointed by the speaker of the house;

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

53.21 (4) the president and legislative chair person of the Minnesota Association of County
53.22 Veteran Service Officers (CVSOs), or the president's designees;

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

53.25 (6) two members each from the Minnesota departments of the American Legion,
53.26 the Veterans of Foreign Wars, and the Disabled American Veterans, as appointed by the
53.27 respective state commander of each organization, provided that of each organization's
53.28 appointees, at least one be a resident of rural Minnesota;

53.29 (7) the mayor of Minneapolis, or the mayor's designee, and one Minneapolis city
53.30 planner designated by the mayor;

53.31 (8) the chair of the Twin Cities Metropolitan Council, or the chair's designee;

53.32 (9) one person from the Minnesota Inter-County Association (MICA), as designated
53.33 by the association board; and

53.34 (10) one person from the Association of Minnesota Counties (AMC), as designated
53.35 by the Association board.

54.1 Subd. 2. Duties. (a) The Veterans Homes Strategic Planning Group must meet
54.2 periodically to conduct strategic planning for the state veterans homes, both existing and
54.3 future, and with special focus on the current Minnesota veterans home in Minneapolis.

54.4 The planning process must encompass a 25-year future time span, and must include:

54.5 (1) current and projected figures for the number of Minnesota veterans within broad
54.6 age categories, by gender and geographic region of the state;

54.7 (2) current and projected needs of Minnesota veterans for skilled nursing care,
54.8 domiciliary care and outpatient services, as being currently provided by the state veterans
54.9 homes, and as may be needed in the future;

54.10 (3) current and projected capital expenditure, plant maintenance, and operational
54.11 costs for each existing Minnesota veterans home, both per-facility and per-veteran-served,
54.12 with discussion of factors determining cost differences among the homes;

54.13 (4) identification and discussion of the feasibility of alternative methods for meeting
54.14 at least some of the various future needs of veterans, including:

54.15 (i) the possibility of partnering for home-based services for veterans with
54.16 nongovernmental nonprofit or faith-based social service and healthcare delivery
54.17 organizations, as a means of reducing some of the future needs of veterans for domiciliary
54.18 or skilled nursing care in veterans homes;

54.19 (ii) reliance on private, veterans-only nursing homes for handling part or all of the
54.20 future growth in veterans skilled nursing or domiciliary needs, possibly supplemented by
54.21 some state-provided veterans services not currently available in private nursing homes; or

54.22 (iii) any other feasible alternative service delivery methods;

54.23 (5) current and projected capital expenditure, plant maintenance, and operational
54.24 costs for meeting future veterans needs under:

54.25 (i) the veterans-homes-only model; and

54.26 (ii) the combined veterans-homes and home-based partnering model (or any other
54.27 feasible service delivery model that the group identifies); and

54.28 (6) discussion and recommendations regarding:

54.29 (i) the types and levels of veterans home care judged feasible for the state to attempt
54.30 to provide in the near-term and long-term future; and

54.31 (ii) the optimal locations and timing for construction of any future state veterans
54.32 homes and other service delivery facilities in Minnesota.

54.33 (b) In addition to the duties described in paragraph (a), the Veterans Homes
54.34 Strategic Planning Group must provide specific addition analysis of the projected capital,
54.35 maintenance, and operating costs of the current Minnesota veterans home in Minneapolis,
54.36 and must assess the feasibility of alternative operational models at that home or at locations

55.1 within the seven-county metropolitan area. Discussion must include the feasibility, and
55.2 estimation of any cost-savings from the razing or remodeling and converting of some of the
55.3 infrastructure of the current campus for alternative uses and other pertinent items, such as:

55.4 (i) construction of rental housing for veterans and family members of veterans
55.5 receiving medical care at the nearby US/VA Medical Center or other nearby medical
55.6 institutions;

55.7 (ii) conducting a land use study including a highest and best use analysis for the
55.8 existing site and all improvements;

55.9 (iii) investigating opportunities for public/private partnerships in strategic land
55.10 use; and

55.11 (iv) any other purpose judged feasible by the strategic planning group.

55.12 Subd. 3. **Report required.** (a) By January 15, 2009, the Veterans Homes Strategic
55.13 Planning Group must report its proposed recommendations to the chairs of the senate and
55.14 house committees with jurisdiction over veterans affairs, state governmental operations,
55.15 and local government affairs. The strategic planning group may suggest draft legislation
55.16 for legislative consideration.

55.17 (b) The strategic planning group may continue its strategic planning activities and
55.18 by January 15, 2010, may issue a second report to the same legislative chairs containing
55.19 follow-up recommendations for legislative consideration.

55.20 Subd. 4. **Administrative provisions.** (a) The commissioner of veterans affairs, or
55.21 the commissioner's designee, must convene the initial meeting of the Veterans Homes
55.22 Strategic Planning Group. Upon request of the group, the commissioner must provide
55.23 meeting space and administrative services for the group. The members of the group must
55.24 elect a chair or co-chairs from the legislative members of the group at the initial meeting.
55.25 Each subsequent meeting of the group is at the call of the chair or co-chairs.

55.26 (b) Public members of the strategic planning group serve without special
55.27 compensation or special payment of expenses from the group.

55.28 (c) The strategic planning group expires on June 30, 2010, unless an extension is
55.29 authorized by law by that date.

55.30 (d) In accordance with completed predesign documents, veterans population surveys,
55.31 and department construction project priority listing, the commissioner shall continue to
55.32 plan, develop, and pursue federal funding and other resources for the construction of a
55.33 veterans long-term and domiciliary mental health facility in Kandiyohi County. The
55.34 planning must include possible options for traumatic brain injury treatment.

56.1 Subd. 5. **Deadline for appointments and designations.** The appointments and
56.2 designations authorized by this section must be completed by August 1, 2008. The
56.3 strategic planning group must convene its initial meeting no later than September 1, 2008.

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

56.5 Sec. 20. **COUNTY VETERANS SERVICES WORKING GROUP.**

56.6 Subdivision 1. **Creation.** The County Veteran Services Working Group shall consist
56.7 of the following 13 members:

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

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

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

56.15 (4) the president, vice president, and legislative chair person of the Minnesota
56.16 Association of County Veteran Service Officers (CVSOs);

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

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

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

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

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

56.33 Subd. 3. **Administrative provisions.** (a) The commissioner of veterans affairs, or
56.34 the commissioner's designee, must convene the initial meeting of the working group.
56.35 Upon request of the working group, the commissioner must provide meeting space and

57.1 administrative services for the group. The members of the working group must elect a
57.2 chair or co-chairs from the legislative members of the working group at the initial meeting.
57.3 Each subsequent meeting is at the call of the chair or co-chairs.

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

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

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

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

57.12 Sec. 21. **STUDY OF VETERANS EMPLOYMENT IN STATE GOVERNMENT.**

57.13 (a) By October 1, 2008, each appointing authority in the executive branch of state
57.14 government, including the Minnesota State Colleges and Universities, must report to the
57.15 commissioner of finance on the incidence of employment, recruitment, retention, and
57.16 retirement of veterans in their nonelected workforce for fiscal year 2008. The report
57.17 must be made in a manner approved by the commissioner, and for each separate hiring
57.18 unit must include tabulation by age category and length of state employment in the
57.19 executive branch, including the state college and university system. Each executive branch
57.20 appointing authority must also report specific veteran employment data requested by the
57.21 commissioner as of June 30, 2008, June 30, 2001, and an earlier date if judged feasible
57.22 by the commissioner. By January 15, 2009, the commissioner must submit a report on
57.23 the employment of veterans in the executive branch to the chairs of the house and senate
57.24 policy and finance committees having jurisdiction over veterans affairs. The report must
57.25 present and analyze the data obtained in this paragraph.

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

57.32 (c) By October 1, 2008, the house of representatives, the senate, and the Legislative
57.33 Coordinating Commission on behalf of joint legislative offices and commissions, must
57.34 report to the chairs of the house and senate policy and finance committees having
57.35 jurisdiction over veterans affairs the number of veterans employed in their nonelective

58.1 workforce on June 30, 2008, based on self-reporting of veteran status. For each separate
58.2 hiring unit, the data must include tabulation by age category and length of state
58.3 employment in the legislative branch.

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

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

58.7 Sec. 22. **REVISOR'S INSTRUCTION.**

58.8 (a) The revisor shall change "board," "board of directors," or "Veterans Homes
58.9 Board of Directors" to "commissioner" wherever it is used in Minnesota Statutes, sections
58.10 198.003; 198.005; 198.006; 198.007; 198.022; 198.03; 198.05; 198.065; 198.066; 198.16;
58.11 198.23; 198.261; 198.265; 198.266; 198.31; 198.33; 198.34; 198.35; 198.36; and 198.37;
58.12 and shall change "board rules" to "rules adopted under this chapter" wherever it appears in
58.13 Minnesota Statutes, sections 198.007 and 198.022.

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

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

58.19 (2) change the term "board-operated facility" to "facility operated by the
58.20 commissioner of veterans affairs" and change the term "non-board-operated facility" to
58.21 "facility not operated by the commissioner of veterans affairs";

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

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

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

58.29 Sec. 23. **REPEALER.**

58.30 Minnesota Statutes 2006, sections 190.17; 197.236, subdivisions 7 and 10; 198.001,
58.31 subdivisions 6 and 9; 198.002, subdivisions 1, 3, and 6; 198.003, subdivisions 5 and 6;
58.32 and 198.004, subdivision 2, and Minnesota Statutes 2007 Supplement, sections 198.002,
58.33 subdivision 2; and 198.004, subdivision 1, are repealed.

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

ARTICLE 4

ETHANOL BLENDING POLICY

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Section 1. Minnesota Statutes 2006, section 239.051, subdivision 15, is amended to read:

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

Sec. 2. Minnesota Statutes 2007 Supplement, section 239.761, subdivision 4, is amended to read:

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

(b) A gasoline-ethanol blend must:

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

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

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

Sec. 3. Minnesota Statutes 2007 Supplement, section 239.761, is amended by adding a subdivision to read:

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

Sec. 4. Minnesota Statutes 2007 Supplement, section 239.761, is amended by adding a subdivision to read:

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

60.9 (b) If a person responsible for the product utilizes an ethanol-blending fuel dispenser
60.10 to dispense both gasoline blended with ethanol for use in alternative fuel vehicles and
60.11 gasoline blended with ethanol for use in standard combustion engines, the person must
60.12 ensure that the gasoline blended with ethanol for use in standard combustion engines is
60.13 dispensed from a fuel-dispensing hose and nozzle or other conveyance dedicated solely
60.14 to gasoline blended with ethanol for use in standard combustion engines and clearly
60.15 labeled as such.

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

60.19 Sec. 5. Minnesota Statutes 2006, section 239.7911, subdivision 2, is amended to read:

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

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

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

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

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

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

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

61.6 Sec. 6. Minnesota Statutes 2006, section 296A.01, subdivision 2, is amended to read:

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

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

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

61.14 Sec. 7. Minnesota Statutes 2007 Supplement, section 296A.01, subdivision 25, is
61.15 amended to read:

61.16 Subd. 25. **Gasoline blended with ethanol.** "Gasoline blended with ethanol" means
61.17 ~~gasoline blended with up to 20 percent, by volume, agriculturally derived, denatured~~
61.18 ~~ethanol. The blend must comply with the volatility requirements in Code of Federal~~
61.19 ~~Regulations, title 40, part 80. The blend must also comply with ASTM specification~~
61.20 ~~D4814-06, or the gasoline base stock from which a gasoline-ethanol blend was produced~~
61.21 ~~must comply with ASTM specification D4814-06; and the gasoline-ethanol blend must~~
61.22 ~~not be blended with casinghead gasoline, absorption gasoline, condensation gasoline, drip~~
61.23 ~~gasoline, or natural gasoline after the gasoline-ethanol blend has been sold, transferred, or~~
61.24 ~~otherwise removed from a refinery or terminal. The blend need not comply with ASTM~~
61.25 ~~specification D4814-06 if it is subjected to a standard distillation test. For a distillation~~
61.26 ~~test, a gasoline-ethanol blend is not required to comply with the temperature specification~~
61.27 ~~at the 50 percent liquid recovery point, if the gasoline from which the gasoline-ethanol~~
61.28 ~~blend was produced complies with all of the distillation specifications~~ a gasoline-ethanol
61.29 blend satisfying the provisions of section 239.761, subdivision 4a or 4b.