

# House Research Act Summary

**CHAPTER:** 14

**SESSION:** 2011 Regular Session

**TOPIC:** Agriculture budget act

**Date:** May 12, 2011

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## Overview

This act provides funding for the fiscal years 2012-2013 biennium to the Minnesota Department of Agriculture (MDA), the Board of Animal Health (BAH), and the Agricultural Utilization Research Institute (AURI). Several policy provisions are also included.

### Section

- 1 Summary of appropriations.** Summarizes total appropriations to MDA, BAH, and AURI, by year, by state treasury fund.
- 2 Agriculture appropriations.** Inserts boilerplate omnibus appropriation language.
- 3 Department of agriculture.** Appropriates funds for MDA's activities, as grouped into four categories.

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

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

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

**Subd. 4. Bioenergy and value-added agriculture.** Provides the total general fund

appropriation for the final ethanol producer payments and the Agricultural Growth, Research, and Innovation Program.

**Subd. 5. Administration and financial assistance.** Provides the total appropriation and amount by fund for MDA's administration and financial assistance activities. Requires grants to several named entities.

- 4      **Board of animal health.** Appropriates general fund dollars for BAH's activities.
- 5      **Agricultural utilization research institute.** Appropriates general fund dollars for AURI's activities.
- 6      **Farm disposal of solid waste.** Authorizes a person to bury concrete and rebar on a farm if the material is from a building on the property. Within 90 days of the burial, the person must record an affidavit with the county recorder that identifies where the material is buried on the property. The county recorder must record the affidavit so that it will be disclosed in the ordinary course of a title search.
- 7      **Administration by commissioner.** Clarifies that MDA (not the Pollution Control Agency) is solely responsible for regulating the application of pesticides to nonaquatic sites including all land and building applications.
- 8      **Ammonia and anhydrous ammonia.** Defines these terms for the purposes of fertilizer regulatory law in chapter 18C, "Fertilizer, Soil Amendment, and Plant Amendment."
- 9      **Certification of regulatory compliance.** Allows MDA to certify a nonemployee to perform anhydrous ammonia facility inspections and issue compliance certificates. Requires a person responsible for an anhydrous ammonia facility and issued a compliance certificate to submit a copy to the MDA.
- 10     **Compliance and inspection frequency.** Authorizes MDA to implement policies and procedures that allow for decreased inspection frequency for an anhydrous ammonia facility inspected by MDA or an authorized private inspector under section 9. MDA must consider compliance history, enforcement record, and any public safety or environmental risks.
- 11     **Fee.** Eliminates the \$10 minimum for the Agricultural Chemical Response and Reimbursement Account (ACRRA) surcharge that MDA levies on agricultural pesticide sales. Retains the \$10 minimum ACRRA surcharge for nonagricultural pesticides.
- 12     **Account; appropriation.** Establishes a dedicated account in the Agricultural Fund to hold wholesale producer dealer license fees and penalties. Statutorily appropriates money in the account to MDA to license and regulate wholesale produce dealers - i.e., persons who act as a broker or wholesaler of perishable fresh fruits and vegetables; milk, cream, or products made from milk or cream; or poultry or poultry products.
- 13     **Livestock mortalities.** States that BAH (not the Pollution Control Agency) is exclusively responsible for ensuring the proper disposal of livestock that succumb to disease. States that the BAH is also responsible for ensuring the proper disposal of livestock that die from other causes, but the BAH must seek the input of the Pollution Control Agency if the disposal of animals that died from non-disease causes could adversely affect ground or surface water.
- 14     **County agricultural societies, formation, powers.** Grants county agricultural societies the

authority to exchange real or personal property.

- 15      Public corporation; limited powers.** Allows counties to perform no-bid exchanges of comparably-valued land for any purpose. Retains the existing no-bid process that counties may use to acquire land for highway right-of-way. Creates a new process for all other exchanges that allows for private appraisals and requires the county board to hold a public meeting before giving final approval to the proposed exchange. Requires the county auditor to post notice of the public meeting at least two weeks in advance.
- 16      Repealer.** Repeals the ethanol producer payment statutes to coincide with the appropriation in section 3, subdivision 4, for the final outstanding deficiency payments.
- Effective date.** Provides that the statutes are repealed on the last day of the next biennium, i.e., after the MDA issues the final ethanol payments.