

# HOUSE RESEARCH

## Bill Summary

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### Overview

This is the omnibus supplemental environment, natural resources, and agriculture appropriations bill for the 2014 legislative session.

#### Section

#### Article 1: Appropriations

- 1 Summary of appropriations.** See spreadsheet or the bill.
- 2 Appropriations.** Appropriates supplemental funding for fiscal year 2015 to the Departments of Agriculture and Natural Resources, the Pollution Control Agency, Metropolitan Council, and the University of Minnesota. See spreadsheet or the bill.

#### Article 2: Corresponding Statutory Language

- 1 Animal premises data.** Classifies data collected by the Board of Animal Health (BAH) on commercial dog and cat breeders under this article as private or nonpublic, except for information included in the list of licensed breeders in good standing that BAH is required to post on its website under this article.
- 2 Pollution Control Agency.** Provides that information related to priority chemicals that is submitted to the PCA is classified under § 116.9403.

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- 3 **Apiary.** Defines the term for purposes of chapter 18B “Pesticide Control” and the bee-owner compensation program created in this article.
- 4 **Bee.** Defines the term for purposes of chapter 18B “Pesticide Control” and the bee-owner compensation program created in this article.
- 5 **Bee owner.** Defines the term for purposes of chapter 18B “Pesticide Control” and the bee-owner compensation program created in this article.
- 6 **Colony.** Defines the term for purposes of chapter 18B “Pesticide Control” and the bee-owner compensation program created in this article.
- 7 **Hive.** Defines the term for purposes of chapter 18B “Pesticide Control” and the bee-owner compensation program created in this article.
- 8 **Pollinator.** Defines the term for purposes of chapter 18B “Pesticide Control” and the pollinator-related sections in this article.
- 9 **Pollinator enforcement.** Authorizes the Minnesota Department of Agriculture (MDA) to take enforcement action for violations of state pesticide control law that result in harm to pollinators. Penalties collected for these crimes would be deposited in the Pesticide Regulatory Account.
- 10 **Pesticide impact on the environment.** Authorizes MDA to assemble a team of pollinator experts to consult on MDA’s pollinator death and illness investigations. MDA could contract with team members under a chapter 16C emergency procurement provision.
- 11 **Compensation for bees killed by pesticide; appropriation.** Requires MDA to compensate a bee owner whose bees were killed by acute pesticide poisoning when 1) the pesticide applicator cannot be determined; 2) the pesticide applicator applied the product in an illegal manner; or 3) the pesticide applicator applied the product in a legal manner. For categories 1 and 3, MDA would award the bee owner compensation from the Pesticide Regulatory Account in the Agricultural Fund. For category 2, either MDA would not compensate the person or MDA would collect a penalty from the pesticide applicator that is sufficient to compensate the bee owner for the fair market value of the dead bees and award the money to the bee owner. A bee owner must submit a claim of at least \$100 and may receive no more than \$20,000 per fiscal year for all eligible claims. Authorizes a bee owner to contest a claim denial by MDA. States that in order for a bee owner to be eligible for any compensation, the bee owner must have had insurance coverage for no more than 50 percent of the value of their colony. Appropriates up to \$150,000 per fiscal year from the Pesticide Regulatory Account for compensation payments.
- 12 **Definitions.** Defines key terms for purposes of a new chapter 18K, including “commissioner” (of agriculture) and “industrial hemp.” The definition of “industrial hemp” is the same as the definition enacted as part of the federal 2014 Farm Bill.  
**Effective date.** This section is effective July 1, 2015.

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- 13 Pilot program; other research authorized.** Authorizes industrial hemp growth and cultivation by MDA and institutions of higher education. Requires MDA pre-approval of any site used to grow or cultivate industrial hemp. Authorizes MDA to adopt rules to govern the pilot program.
- Effective date.** This section is effective July 1, 2015.
- 14 Definitions.** Defines terms for purposes of chapter 19 “Apiaries.”
- 15 Exemptions.** Exempts certain off-highway motorcycles from registration requirements.
- 16 Nonresident off-highway motorcycle state trail pass.** Requires tribal members exempt from off-highway motorcycles and nonresidents to obtain an off-highway motorcycle state trail pass (at a cost of \$20) in order to operate a motorcycle on state or grant-in-aid trails, with certain exceptions.
- 17 Requirement.** Allows a vehicle that bears a state parks and trails special plate (being created in this article) to access state parks, recreation areas, and waysides without a state park permit.
- 18 State parks and trails donation account.** Establishes a state parks and trails donation account to receive revenues from the new state parks and trails license plate established in this article and appropriates money in the account to the DNR for operation and maintenance of the state parks and trails system.
- 19 Disposition of proceeds.** States that interest earned on money in an account where revenues from leasing the Fort Snelling upper bluff accrues to the account and is appropriated annually to the DNR.
- 20 Zoological garden.** Designates the Minnesota Zoo as the state’s official pollinator bank, as defined.
- 21 Trap shooting sports facility grants.** Requires the commissioner of natural resources to administer a grant program to provide cost-share grants to local recreational trap shooting clubs for up to 50 percent of the cost of developing/rehabilitating trap shooting facilities for public use. Requires a facility rehabilitated/developed with a grant under this section to be open to the general public. Requires the commissioner to give preference to projects that provide the most opportunities for youth.
- 22 Water use permit processing fee.** Allows the DNR to waive water use permit fees for installations and projects that use storm water runoff or where public entities treat public waters of the state unless the use adversely affects surface water or groundwater.
- 23 Recyclable material container requirements; public entities; sports facilities; and commercial buildings.** Requires owners of sports facilities and any commercial building that contracts for more than two cubic yards per week of solid waste collection to recycle solid waste. “Sports facilities” include both professional and collegiate facilities.

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- 24 Statewide source reduction goal.** Strikes a 2000 state goal of reducing per capita waste generated by at least 10 percent and substitutes a state and county goal to reduce the generation of municipal solid waste.
- 25 Definition.** Adds the composting of source-separated compostable materials to the definition of recycling in this section. Expands the definition of total solid waste generation to include source-separated compostables and commercial waste.
- 26 County recycling goals.** Increases recycling goals for metropolitan counties from 50 to 75 percent by 2030.
- 27 Purposes for which money may be spent.** Adds composting, including the provision of receptacles for residential composting, to the list of activities that may be financed with county SCORE funds.
- Provides that, of any additional SCORE funds disbursed to metropolitan counties beginning in FY 2015 that exceed a county's 2014 allotment, at least 50 percent must be spent on composting and the remainder on activities that help the county achieve its recycling goal.
- 28 Eligibility to receive money.** Allows counties reporting on SCORE activities to report to the PCA electronically. Requires the reporting of specific recycling and composting activities that help achieve the county's recycling goal.
- 29 Definitions.** Amends § 116.9401. Makes conforming technical change. Adds definitions for "contaminant," "intentionally added chemical," "mouthable," "practical quantification limit," "product category," "product component," "product code," "toy," and "trade association." Modifies the definition of "safer alternative."
- 30 Identification of chemicals of high concern.** Requires any changes to the list of chemicals of high concern to be published on the PCA's Web site and in the State Register.
- 31 Identification of priority chemicals.**
- Subd. 1.** Provides that changes to the list of priority chemicals must be published on the PCA's Web site and in the State Register.
- Subd. 2.** Provides that the presence, concentration, and total amount of a priority chemical in a specific children's product is classified as public data.
- Subd. 3.** Provides that designation or publication of the identity of a priority chemical is not misappropriation of a trade secret.
- 32 Exemptions.** Makes technical change. Expands the list of excluded products to include children's products produced at a rate of less than 3,000 units per year, batteries, interactive software, and over-the-counter drugs.
- 33 Donations to the state.** Makes conforming technical changes.

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- 34 Children's products; initial notification on priority chemicals.** Specifies when manufacturers and distributors of children's products must report certain information.
- 35 Children's products; full reporting information on priority chemicals; timing.** Specifies a schedule that manufacturers and distributors of a children's product that contains a priority chemical must use to report the information required under section 9 to the PCA, based on aggregate gross sales within and outside the state.
- 36 Children's products; full product reporting information on priority chemicals.** Specifies the full product information that must be reported to the PCA, including the concentration and total amount of the priority chemical in the children's product.
- 37 Children's products; full product reporting information on priority chemicals; second and subsequent reports.** Specifies the information that must be submitted to the PCA every two years after the information submitted under section 36, including attempts made to remove the priority chemical from the children's product and any evaluation made of safer alternatives.
- 38 Children's products; removing a priority chemical; reporting requirement.** Specifies the information that must be submitted to the PCA when a priority chemical has been removed from a children's product.
- 39 Fees.** Requires the PCA to collect certain fees from manufacturers and distributors of children's products. Requires the fees be deposited into the environmental fund.
- 40 State agency duties.** Specifies PCA's duties under this act, including publishing applicable data, making suggestions for reducing or eliminating priority chemicals in specific children's products, and offering grants to develop safer alternatives to priority chemicals.
- 41 Enforcement.** Requires the PCA to enforce this act.
- 42 Rules.** Allows the commissioner to adopt rules under this section.
- 43 Report.** Requires the commissioners of the PCA, Health, and Commerce to report on the agency's implementation of this act by November 15, 2015, and every three years thereafter.
- 44 State parks and trails plates.** Establishes a state parks and trails special plate.
- Subd. 1. General requirements and procedures.** Sets requirements to obtain the special plate, including payment of applicable fees and taxes, ownership of an eligible vehicle, and payment of a donation of at least \$50. Allows for personalized plates.
- Subd. 2. Design.** Directs the Departments of Public Safety and Natural Resources to jointly design the plates in consultation with interested groups.
- Subd. 3. No refund.** Prevents a refund of the required donation.
- Subd. 4. Plates transfer.** Sets requirements and a \$5 fee for transfer of the plate to another vehicle.

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**Subd. 5. Contribution and fees credited.** Directs the required donation to a state parks and trails donation account, and the \$10 plate fee to the vehicle services operating account.

**Subd. 6. Record.** Requires recordkeeping on issuances of the plate.

**Subd. 7. Exemption.** Exempts the special plate from requirements concerning an application fee, survey, and market study required for new plate proposals.

**45 Definitions.** Defines terms used in the following sections, including: “animal,” which means a dog or a cat; “commercial breeder,” which means a person in the breeding business who has ten or more adult animals and whose animals produce more than five litters per year; and “board” which means BAH.

**46 Licensing and inspections.** Requires commercial breeders to obtain a license and submit to inspections.

**Subd. 1. Licensing.** Allows BAH to grant operating licenses to commercial breeders and requires commercial breeders to obtain an annual license for each facility they own or operate starting on July 1, 2015. The fee is \$10 per animal, up to \$250 per licensed facility. BAH must perform a pre-licensing inspection of the facility within 60 days of receiving an application.

*Application.* Prescribes what must be included in the license application, including any negative license history or criminal activity related to animal cruelty.

*Renewal.* The license must be renewed annually and the breeder must submit an annual report to BAH on the number of animals in the facility and the number that passed through the facility in the previous year.

*Refusal.* BAH cannot issue a license if the applicant:

- (1) violated a provision of Minnesota Statutes, chapters 343 “Prevention of Cruelty to Animals” or 346 “Stray Animals; Companion Animals;”
- (2) failed to meet the requirements of this article;
- (3) violated a local ordinance governing animal breeders;
- (4) was convicted of cruelty to animals in any jurisdiction;
- (5) had a similar license denied, revoked, or suspended by another authority; or
- (6) falsified any information to BAH.

Any person associated with a breeder whose license was revoked or suspended and who was responsible for or participated in the violation may not be licensed while that revocation or suspension is in effect.

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**Subd. 2. Inspections.** BAH must inspect each licensed facility at least annually when the breeder or the breeder's agent is present. An inspector must submit a report to BAH within ten days of the inspection and if the facility is not in compliance, the report must indicate what must be done to remedy the violation. If a license is suspended, revoked, or denied BAH must be granted access to the facility to verify the facility is not currently operating. BAH may inspect a facility every other year if inspectors find no violations initially for two consecutive years.

**Subd. 3. Record requirements.** Requires a licensed commercial breeder to keep certain records.

**Subd. 4. Veterinary protocol.** Requires a licensed commercial breeder to establish, maintain, and update a written veterinary protocol. Requires a breeder to issue a veterinary health certificate with every animal sold or otherwise distributed.

**Subd. 5. Posting of information.** BAH must post an online directory of breeders that are licensed and in good standing with BAH.

**47 Standards of care.** Requires commercial breeders to comply with the laws of Minnesota relating to animal care, local ordinances, and a prescribed list of care standards to protect the animals from cruelty and neglect. Grandfathers-in confinement areas that currently comply with United States Department of Agriculture requirements but do not meet the requirements of Minnesota's Pet and Companion Animal Welfare Act.

**48 Investigations.** BAH must investigate a formal complaint. A local animal control authority, a peace officer, or a humane agent must report violations to BAH in a timely manner.

**49 Civil enforcement.** Authorizes civil law enforcement, including administrative actions.

**Subd. 1. Correction order.** Allows BAH to issue a correction order that states the violation and when it must be corrected by. Provides the commercial breeder with an option to request reconsideration of a correction order. BAH must reinspect within 15 days of the date given to correct the violation and notify the breeder in writing if they are in compliance.

**Subd. 2. Administrative penalty orders.** Authorizes BAH to issue a correction order after reinspection and assess monetary penalties of up to \$5,000 for violations.

**Subd. 3. Injunctive relief.** Authorizes BAH to bring an action for injunctive relief in Ramsey County or wherever the violation occurred to stop the violation.

**Subd. 4. Cease and desist.** Requires BAH to issue an order to cease a practice for up to 72 hours if there is an immediate risk to animal welfare or public health. BAH must take other actions to restrain a breeder's practice beyond 72 hours.

**Subd. 5. Refusal to reissue license; license suspension or revocation.** Allows BAH to suspend, revoke, or refuse to renew a license if the breeder fails to comply with the corrective order, fails to pay an administrative penalty, fails to meet the

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requirements in this article, or provides false information to BAH. Allows a commercial breeder to appeal through the Office of Administrative Hearings. Requires BAH to revoke a license if a commercial breeder is convicted of violating an animal cruelty law in Minnesota or another jurisdiction or if a similar license is denied, revoked, or suspended in another jurisdiction. A breeder can appeal license revocation to the Office of Administrative Hearings. Requires the breeder to wait two years to apply if BAH revokes the license. A license is barred permanently if a BAH license is suspended or revoked twice or the cause of the revocation was a gross misdemeanor or felony conviction for animal cruelty.

**Subd. 6. Administrative hearing rights.** Provides the procedure for requesting a hearing or appeal of decisions made by BAH.

**Subd. 7. Other jurisdictions.** Allows BAH to use enforcement actions in other jurisdictions as evidence for an enforcement or disciplinary action if the violation would be grounds for enforcement action under this section.

**Subd. 8. Appeals.** Provides that a final BAH order may be appealed to the Minnesota Court of Appeals.

**50 Biosecurity; entry into facilities.** Prohibits entry to commercial breeder facilities unless the law enforcement officer follows biosecurity procedures, unless the situation constitutes an emergency.

**51 Penalties.** Violations that constitute cruelty or torture to an animal are subject to the penalties in existing law. For example, two or more convictions in five years may increase the penalty from a misdemeanor to a gross misdemeanor. If intentional cruelty or torture causes substantial bodily harm to the dog or cat, a breeder may be sentenced to imprisonment for up to one year, fined up to \$3,000, or both. If intentional cruelty or torture causes death or great bodily harm, a breeder may be sentenced to imprisonment for up to two years, fined up to \$5,000, or both.

The following actions would be a misdemeanor:

- falsifying information in a license application, annual report, or record;
- an unlicensed commercial breeder advertises animals for sale; and
- operating without a license.

**52 Dog and cat breeders licensing account; appropriation.** Creates a breeder licensing account in the Special Revenue Fund for the fees and penalties collected by BAH. Money and interest is annually appropriated to BAH.

**53 Applicability.** Provides that the dog and cat breeder sections in this article do not apply to veterinary clinics or hospitals or any animals other than dogs or cats.

## Section

- 54 Fish and wildlife management.** Modifies a previous appropriation from the heritage enhancement account to allow its use for shooting sports facilities, including the Itasca County Gun Club and grants for trap shooting facilities under the new trap shooting facility grants program established in this article.
- 55 Costs of school trust lands director and Legislative Permanent School Fund Commission.** States that the costs of the legislative director and Legislative Permanent School Fund Commission are to be from the state forest suspense account and the minerals management account for fiscal years 2014 through 2016 and that the director and commission shall submit a proposal to the legislature on funding the commission and director's office using a cost certification method in 2015.
- 56 Recognition; commercial breeder excellence.** Requires BAH to develop a program that recognizes commercial breeders who exceed minimum standards and demonstrate excellence.
- 57 Registration; initial precicensing inspections.** Requires commercial breeders to pay a registration fee of up to \$250 to register each facility they own beginning July 1, 2014, and ending July 30, 2015. BAH can begin initial precicensing inspections during that same period. BAH must deposit fees in the new account.
- 58 Bee valuation protocol required.** Requires MDA to report to the legislature by January 15, 2015, a protocol for determining the fair market value of bees for purposes of the new compensation program in this article.
- 59 Terrestrial plants and pests center.** Requests the University of Minnesota to establish an Invasive Terrestrial Plants and Pests Center to research and develop measures to prevent and minimize threats posed by terrestrial invasive plants, weeds, pathogens and pests (including agricultural weeds and pests). Specifies the colleges, departments and outreach centers to be involved. Requires an annual report to be submitted to the legislature on the activities of the center and any recommendations (the center receives funding under this act).
- 60 Report required.** Requires the commissioner of agriculture to report on proposed legislation to implement the industrial hemp sections in this bill, including fees to cover the commissioner's costs. This report would be due January 15, 2015, roughly six months before the industrial hemp sections would take effect.
- 61 Repealer.** Repeals Minnesota Statutes 2012, section 115A.551, subdivision 2, county recycling goals for 1993.