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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **3158**

03/17/2014 Authored by Wagenius and Slocum

The bill was read for the first time and referred to the Committee on Environment, Natural Resources and Agriculture Finance

03/27/2014 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act  
 1.2 relating to state government; appropriating money for agriculture, environment,  
 1.3 and natural resources; modifying disposition of certain revenue; providing  
 1.4 compensation for certain bee deaths caused by pesticide poisoning; establishing  
 1.5 pollinator emergency response team; creating industrial hemp pilot program;  
 1.6 defining terms; providing for nonresident off-highway motorcycle state trail  
 1.7 pass; creating account; providing for certain grants; requiring certain recycling;  
 1.8 modifying solid waste reduction and recycling goals; modifying certain report  
 1.9 requirements; regulating harmful chemicals in children's products; modifying  
 1.10 water use permit processing fee requirements; providing for state parks and  
 1.11 trails license plates; providing for commercial dog and cat breeder licensing and  
 1.12 inspection; providing for Invasive Terrestrial Plants and Pests Center; modifying  
 1.13 prior appropriations; requiring reports; authorizing rulemaking; providing  
 1.14 criminal penalties; amending Minnesota Statutes 2012, sections 13.643,  
 1.15 subdivision 6; 13.7411, subdivision 8; 18B.01, by adding subdivisions; 18B.03,  
 1.16 by adding a subdivision; 18B.04; 84.788, subdivision 2; 85.053, subdivision 2;  
 1.17 85.34, subdivision 7; 85A.02, subdivision 2; 103G.271, subdivision 6; 115A.151;  
 1.18 115A.55, subdivision 4; 115A.551, subdivisions 1, 2a; 115A.557, subdivisions 2,  
 1.19 3; 116.9401; 116.9402; 116.9403; 116.9405; 116.9406; Laws 2008, chapter 363,  
 1.20 article 5, section 4, subdivision 7, as amended; Laws 2012, chapter 249, section  
 1.21 11; proposing coding for new law in Minnesota Statutes, chapters 18B; 19; 84; 85;  
 1.22 87A; 116; 168; 347; proposing coding for new law as Minnesota Statutes, chapter  
 1.23 18K; repealing Minnesota Statutes 2012, section 115A.551, subdivision 2.

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

1.25 ARTICLE 1

1.26 AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES  
 1.27 APPROPRIATIONS

1.28 Section 1. SUMMARY OF APPROPRIATIONS.

1.29 The amounts shown in this section summarize direct appropriations, by fund, made  
 1.30 in this article.

2.1			<b><u>2015</u></b>
2.2	<u>General</u>	\$	<u>16,000,000</u>
2.3	<u>Natural Resources</u>		<u>900,000</u>
2.4	<u>Game and Fish</u>		<u>3,000</u>
2.5	<u>Environment and Natural</u>		
2.6	<u>Resources Trust</u>		<u>490,000</u>
2.7	<b><u>Total</u></b>	<b>\$</b>	<b><u>17,393,000</u></b>

2.8 **Sec. 2. APPROPRIATIONS.**

2.9 The sums shown in the columns marked "Appropriations" are added to the  
 2.10 appropriations in Laws 2013, chapter 114, or appropriated to the agencies and for the  
 2.11 purposes specified in this article. The appropriations are from the general fund, or another  
 2.12 named fund, and are available for the fiscal year indicated for each purpose. The figure  
 2.13 "2015" used in this article means that the addition to the appropriations listed under them  
 2.14 are available for the fiscal year ending June 30, 2015.

2.15	<b><u>APPROPRIATIONS</u></b>
2.16	<b><u>Available for the Year</u></b>
2.17	<b><u>Ending June 30</u></b>
2.18	<b><u>2015</u></b>

2.19 **Sec. 3. AGRICULTURE.**

2.20	<u>Subdivision 1. <b>Total Appropriation</b></u>	\$	<u><b>1,911,000</b></u>
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2.21 The amounts that may be spent for each  
 2.22 purpose are specified in the following  
 2.23 subdivisions.

2.24	<u>Subd. 2. <b>Department of Agriculture</b></u>	<u><b>1,601,000</b></u>
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2.25 \$1,500,000 in 2015 is for a grant to Second  
 2.26 Harvest Heartland on behalf of the six  
 2.27 Feeding America food banks that serve  
 2.28 Minnesota to compensate agricultural  
 2.29 producers and processors for costs incurred  
 2.30 to harvest and package for transfer surplus  
 2.31 fruits, vegetables, or other agricultural  
 2.32 commodities that would otherwise go  
 2.33 unharvested or be discarded. Surplus  
 2.34 commodities must be distributed statewide  
 2.35 to food shelves and other charitable

3.1 organizations that are eligible to receive  
 3.2 food from the food banks. Surplus food  
 3.3 acquired under this appropriation must be  
 3.4 from Minnesota producers and processors.  
 3.5 Second Harvest Heartland must report when  
 3.6 required by, and in the form prescribed by,  
 3.7 the commissioner. Second Harvest Heartland  
 3.8 may use up to 11 percent of the grant for  
 3.9 administrative expenses. This appropriation  
 3.10 is added to the base.

3.11 \$100,000 in 2015 is to compensate experts  
 3.12 evaluating pollinator death or illness as  
 3.13 authorized in Minnesota Statutes, section  
 3.14 18B.04. \$65,000 is added to the base.

3.15 \$1,000 in 2015 is for the industrial hemp  
 3.16 report required under article 2. This is a  
 3.17 onetime appropriation.

3.18 Subd. 3. **Board of Animal Health** 310,000

3.19 \$310,000 in 2015 is to administer the dog and  
 3.20 cat breeder licensing and inspection program.  
 3.21 The base in fiscal year 2016 is \$426,000 and  
 3.22 the base in fiscal year 2017 is \$435,000.

3.23 Sec. 4. **POLLUTION CONTROL AGENCY**

3.24 Subdivision 1. **Total Appropriation** \$ 7,336,000

3.25 The amounts that may be spent for each  
 3.26 purpose are specified in the following  
 3.27 subdivisions.

3.28 Subd. 2. **Water** 1,000

3.29 \$1,000 in 2015 is to compile information  
 3.30 on the presence of plastic microbeads in the  
 3.31 state's waters and their potential impacts  
 3.32 on aquatic ecosystems and human health,  
 3.33 in consultation with the University of

4.1 Minnesota. No later than December 15,  
 4.2 2014, the commissioner must present the  
 4.3 information to the legislative committees  
 4.4 with jurisdiction over environment and  
 4.5 natural resources policy and finance and  
 4.6 make recommendations. This is a onetime  
 4.7 appropriation.

4.8 **Subd. 3. Environmental**  
 4.9 **Assistance and Cross-Media** 7,335,000

4.10 \$7,000,000 in 2015 is for the purposes  
 4.11 of Minnesota Statutes, section 115A.557,  
 4.12 subdivision 2. This appropriation is added  
 4.13 to the base.

4.14 \$335,000 in 2015 is for costs incurred  
 4.15 implementing Minnesota Statutes, sections  
 4.16 116.9401 to 116.9425. This is a onetime  
 4.17 appropriation.

4.18 **Sec. 5. NATURAL RESOURCES**

4.19 **Subdivision 1. Total Appropriation** **\$ 2,107,000**

<u>Appropriations by Fund</u>	
4.21 <u>General</u>	<u>1,654,000</u>
4.22 <u>Game and Fish</u>	<u>3,000</u>
4.23 <u>Natural Resources</u>	<u>450,000</u>

4.24 The amounts that may be spent for each  
 4.25 purpose are specified in the following  
 4.26 subdivisions.

4.27 **Subd. 2. Ecological and Water Resources** 50,000

4.28 \$50,000 in 2015 is for a study of the effects  
 4.29 of the Lake Emily dam in Crow Wing County  
 4.30 on water clarity and water levels in Lake  
 4.31 Emily, Lake Mary, and the Little Pine River.  
 4.32 This is a onetime appropriation.

4.33 **Subd. 3. Parks and Trails**  
 4.34 **Management** 2,045,000

5.1 \$1,595,000 in 2015 is for the improvement,  
 5.2 maintenance, and conditions of facilities and  
 5.3 infrastructure in state parks for safety and  
 5.4 general use. This is a onetime appropriation.

5.5 \$450,000 in 2015 is from the natural  
 5.6 resources fund for state trail, park, and  
 5.7 recreation area operations. This appropriation  
 5.8 is from the revenue deposited in the natural  
 5.9 resources fund under Minnesota Statutes,  
 5.10 section 297A.94, paragraph (e), clause (2).

5.11 This is a onetime appropriation.

5.12 Subd. 4. **Fish and Wildlife**  
 5.13 **Management**

12,000

5.14 \$3,000 in 2015 is from the game and fish fund  
 5.15 for a report on aquatic plant management  
 5.16 permitting policies for the management  
 5.17 of narrow-leaved and hybrid cattail in a  
 5.18 range of basin types across the state. The  
 5.19 report shall be submitted to the chairs and  
 5.20 ranking minority members of the house of  
 5.21 representatives and senate committees with  
 5.22 jurisdiction over environment and natural  
 5.23 resources by December 15, 2014, and include  
 5.24 recommendations for any necessary changes  
 5.25 in statutes, rules, or permitting procedures.

5.26 This is a onetime appropriation.

5.27 \$9,000 in 2015 is for the commissioner,  
 5.28 in consultation with interested parties,  
 5.29 agencies, and other states, to develop a  
 5.30 detailed restoration plan to recover the  
 5.31 historical native population of bobwhite  
 5.32 quail in Minnesota for its ecological and  
 5.33 recreational benefits to the citizens of the  
 5.34 state. The commissioner shall conduct public  
 5.35 meetings in developing the plan. No later  
 5.36 than January 15, 2015, the commissioner

6.1 must report on the plan's progress to the  
 6.2 legislative committees with jurisdiction over  
 6.3 environment and natural resources policy  
 6.4 and finance. This is a onetime appropriation.

6.5 **Sec. 6. METROPOLITAN COUNCIL \$ **450,000****

6.6 \$450,000 in 2015 is from the natural  
 6.7 resources fund for metropolitan area regional  
 6.8 parks and trails maintenance and operations.  
 6.9 This appropriation is from the revenue  
 6.10 deposited in the natural resources fund  
 6.11 under Minnesota Statutes, section 297A.94,  
 6.12 paragraph (e), clause (3). This is a onetime  
 6.13 appropriation.

6.14 **Sec. 7. UNIVERSITY OF MINNESOTA \$ **5,589,000****

6.15	<u>Appropriations by Fund</u>	
6.16	<u>General</u>	<u>5,099,000</u>
6.17	<u>Environment and</u>	
6.18	<u>Natural Resources</u>	
6.19	<u>Trust</u>	<u>490,000</u>

6.20 \$ 5,099,000 in 2015 is from the general fund  
 6.21 for the Invasive Terrestrial Plants and Pests  
 6.22 Center requested under this act, including a  
 6.23 director, graduate students, and necessary  
 6.24 supplies. This is a onetime appropriation and  
 6.25 is available until June 30, 2025.

6.26 \$490,000 in 2015 is from the environment  
 6.27 and natural resources trust fund for the  
 6.28 Invasive Terrestrial Plants and Pests Center  
 6.29 requested under this act, including a director,  
 6.30 graduate students, and necessary supplies.  
 6.31 This is a onetime appropriation and is  
 6.32 available until June 30, 2025.

6.33 \$970,000 from the environment and natural  
 6.34 resources trust fund appropriated in Laws

7.1 2011, First Special Session chapter 2, article  
 7.2 3, section 2, subdivision 9, paragraph (d),  
 7.3 Reinvest in Minnesota Wetlands Reserve  
 7.4 Acquisition and Restoration Program  
 7.5 Partnership, is transferred to the Board of  
 7.6 Regents of the University of Minnesota for  
 7.7 the Invasive Terrestrial Plants and Pests  
 7.8 Center requested under this act, including a  
 7.9 director, graduate students, and necessary  
 7.10 supplies and is available until June 30, 2025.

7.11 **ARTICLE 2**

7.12 **AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES**  
 7.13 **FISCAL IMPLEMENTATION PROVISIONS**

7.14 Section 1. Minnesota Statutes 2012, section 13.643, subdivision 6, is amended to read:

7.15 Subd. 6. **Animal premises data.** (a) The following data collected and maintained  
 7.16 by the Board of Animal Health related to registration and identification of premises and  
 7.17 animals under chapter 35, are classified as private or nonpublic:

- 7.18 (1) the names and addresses;  
 7.19 (2) the location of the premises where animals are kept; and  
 7.20 (3) the identification number of the premises or the animal.

7.21 (b) Except as provided in section 347.58, subdivision 5, data collected and  
 7.22 maintained by the Board of Animal Health under sections 347.57 to 347.64 are classified  
 7.23 as private or nonpublic.

7.24 ~~(b)~~ (c) The Board of Animal Health may disclose data collected under paragraph (a)  
 7.25 or (b) to any person, agency, or to the public if the board determines that the access will  
 7.26 aid in the law enforcement process or the protection of public or animal health or safety.

7.27 Sec. 2. Minnesota Statutes 2012, section 13.7411, subdivision 8, is amended to read:

7.28 Subd. 8. **Pollution Control Agency.** (a) **Hazardous waste generators.**  
 7.29 Information provided by hazardous waste generators under section 473.151 and for which  
 7.30 confidentiality is claimed is governed by section 116.075, subdivision 2.

7.31 (b) **Tests.** Trade secret information made available by applicants for certain projects  
 7.32 of the Pollution Control Agency is classified under section 116.54.

7.33 (c) **Priority chemicals.** Information submitted to the Pollution Control Agency  
 7.34 related to priority chemicals in children's products is classified under section 116.9403.

8.1 Sec. 3. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
8.2 to read:

8.3 Subd. 1c. **Apiary.** "Apiary" means a place where a collection of one or more hives  
8.4 or colonies of bees or the nuclei of bees are kept.

8.5 Sec. 4. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
8.6 to read:

8.7 Subd. 2a. **Bee.** "Bee" means any stage of the common honeybee, *Apis mellifera* (L).

8.8 Sec. 5. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
8.9 to read:

8.10 Subd. 2b. **Bee owner.** "Bee owner" means a person who owns an apiary.

8.11 Sec. 6. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
8.12 to read:

8.13 Subd. 4c. **Colony.** "Colony" means the aggregate of worker bees, drones, the queen,  
8.14 and developing young bees living together as a family unit in a hive or other dwelling.

8.15 Sec. 7. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
8.16 to read:

8.17 Subd. 11a. **Hive.** "Hive" means a frame hive, box hive, box, barrel, log gum, skep,  
8.18 or any other receptacle or container, natural or artificial, or any part of one, which is  
8.19 used as domicile for bees.

8.20 Sec. 8. Minnesota Statutes 2012, section 18B.01, is amended by adding a subdivision  
8.21 to read:

8.22 Subd. 20a. **Pollinator.** "Pollinator" means an insect that pollinates flowers.

8.23 Sec. 9. Minnesota Statutes 2012, section 18B.03, is amended by adding a subdivision  
8.24 to read:

8.25 Subd. 4. **Pollinator enforcement.** The commissioner may take enforcement action  
8.26 under chapter 18D for a violation of this chapter, or any rule adopted under this chapter,  
8.27 that results in harm to pollinators, including but not limited to applying a pesticide in  
8.28 a manner inconsistent with the pesticide product's label or labeling and resulting in  
8.29 pollinator death or willfully applying pesticide in a manner inconsistent with the pesticide



9.1 product's label or labeling. The commissioner must deposit any penalty collected under  
 9.2 this subdivision in the pesticide regulatory account in section 18B.05.

9.3 Sec. 10. Minnesota Statutes 2012, section 18B.04, is amended to read:

9.4 **18B.04 PESTICIDE IMPACT ON ENVIRONMENT.**

9.5 (a) The commissioner shall:

9.6 (1) determine the impact of pesticides on the environment, including the impacts on  
 9.7 surface water and groundwater in this state;

9.8 (2) develop best management practices involving pesticide distribution, storage,  
 9.9 handling, use, and disposal; and

9.10 (3) cooperate with and assist other state agencies and local governments to protect  
 9.11 public health, pollinators, and the environment from harmful exposure to pesticides.

9.12 (b) The commissioner may assemble a group of experts under section 16C.10,  
 9.13 subdivision 2, to consult in the investigation of pollinator deaths or illnesses. The group of  
 9.14 experts may include representatives from local, state, and federal agencies; academia; the  
 9.15 state pollinator bank; or other professionals as deemed necessary by the commissioner.

9.16 Sec. 11. **[18B.055] COMPENSATION FOR BEES KILLED BY PESTICIDE;**  
 9.17 **APPROPRIATION.**

9.18 Subdivision 1. **Compensation required.** (a) The commissioner of agriculture  
 9.19 must compensate a person for an acute pesticide poisoning resulting in the death of bees  
 9.20 owned by the person, provided:

9.21 (1) the person who applied the pesticide cannot be determined;

9.22 (2) the person who applied the pesticide did so in a manner consistent with the  
 9.23 pesticide product's label or labeling; or

9.24 (3) the person who applied the pesticide did so in a manner inconsistent with the  
 9.25 pesticide product's label or labeling.

9.26 (b) Except as provided in this section, the bee owner is entitled to the fair market  
 9.27 value of the dead bees as determined by the commissioner upon recommendation by  
 9.28 academic experts and bee keepers. In any fiscal year, a bee owner must not be compensated  
 9.29 for a claim that is less than \$100 or compensated more than \$20,000 for all eligible claims.

9.30 Subd. 2. **Applicator responsible.** In the event a person applies a pesticide in a  
 9.31 manner inconsistent with the pesticide product's label or labeling requirements as approved  
 9.32 by the commissioner and is determined to have caused the acute pesticide poisoning of  
 9.33 bees, resulting in death, kept for commercial purposes, then the person so identified must

10.1 bear the responsibility of restitution for the value of the bees to the bee owner. In such  
10.2 cases the commissioner must not provide compensation as provided in this section.

10.3 Subd. 3. **Claim form.** The bee owner must file a claim on forms provided by the  
10.4 commissioner and available on the Department of Agriculture's Web site.

10.5 Subd. 4. **Determination.** The commissioner must determine whether the death of  
10.6 the bees was caused by an acute pesticide poisoning, whether the pesticide applicator can  
10.7 be determined, and whether the pesticide applicator applied the pesticide product in a  
10.8 manner consistent with the pesticide product's label or labeling.

10.9 Subd. 5. **Payments; denial of compensation.** (a) If the commissioner determines  
10.10 the bee death was caused by an acute pesticide poisoning and either the pesticide  
10.11 applicator cannot be determined or the pesticide applicator applied the pesticide product in  
10.12 a manner consistent with the pesticide product's label or labeling, the commissioner may  
10.13 award compensation from the pesticide regulatory account. If the pesticide applicator can  
10.14 be determined and the applicator applied the pesticide product in a manner inconsistent  
10.15 with the product's label or labeling, the commissioner may collect a penalty from the  
10.16 pesticide applicator sufficient to compensate the bee owner for the fair market value of the  
10.17 dead bees and must award the money to the bee owner.

10.18 (b) If the commissioner denies compensation claimed by a bee owner under this  
10.19 section, the commissioner must issue a written decision based upon the available evidence.  
10.20 The decision must include specification of the facts upon which the decision is based and  
10.21 the conclusions on the material issues of the claim. The commissioner must mail a copy  
10.22 of the decision to the bee owner.

10.23 (c) A decision to deny compensation claimed under this section is not subject to the  
10.24 contested case review procedures of chapter 14, but may be reviewed upon a trial de  
10.25 novo in a court in the county where the loss occurred. The decision of the court may be  
10.26 appealed as in other civil cases. Review in court may be obtained by filing a petition for  
10.27 review with the administrator of the court within 60 days following receipt of a decision  
10.28 under this section. Upon the filing of a petition, the administrator must mail a copy to the  
10.29 commissioner and set a time for hearing within 90 days of the filing.

10.30 Subd. 6. **Deduction from payment.** In order to be eligible for compensation under  
10.31 this section, a bee owner must document that at the time of the loss the bee owner had  
10.32 insurance sufficient to cover up to 50 percent of the total value of the owner's colony.  
10.33 The commissioner must reduce payments made under this section by any compensation  
10.34 received by the bee owner as proceeds from an insurance policy or from another source.

11.1 Subd. 7. **Appropriation.** The amount necessary to pay claims under this section,  
11.2 not to exceed \$150,000 per fiscal year, is appropriated from the pesticide regulatory  
11.3 account in section 18B.05.

11.4 Sec. 12. **[18K.01] DEFINITIONS.**

11.5 Subdivision 1. **Scope.** The definitions in this section apply to this chapter.

11.6 Subd. 2. **Commissioner.** "Commissioner" means the commissioner of agriculture.

11.7 Subd. 3. **Industrial hemp.** "Industrial hemp" means the plant Cannabis sativa L.  
11.8 and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol  
11.9 concentration of not more than 0.3 percent on a dry weight basis.

11.10 **EFFECTIVE DATE.** This section is effective July 1, 2015.

11.11 Sec. 13. **[18K.03] PILOT PROGRAM; OTHER RESEARCH AUTHORIZED.**

11.12 Subdivision 1. **Authorized activity.** The commissioner may grow or cultivate  
11.13 industrial hemp pursuant to a pilot program administered by the commissioner to study  
11.14 the growth, cultivation, or marketing of industrial hemp. The commissioner may  
11.15 authorize institutions of higher education to grow or cultivate industrial hemp as part  
11.16 of the commissioner's pilot program or as is necessary to perform other agricultural or  
11.17 academic research.

11.18 Subd. 2. **Site registration.** Before growing or cultivating industrial hemp, each site  
11.19 must be certified by and registered with the commissioner. A person must register each  
11.20 site in the form prescribed by the commissioner.

11.21 Subd. 3. **Rulemaking.** The commissioner may adopt rules that govern the pilot  
11.22 program in accordance with this section and Public Law 113-79.

11.23 **EFFECTIVE DATE.** This section is effective July 1, 2015.

11.24 Sec. 14. **[19.70] DEFINITIONS.**

11.25 Subdivision 1. **Scope.** For the purposes of this chapter the terms defined in this  
11.26 section have the meanings given.

11.27 Subd. 2. **Abandoned apiary.** "Abandoned apiary" means any apiary not regularly  
11.28 attended in accordance with good beekeeping practices and which constitutes a disease or  
11.29 parasite hazard to the beekeeping industry.

11.30 Subd. 3. **Africanized honeybees.** "Africanized honeybees" means Africanized  
11.31 honeybees using United States Department of Agriculture standards.

12.1           Subd. 4. **Bee diseases.** "Bee diseases" means infectious, contagious, or harmful  
 12.2 diseases including but not limited to: American or European foulbrood, sacbrood,  
 12.3 chalkbrood, Nosema, bee paralysis, or abnormal condition of egg, larval, pupal, or adult  
 12.4 stages of bees.

12.5           Subd. 5. **Bee equipment.** "Bee equipment" means hives, supers, frames, veils,  
 12.6 gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling,  
 12.7 moving, or manipulating of bees, honey, wax, or hives, including containers of honey or  
 12.8 wax which may be used in an apiary or in transporting bees and their products and apiary  
 12.9 supplies.

12.10          Subd. 6. **Beekeeper.** "Beekeeper" means a person who keeps bees.

12.11          Subd. 7. **Beekeeping.** "Beekeeping" means the moving, raising, and producing of  
 12.12 bees, beeswax, honey, related products, and pollination.

12.13          Subd. 8. **Commissioner.** "Commissioner" means the commissioner of agriculture  
 12.14 or the commissioner's authorized agents.

12.15          Subd. 9. **Department.** "Department" means the Department of Agriculture.

12.16          Subd. 10. **Exotic parasite.** "Exotic parasite" means any parasite harmful to bees  
 12.17 including but not limited to: Varroa jacobsoni, Tropilaelaps clareae, or Acarapis woodi.

12.18          Subd. 11. **Queen apiary.** "Queen apiary" means any apiary or premises in which  
 12.19 queen bees are reared or kept for sale or gift.

12.20          Sec. 15. Minnesota Statutes 2012, section 84.788, subdivision 2, is amended to read:

12.21           Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

12.22           (1) owned and used by the United States, an Indian tribal government, the state,  
 12.23 another state, or a political subdivision;

12.24           (2) registered in another state or country that have not been within this state for  
 12.25 more than 30 consecutive days; ~~or~~

12.26           (3) registered under chapter 168, when operated on forest roads to gain access to a  
 12.27 state forest campground;

12.28           (4) used exclusively in organized track racing events;

12.29           (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident  
 12.30 off-highway motorcycle state trail pass; or

12.31           (6) operated by a person participating in an event for which the commissioner has  
 12.32 issued a special use permit.

12.33          Sec. 16. **[84.7945] NONRESIDENT OFF-HIGHWAY MOTORCYCLE STATE**  
 12.34 **TRAIL PASS.**

13.1 Subdivision 1. **Pass required; fee.** (a) A tribal member exempt from registration  
13.2 under section 84.788, subdivision 2, clause (2), or a nonresident, may not operate an  
13.3 off-highway motorcycle on a state or grant-in-aid off-highway motorcycle trail unless the  
13.4 operator carries a valid nonresident off-highway motorcycle state trail pass in immediate  
13.5 possession. The pass must be available for inspection by a peace officer, a conservation  
13.6 officer, or an employee designated under section 84.0835.

13.7 (b) The commissioner of natural resources shall issue a pass upon application and  
13.8 payment of a \$20 fee. The pass is valid from January 1 through December 31. Fees  
13.9 collected under this section, except for the issuing fee for licensing agents, shall be  
13.10 deposited in the state treasury and credited to the off-highway motorcycle account in  
13.11 the natural resources fund and, except for the electronic licensing system commission  
13.12 established by the commissioner under section 84.027, subdivision 15, must be used for  
13.13 grants-in-aid to counties and municipalities for off-highway motorcycle organizations to  
13.14 construct and maintain off-highway motorcycle trails and use areas.

13.15 (c) A nonresident off-highway motorcycle state trail pass is not required for:

13.16 (1) an off-highway motorcycle that is owned and used by the United States, another  
13.17 state, or a political subdivision thereof that is exempt from registration under section  
13.18 84.788, subdivision 2;

13.19 (2) a person operating an off-highway motorcycle only on the portion of a trail that  
13.20 is owned by the person or the person's spouse, child, or parent; or

13.21 (3) a nonresident operating an off-highway motorcycle that is registered according  
13.22 to section 84.788.

13.23 Subd. 2. **License agents.** The commissioner may appoint agents to issue and sell  
13.24 nonresident off-highway motorcycle state trail passes. The commissioner may revoke the  
13.25 appointment of an agent at any time. The commissioner may adopt additional rules as  
13.26 provided in section 97A.485, subdivision 11. An agent shall observe all rules adopted  
13.27 by the commissioner for accounting and handling of passes pursuant to section 97A.485,  
13.28 subdivision 11. An agent shall promptly deposit and remit all money received from the  
13.29 sale of the passes, exclusive of the issuing fee, to the commissioner.

13.30 Subd. 3. **Issuance of passes.** The commissioner and agents shall issue and sell  
13.31 nonresident off-highway motorcycle state trail passes. The commissioner shall also make  
13.32 the passes available through the electronic licensing system established under section  
13.33 84.027, subdivision 15.

13.34 Subd. 4. **Agent's fee.** In addition to the fee for a pass, an issuing fee of \$1 per pass  
13.35 shall be charged. The issuing fee may be retained by the seller of the pass. Issuing fees  
13.36 for passes issued by the commissioner shall be deposited in the off-highway motorcycle

14.1 account in the natural resources fund and retained for the operation of the electronic  
 14.2 licensing system.

14.3 Subd. 5. **Duplicate passes.** The commissioner and agents shall issue a duplicate  
 14.4 pass to persons whose pass is lost or destroyed using the process established under section  
 14.5 97A.405, subdivision 3, and rules adopted thereunder. The fee for a duplicate nonresident  
 14.6 off-highway motorcycle state trail pass is \$2, with an issuing fee of 50 cents.

14.7 Sec. 17. Minnesota Statutes 2012, section 85.053, subdivision 2, is amended to read:

14.8 Subd. 2. **Requirement.** Except as provided in section 85.054, a motor vehicle  
 14.9 may not enter a state park, state recreation area, or state wayside over 50 acres in area,  
 14.10 without a state park permit issued under this section or a state parks and trails plate issued  
 14.11 under section 168.1295. Except for vehicles permitted under subdivisions 7, paragraph  
 14.12 (a), clause (2), and 8, the state park permit must be affixed to the lower right corner  
 14.13 windshield of the motor vehicle and must be completely affixed by its own adhesive to  
 14.14 the windshield, or the commissioner may, by written order, provide an alternative means  
 14.15 to display and validate state park permits.

14.16 Sec. 18. **[85.056] STATE PARKS AND TRAILS DONATION ACCOUNT.**

14.17 Subdivision 1. **Establishment.** The state parks and trails donation account is  
 14.18 established as a separate account in the natural resources fund. The account shall be  
 14.19 administered by the commissioner of natural resources as provided in this section.

14.20 Subd. 2. **Funding sources.** The state parks and trails donation account shall consist  
 14.21 of contributions made under section 168.1295 and other contributions. The contributions  
 14.22 may be made in cash, property, land, or interests in land.

14.23 Subd. 3. **Uses.** Money in the account is appropriated to the commissioner of natural  
 14.24 resources to operate and maintain the state parks and trails system.

14.25 Sec. 19. Minnesota Statutes 2012, section 85.34, subdivision 7, is amended to read:

14.26 Subd. 7. **Disposition of proceeds.** (a) All revenue derived from the lease of the Fort  
 14.27 Snelling upper bluff, with the exception of payment for costs of the water line as described  
 14.28 in subdivision 6, shall be deposited in the natural resources fund and credited to a state  
 14.29 park account. Interest earned on the money in the account accrues to the account.

14.30 (b) Revenue and expenses from the upper bluff shall be tracked separately within  
 14.31 the account. Money in the account derived from the leasing or operation of the property  
 14.32 described in subdivision 1 may be is appropriated annually to the commissioner for  
 14.33 the payment of expenses attributable to the leasing, development, and operation of the

15.1 property described in subdivision 1, including, but not limited to, the maintenance, repair,  
15.2 and rehabilitation of historic buildings and landscapes.

15.3 Sec. 20. Minnesota Statutes 2012, section 85A.02, subdivision 2, is amended to read:

15.4 Subd. 2. **Zoological Garden.** The board shall acquire, construct, equip, operate  
15.5 and maintain the Minnesota Zoological Garden at a site in Dakota County legally  
15.6 described in Laws 1975, chapter 382, section 12. The Zoological Garden shall consist  
15.7 of adequate facilities and structures for the collection, habitation, preservation, care,  
15.8 exhibition, examination or study of wild and domestic animals, including, but not limited  
15.9 to mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks. The board  
15.10 may provide such lands, buildings and equipment as it deems necessary for parking,  
15.11 transportation, entertainment, education or instruction of the public in connection with  
15.12 such Zoological Garden. The Zoological Garden is the official pollinator bank for the state  
15.13 of Minnesota. For purposes of this subdivision, "pollinator bank" means a program to  
15.14 avert the extinction of pollinator species by cultivating insurance breeding populations.

15.15 Sec. 21. **[87A.10] TRAP SHOOTING SPORTS FACILITY GRANTS.**

15.16 The commissioner of natural resources shall administer a program to provide  
15.17 cost-share grants to local recreational trap shooting clubs for up to 50 percent of the costs  
15.18 of developing or rehabilitating trap shooting sports facilities for public use. A facility  
15.19 rehabilitated or developed with a grant under this section must be open to the general  
15.20 public at reasonable times and for a reasonable fee on a walk-in basis. The commissioner  
15.21 shall give preference to projects that will provide the most opportunities for youth.

15.22 Sec. 22. Minnesota Statutes 2012, section 103G.271, subdivision 6, is amended to read:

15.23 Subd. 6. **Water use permit processing fee.** (a) Except as described in paragraphs  
15.24 (b) to ~~(f)~~ (g), a water use permit processing fee must be prescribed by the commissioner in  
15.25 accordance with the schedule of fees in this subdivision for each water use permit in force  
15.26 at any time during the year. Fees collected under this paragraph are credited to the water  
15.27 management account in the natural resources fund. The schedule is as follows, with the  
15.28 stated fee in each clause applied to the total amount appropriated:

15.29 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

15.30 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less  
15.31 than 100,000,000 gallons per year;

15.32 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less  
15.33 than 150,000,000 gallons per year;

- 16.1 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but  
16.2 less than 200,000,000 gallons per year;
- 16.3 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less  
16.4 than 250,000,000 gallons per year;
- 16.5 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but  
16.6 less than 300,000,000 gallons per year;
- 16.7 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less  
16.8 than 350,000,000 gallons per year;
- 16.9 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but  
16.10 less than 400,000,000 gallons per year;
- 16.11 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less  
16.12 than 450,000,000 gallons per year;
- 16.13 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but  
16.14 less than 500,000,000 gallons per year; and
- 16.15 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.
- 16.16 (b) For once-through cooling systems, a water use processing fee must be prescribed  
16.17 by the commissioner in accordance with the following schedule of fees for each water use  
16.18 permit in force at any time during the year:
- 16.19 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and  
16.20 (2) for all other users, \$420 per 1,000,000 gallons.
- 16.21 (c) The fee is payable based on the amount of water appropriated during the year  
16.22 and, except as provided in paragraph (f), the minimum fee is \$100.
- 16.23 (d) For water use processing fees other than once-through cooling systems:
- 16.24 (1) the fee for a city of the first class may not exceed \$250,000 per year;
- 16.25 (2) the fee for other entities for any permitted use may not exceed:
- 16.26 (i) \$60,000 per year for an entity holding three or fewer permits;
- 16.27 (ii) \$90,000 per year for an entity holding four or five permits; or
- 16.28 (iii) \$300,000 per year for an entity holding more than five permits;
- 16.29 (3) the fee for agricultural irrigation may not exceed \$750 per year;
- 16.30 (4) the fee for a municipality that furnishes electric service and cogenerates steam  
16.31 for home heating may not exceed \$10,000 for its permit for water use related to the  
16.32 cogeneration of electricity and steam; and
- 16.33 (5) no fee is required for a project involving the appropriation of surface water to  
16.34 prevent flood damage or to remove flood waters during a period of flooding, as determined  
16.35 by the commissioner.



17.1 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of two  
 17.2 percent per month calculated from the original due date must be imposed on the unpaid  
 17.3 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee  
 17.4 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal  
 17.5 governmental agency holding a water appropriation permit.

17.6 (f) The minimum water use processing fee for a permit issued for irrigation of  
 17.7 agricultural land is \$20 for years in which:

17.8 (1) there is no appropriation of water under the permit; or

17.9 (2) the permit is suspended for more than seven consecutive days between May 1  
 17.10 and October 1.

17.11 (g) The commissioner shall waive the water use permit fee for installations and  
 17.12 projects that use storm water runoff or where public entities treat public waters of the  
 17.13 state, unless the commissioner determines that the proposed use adversely affects surface  
 17.14 water or ground water to a significant extent.

17.15 ~~(g)~~ (h) A surcharge of \$30 per million gallons in addition to the fee prescribed in  
 17.16 paragraph (a) shall be applied to the volume of water used in each of the months of June,  
 17.17 July, and August that exceeds the volume of water used in January for municipal water  
 17.18 use, irrigation of golf courses, and landscape irrigation. The surcharge for municipalities  
 17.19 with more than one permit shall be determined based on the total appropriations from all  
 17.20 permits that supply a common distribution system.

17.21 Sec. 23. Minnesota Statutes 2012, section 115A.151, is amended to read:

17.22 **115A.151 RECYCLABLE MATERIAL CONTAINER REQUIREMENTS;**  
 17.23 **PUBLIC ENTITIES, SPORTS FACILITIES, AND COMMERCIAL BUILDINGS.**

17.24 (a) A public entity, the owner of a sports facility, and the owner of a commercial  
 17.25 building shall:

17.26 (1) ensure that facilities under its control, from which mixed municipal solid waste  
 17.27 is collected, have containers for at least three recyclable materials, such as, but not limited  
 17.28 to, paper, glass, plastic, and metal; and

17.29 (2) transfer all recyclable materials collected to a recycler.

17.30 (b) For the purposes of this section:

17.31 (1) "public entity" means the state, an office, agency, or institution of the state,  
 17.32 the Metropolitan Council, a metropolitan agency, the Metropolitan Mosquito Control  
 17.33 Commission, the legislature, the courts, a county, a statutory or home rule charter city, a  
 17.34 town, a school district, a special taxing district, or any entity that receives an appropriation  
 17.35 from the state for a capital improvement project after August 1, 2002;

18.1 (2) "metropolitan agency" and "Metropolitan Council," have the meanings given  
18.2 them in section 473.121; and

18.3 (3) "Metropolitan Mosquito Control Commission" means the commission created  
18.4 in section 473.702;

18.5 (4) "commercial building" means a building that contains a business classified in  
18.6 sectors 42 to 81 under the North American Industrial Classification System and that  
18.7 contracts for two cubic yards or more per week of solid waste collection; and

18.8 (5) "sports facility" means a professional or collegiate sports facility at which  
18.9 competitions take place before a public audience.

18.10 **EFFECTIVE DATE.** This section is effective January 1, 2015.

18.11 Sec. 24. Minnesota Statutes 2012, section 115A.55, subdivision 4, is amended to read:

18.12 Subd. 4. **Statewide source reduction goal.** (a) It is a goal of the state ~~that there~~  
18.13 ~~be a minimum ten percent per capita reduction in the amount of mixed~~ and counties to  
18.14 reduce the generation of municipal solid waste generated in the state by December 31,  
18.15 2000, based on a reasonable estimate of the amount of mixed municipal solid waste that  
18.16 was generated in calendar year 1993.

18.17 (b) As part of the ~~1997~~ report required under section 115A.411, the commissioner  
18.18 shall submit to the senate and house of representatives committees having jurisdiction  
18.19 over environment and natural resources and environment and natural resources finance  
18.20 a proposed strategy for meeting the goal in paragraph (a). The strategy must include a  
18.21 discussion of the different reduction potentials to be found in various sectors and may  
18.22 include recommended interim goals. The commissioner shall report progress on meeting  
18.23 the goal in paragraph (a), as well as recommendations and revisions to the proposed  
18.24 strategy, as part of the ~~1999~~ report required under section 115A.411.

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

18.26 Sec. 25. Minnesota Statutes 2012, section 115A.551, subdivision 1, is amended to read:

18.27 Subdivision 1. **Definition.** (a) For the purposes of this section, "recycling" means,  
18.28 in addition to the meaning given in section 115A.03, subdivision 25b, yard waste and  
18.29 source-separated compostable materials composting; and recycling that occurs through  
18.30 mechanical or hand separation of materials that are then delivered ~~for reuse in their~~  
18.31 ~~original form~~ or for use in manufacturing processes that do not cause the destruction of  
18.32 recyclable materials in a manner that precludes further use.

19.1 (b) For the purposes of this section, "total solid waste generation" means the total  
19.2 by weight of:

19.3 (1) materials separated for recycling;

19.4 (2) materials separated for yard waste and source-separated compostable materials  
19.5 composting;

19.6 (3) mixed municipal solid waste plus ~~yard waste~~, motor and vehicle fluids and  
19.7 filters, tires, lead acid batteries, and major appliances; and

19.8 (4) residential and commercial waste materials that would be mixed municipal solid  
19.9 waste but for the fact that they are not collected as such.

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

19.11 Sec. 26. Minnesota Statutes 2012, section 115A.551, subdivision 2a, is amended to read:

19.12 Subd. 2a. **Supplementary County recycling goals.** (a) By December 31, 1996  
19.13 2030, each county will have as a goal to recycle the following amounts:

19.14 (1) for a county outside of the metropolitan area, 35 percent by weight of total  
19.15 solid waste generation; and

19.16 (2) for a metropolitan county, ~~50~~ 75 percent by weight of total solid waste generation.

19.17 (b) Each county will develop and implement or require political subdivisions within  
19.18 the county to develop and implement programs, practices, or methods designed to meet its  
19.19 recycling goal. Nothing in this section or in any other law may be construed to prohibit a  
19.20 county from establishing a higher recycling goal.

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

19.22 Sec. 27. Minnesota Statutes 2012, section 115A.557, subdivision 2, is amended to read:

19.23 Subd. 2. **Purposes for which money may be spent.** (a) A county receiving money  
19.24 distributed by the commissioner under this section may use the money only for the  
19.25 development and implementation of programs to:

19.26 (1) reduce the amount of solid waste generated;

19.27 (2) recycle the maximum amount of solid waste technically feasible;

19.28 (3) create and support markets for recycled products;

19.29 (4) remove problem materials from the solid waste stream and develop proper  
19.30 disposal options for them;

19.31 (5) inform and educate all sectors of the public about proper solid waste management  
19.32 procedures;

20.1 (6) provide technical assistance to public and private entities to ensure proper solid  
20.2 waste management;

20.3 (7) provide educational, technical, and financial assistance for litter prevention; ~~and~~

20.4 (8) process mixed municipal solid waste generated in the county at a resource  
20.5 recovery facility located in Minnesota; and

20.6 (9) compost source-separated compostable materials, including the provision of  
20.7 receptacles for residential composting.

20.8 (b) Beginning in fiscal year 2015 and continuing thereafter, of any money distributed  
20.9 by the commissioner under this section to a metropolitan county, as defined in section  
20.10 473.121, subdivision 4, that exceeds the amount the county was eligible to receive under  
20.11 this section in fiscal year 2014: (1) at least 50 percent must be expended on activities  
20.12 in paragraph (a), clause (9); and (2) the remainder must be expended on activities in  
20.13 paragraph (a), clauses (1) to (7) and (9) that advance the county toward achieving its  
20.14 recycling goal under section 115A.551.

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

20.16 Sec. 28. Minnesota Statutes 2012, section 115A.557, subdivision 3, is amended to read:

20.17 Subd. 3. **Eligibility to receive money.** (a) To be eligible to receive money distributed  
20.18 by the commissioner under this section, a county shall within one year of October 4, 1989:

20.19 (1) create a separate account in its general fund to credit the money; and

20.20 (2) set up accounting procedures to ensure that money in the separate account is  
20.21 spent only for the purposes in subdivision 2.

20.22 (b) In each following year, each county shall also:

20.23 (1) have in place an approved solid waste management plan or master plan including  
20.24 a recycling implementation strategy under section 115A.551, subdivision 7, and a  
20.25 household hazardous waste management plan under section 115A.96, subdivision 6,  
20.26 by the dates specified in those provisions;

20.27 (2) submit a report by April 1 of each year to the commissioner, which may be  
20.28 submitted electronically and must be posted on the agency's Web site, detailing for the  
20.29 previous calendar year:

20.30 (i) how the money was spent including, but not limited to, specific recycling and  
20.31 composting activities undertaken to increase the county's proportion of solid waste  
20.32 recycled in order to achieve its recycling goal established in section 115A.551; specific  
20.33 information on the number of employees performing SCORE planning, oversight, and  
20.34 administration; the percentage of those employees' total work time allocated to SCORE  
20.35 planning, oversight, and administration; the specific duties and responsibilities of those

21.1 employees; and the amount of staff salary for these SCORE duties and responsibilities of  
21.2 the employees; and

21.3 (ii) the resulting gains achieved in solid waste management practices; and

21.4 (3) provide evidence to the commissioner that local revenue equal to 25 percent of  
21.5 the money sought for distribution under this section will be spent for the purposes in  
21.6 subdivision 2.

21.7 (c) The commissioner shall withhold all or part of the funds to be distributed  
21.8 to a county under this section if the county fails to comply with this subdivision and  
21.9 subdivision 2.

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

21.11 Sec. 29. Minnesota Statutes 2012, section 116.9401, is amended to read:

21.12 **116.9401 DEFINITIONS.**

21.13 (a) For the purposes of sections 116.9401 to ~~116.9407~~ 116.9425, the following terms  
21.14 have the meanings given them.

21.15 (b) "Agency" means the Pollution Control Agency.

21.16 (c) "Alternative" means a substitute process, product, material, chemical, strategy,  
21.17 or combination of these that is technically feasible and serves a functionally equivalent  
21.18 purpose to a chemical in a children's product.

21.19 (d) "Chemical" means a substance with a distinct molecular composition or a group  
21.20 of structurally related substances and includes the breakdown products of the substance or  
21.21 substances that form through decomposition, degradation, or metabolism.

21.22 (e) "Chemical of high concern" means a chemical identified on the basis of credible  
21.23 scientific evidence by a state, federal, or international agency as being known or suspected  
21.24 with a high degree of probability to:

21.25 (1) harm the normal development of a fetus or child or cause other developmental  
21.26 toxicity;

21.27 (2) cause cancer, genetic damage, or reproductive harm;

21.28 (3) disrupt the endocrine or hormone system;

21.29 (4) damage the nervous system, immune system, or organs, or cause other systemic  
21.30 toxicity;

21.31 (5) be persistent, bioaccumulative, and toxic; or

21.32 (6) be very persistent and very bioaccumulative.

21.33 (f) "Child" means a person under 12 years of age.

22.1 (g) "Children's product" means a consumer product intended for use by children,  
22.2 such as baby products, toys, car seats, personal care products, and clothing.

22.3 (h) "Commissioner" means the commissioner of the Pollution Control Agency.

22.4 (i) "Contaminant" means a trace amount of a chemical that is incidental to  
22.5 manufacturing and serves no intended function in the product component. Contaminant  
22.6 includes, but is not limited to, unintended by-products of chemical reactions that  
22.7 occur during the manufacture of the product component, trace impurities in feedstock,  
22.8 incompletely reacted chemical mixtures, and degradation products.

22.9 (j) "Department" means the Department of Health.

22.10 (k) "Distributor" means a person who sells consumer products to retail  
22.11 establishments on a wholesale basis.

22.12 (l) "Green chemistry" means an approach to designing and manufacturing  
22.13 products that minimizes the use and generation of toxic substances.

22.14 (m) "Intentionally added chemical" means a chemical in a product that serves an  
22.15 intended function in the product component.

22.16 (n) "Manufacturer" means any person who manufactures a final consumer product  
22.17 sold at retail or whose brand name is affixed to the consumer product. In the case of a  
22.18 consumer product imported into the United States, manufacturer includes the importer  
22.19 or domestic distributor of the consumer product if the person who manufactured or  
22.20 assembled the consumer product or whose brand name is affixed to the consumer product  
22.21 does not have a presence in the United States.

22.22 (o) "Mouthable" means a product that can be placed into and kept in a child's  
22.23 mouth to be sucked or chewed, including any product or product part smaller than five  
22.24 centimeters in one dimension. A product that can only be licked is not mouthable.

22.25 (p) "Practical quantification limit" means the lowest concentration of a chemical that  
22.26 can be reliably measured within specified limits of precision, accuracy, representativeness,  
22.27 completeness, and comparability under routine laboratory operating conditions and the  
22.28 value of which:

22.29 (1) is based on scientifically defensible, standard analytical methods;

22.30 (2) may vary depending on the matrix and analytical method used; and

22.31 (3) will be determined by the commissioner, taking into consideration practical  
22.32 quantification limits established by federal or state agencies.

22.33 (q) "Priority chemical" means a chemical identified by the Department of Health  
22.34 as a chemical of high concern that meets the criteria in section 116.9403.

23.1 (r) "Product category" means the brick level of the GS1 Global Product Classification  
 23.2 (GPC) standard, which identifies products that serve a common purpose, are of a similar  
 23.3 form and material, and share the same set of category attributes.

23.4 (s) "Product code" means the numeric representation of the item level of the  
 23.5 GS1 electronic product code (EPC), the international article number (EAN), or the  
 23.6 universal product code (UPC), whichever is used by a manufacturer to identify a unique  
 23.7 company-specific or brand-specific product.

23.8 (t) "Product component" means a uniquely identifiable material or coating including,  
 23.9 but not limited to, an ink or dye that is intended to be included as a part of a finished  
 23.10 children's product.

23.11 ~~(n)~~ (u) "Safer alternative" means:

23.12 (1) an alternative whose potential to harm human health or the environment is less  
 23.13 than that of the use of a priority chemical that it could replace;

23.14 (2) an alternative chemical that is not a priority chemical identified by the department  
 23.15 under section 116.9403; or

23.16 (3) an alternative chemical that is not identified on the basis of credible scientific  
 23.17 evidence by a state, federal, or international agency as being known or suspected with  
 23.18 a high degree of probability to:

23.19 (i) harm the normal development of a fetus or child or cause other developmental  
 23.20 toxicity;

23.21 (ii) cause cancer, genetic damage, or reproductive harm;

23.22 (iii) disrupt the endocrine or hormone system; or

23.23 (iv) damage the nervous system, immune system, or organs, or cause other systemic  
 23.24 toxicity.

23.25 (v) "Toy" means a product designed or intended by the manufacturer to be used  
 23.26 by a child at play.

23.27 (w) "Trade association" means a membership organization of persons engaging  
 23.28 in a similar or related line of commerce, organized to promote and improve business  
 23.29 conditions in that line of commerce and not to engage in a regular business of a kind  
 23.30 ordinarily carried on for profit.

23.31 Sec. 30. Minnesota Statutes 2012, section 116.9402, is amended to read:

23.32 **116.9402 IDENTIFICATION OF CHEMICALS OF HIGH CONCERN.**

23.33 (a) By July 1, 2010, the department shall, after consultation with the agency,  
 23.34 generate a list of chemicals of high concern.

24.1 (b) The department must periodically review and revise the list of chemicals of  
24.2 high concern at least every three years. The department may add chemicals to the list if  
24.3 the chemical meets one or more of the criteria in section 116.9401, paragraph (e). Any  
24.4 changes to the list of chemicals of high concern must be published on the department's  
24.5 Web site and in the State Register when a change is made.

24.6 (c) The department shall consider chemicals listed as a suspected carcinogen,  
24.7 reproductive or developmental toxicant, or as being persistent, bioaccumulative, and  
24.8 toxic, or very persistent and very bioaccumulative by a state, federal, or international  
24.9 agency. These agencies may include, but are not limited to, the California Environmental  
24.10 Protection Agency, the Washington Department of Ecology, the United States Department  
24.11 of Health, the United States Environmental Protection Agency, the United Nation's World  
24.12 Health Organization, and European Parliament Annex XIV concerning the Registration,  
24.13 Evaluation, Authorisation, and Restriction of Chemicals.

24.14 (d) The department may consider chemicals listed by another state as harmful to  
24.15 human health or the environment for possible inclusion in the list of chemicals of high  
24.16 concern.

24.17 Sec. 31. Minnesota Statutes 2012, section 116.9403, is amended to read:

24.18 **116.9403 IDENTIFICATION OF PRIORITY CHEMICALS.**

24.19 Subdivision 1. Designation; publication. (a) The department, after consultation  
24.20 with the agency, may designate a chemical of high concern as a priority chemical if the  
24.21 department finds that the chemical:

24.22 (1) has been identified as a high-production volume chemical by the United States  
24.23 Environmental Protection Agency; and

24.24 (2) meets any of the following criteria:

24.25 (i) the chemical has been found through biomonitoring to be present in human blood,  
24.26 including umbilical cord blood, breast milk, urine, or other bodily tissues or fluids;

24.27 (ii) the chemical has been found through sampling and analysis to be present in  
24.28 household dust, indoor air, drinking water, or elsewhere in the home environment; or

24.29 (iii) the chemical has been found through monitoring to be present in fish, wildlife,  
24.30 or the natural environment.

24.31 (b) By February 1, 2011, the department shall publish a list of priority chemicals in  
24.32 the State Register and on the department's Internet Web site and shall update the published  
24.33 list whenever a new priority chemical is designated. Any proposed changes to the list  
24.34 of priority chemicals must be published on the department's Web site and in the State  
24.35 Register and will be subject to a minimum 60-day public comment period. In the 60 days



25.1 following the date of publication in the State Register, the public may submit comments  
 25.2 to the department on the proposed changes to the priority chemical list. A final list of  
 25.3 changes to the list of priority chemicals must be published on the department's Web site  
 25.4 following the end of the comment period and the department's review and consideration of  
 25.5 all comments received during this period before finalizing changes to the list.

25.6 Subd. 2. **Public data.** Notwithstanding section 13.37, subdivision 2, the presence  
 25.7 and concentration and total amount of a priority chemical in a specific children's product  
 25.8 reported to the agency under section 116.9409, clauses (1) to (6), are classified as public  
 25.9 data.

25.10 Subd. 3. **Not misappropriation of trade secret.** Notwithstanding section 325C.01,  
 25.11 subdivision 3, publication of the presence and concentration and total amount of a priority  
 25.12 chemical in a specific children's product under this section is not misappropriation of  
 25.13 a trade secret.

25.14 Sec. 32. Minnesota Statutes 2012, section 116.9405, is amended to read:

25.15 **116.9405 APPLICABILITY EXEMPTIONS.**

25.16 The requirements of sections ~~116.9404~~ 116.9408 to ~~116.9407~~ 116.9425 do not  
 25.17 apply to:

25.18 (1) chemicals in ~~used~~ previously owned children's products;

25.19 (2) priority chemicals used in the manufacturing process, but that are not present  
 25.20 in the final product;

25.21 (3) priority chemicals used in agricultural production;

25.22 (4) motor vehicles as defined in chapter 168 or watercraft as defined in chapter  
 25.23 86B or their component parts, except that the use of priority chemicals in detachable  
 25.24 car seats is not exempt;

25.25 (5) priority chemicals generated solely as combustion by-products or that are present  
 25.26 ~~in combustible fuels;~~ in combustible petroleum fuels or in biofuel, as defined in section  
 25.27 239.051, subdivision 5a;

25.28 (6) retailers, except if a retailer is also the producer, manufacturer, importer, or  
 25.29 domestic distributor of a children's product containing a priority chemical or the retailer's  
 25.30 brand name is affixed to a children's product containing a priority chemical;

25.31 (7) over-the-counter drugs, pharmaceutical products, dietary supplements, or  
 25.32 biologics;

25.33 (8) a medical device as defined in the federal Food, Drug, and Cosmetic Act, United  
 25.34 States Code, title 21, section 321(h);

26.1 (9) ~~food and food or beverage packaging, except a container containing baby food~~  
 26.2 ~~or infant formula;~~

26.3 ~~(10) consumer electronics products and electronic components, including but not~~  
 26.4 ~~limited to personal computers; audio and video equipment; calculators; digital displays;~~  
 26.5 ~~wireless phones; cameras; game consoles; printers; and handheld electronic and electrical~~  
 26.6 ~~devices used to access interactive software or their associated peripherals; or products that~~  
 26.7 ~~comply with the provisions of directive 2002/95/EC of the European Union, adopted by~~  
 26.8 ~~the European Parliament and Council of the European Union now or hereafter in effect; or~~

26.9 (10) interactive software, such as computer games, and their storage media, such as  
 26.10 compact discs;

26.11 (11) outdoor sport equipment, including snowmobiles as defined in section 84.81,  
 26.12 subdivision 3; all-terrain vehicles as defined in section 84.92, subdivision 8; personal  
 26.13 watercraft as defined in section 86B.005, subdivision 14a; watercraft as defined in section  
 26.14 86B.005, subdivision 18; and off-highway motorcycles, as defined in section 84.787,  
 26.15 subdivision 7, and all attachments and repair parts for all of this equipment.;

26.16 (12) batteries; or

26.17 (13) a children's product, manufactured or distributed by an individual manufacturer  
 26.18 or distributor, if fewer than 3,000 units of the children's product are manufactured or  
 26.19 distributed annually in the United States by that manufacturer.

26.20 Sec. 33. Minnesota Statutes 2012, section 116.9406, is amended to read:

26.21 **116.9406 DONATIONS TO THE STATE.**

26.22 The commissioner may accept donations, grants, and other funds to carry out the  
 26.23 purposes of sections 116.9401 to ~~116.9407~~ 116.9425. All donations, grants, and other  
 26.24 funds must be accepted without preconditions regarding the outcomes of the regulatory  
 26.25 oversight processes set forth in sections 116.9401 to ~~116.9407~~ 116.9425.

26.26 Sec. 34. **[116.9408] CHILDREN'S PRODUCTS; INITIAL NOTIFICATION**  
 26.27 **ON PRIORITY CHEMICALS.**

26.28 (a) A manufacturer or distributor of a children's product offered for sale in this state  
 26.29 that contains a priority chemical must, unless the children's product is not subject to  
 26.30 regulation under section 116.9405, provide the information required under this section  
 26.31 to the agency:

26.32 (1) within one year of the effective date of this act, if both the designation of the  
 26.33 priority chemical under section 116.9403 and the offering for sale in this state of the

27.1 children's product containing the priority chemical occurred prior to the effective date  
27.2 of this act;

27.3 (2) within one year of the priority chemical being designated under section 116.9403,  
27.4 if the children's product is initially offered for sale in this state before the designation and  
27.5 the designation is made after the effective date of this act; or

27.6 (3) within one year of the initial offering of the children's product for sale in this  
27.7 state, if the initial offering occurs after the priority chemical is designated under section  
27.8 116.9403 and the designation is made after the effective date of this act.

27.9 (b) An initial notification is required for each children's product that is known  
27.10 or believed likely to include a priority chemical in any amount and must include the  
27.11 following information submitted to the agency on a form developed by the commissioner:

27.12 (1) the name of the priority chemical and its Chemical Abstracts Service Registry  
27.13 number;

27.14 (2) in which of the following tiers the children's product containing a priority  
27.15 chemical belongs:

27.16 (i) Tier 1: a mouthable children's product intended to be used by children three years  
27.17 of age or younger or a children's product intended to be placed in a child's mouth or  
27.18 directly applied to a child's skin;

27.19 (ii) Tier 2: a children's product intended to be in direct contact with a child's skin for  
27.20 one hour or longer, including but not limited to clothing, jewelry, bedding, or a car seat;

27.21 (iii) Tier 3: a children's product intended to be in direct contact with a child's skin  
27.22 for less than one hour; or

27.23 (iv) Tier 4: a children's product in which a priority chemical is contained only in an  
27.24 internal component that, under normal use, is unlikely to come into direct contact with  
27.25 a child's skin or mouth;

27.26 (3) a description of the product component in which the priority chemical is present;  
27.27 and

27.28 (4) the name and address of the reporting manufacturer or distributor and the name,  
27.29 address, and telephone number of the contact person for the reporting manufacturer or  
27.30 distributor.

27.31 **Sec. 35. [116.9409] CHILDREN'S PRODUCTS; FULL PRODUCT REPORTING**  
27.32 **INFORMATION ON PRIORITY CHEMICALS; TIMING.**

27.33 A manufacturer or distributor of a children's product offered for sale in this state  
27.34 that contains a priority chemical must, unless the children's product is not subject to  
27.35 regulation under section 116.9405, provide the full product information required under

28.1 section 116.9410 to the agency. The maximum length of time between the filing of the  
28.2 information required under section 116.9408, paragraph (a), and the filing of full product  
28.3 information required under section 116.9410 varies according to the manufacturer's or  
28.4 distributor's annual aggregate gross sales, both within and outside the state, as reported in  
28.5 the manufacturer's or distributor's most recently filed federal tax return, as follows:

28.6 (1) for a manufacturer or distributor with gross sales exceeding \$1,000,000,000, one  
28.7 year or, for a priority chemical designated under section 116.9403 before January 1, 2014,  
28.8 by two years after the effective date of this section;

28.9 (2) for a manufacturer or distributor with gross sales exceeding \$250,000,000 but  
28.10 less than or equal to \$1,000,000,000, 1-1/2 years or, for a priority chemical designated  
28.11 under section 116.9403 before January 1, 2014, by 2-1/2 years after the effective date  
28.12 of this section;

28.13 (3) for a manufacturer or distributor with gross sales exceeding \$100,000,000 but less  
28.14 than or equal to \$250,000,000, two years or, for a priority chemical designated under section  
28.15 116.9403 before January 1, 2014, by three years after the effective date of this section;

28.16 (4) for a manufacturer or distributor with gross sales exceeding \$5,000,000 but  
28.17 less than or equal to \$100,000,000, three years or, for a priority chemical designated  
28.18 under section 116.9403 before January 1, 2014, by four years after the effective date  
28.19 of this section;

28.20 (5) for a manufacturer or distributor with gross sales exceeding \$100,000 but less  
28.21 than or equal to \$5,000,000, four years or, for a priority chemical designated under section  
28.22 116.9403 before January 1, 2014, by five years after the effective date of this section; and

28.23 (6) for a manufacturer or distributor with gross sales less than or equal to \$100,000,  
28.24 five years or, for a priority chemical designated under section 116.9403 before January 1,  
28.25 2014, by six years after the effective date of this section.

28.26 **Sec. 36. [116.9410] CHILDREN'S PRODUCTS; FULL PRODUCT REPORTING**  
28.27 **INFORMATION ON PRIORITY CHEMICALS.**

28.28 (a) A manufacturer or distributor of a children's product offered for sale in the state  
28.29 that contains one or more priority chemicals must, except as provided in paragraph (e) or  
28.30 if the children's product is not subject to regulation under section 116.9405, provide the  
28.31 following full product information to the agency on a form developed by the commissioner:

28.32 (1) the name of each priority chemical and its Chemical Abstracts Service Registry  
28.33 number;

28.34 (2) in which of the following tiers the children's product containing a priority  
28.35 chemical belongs:

29.1 (i) Tier 1: a mouthable children's product intended to be used by children three years  
29.2 of age or younger or a children's product intended to be placed in a child's mouth or  
29.3 directly applied to a child's skin;

29.4 (ii) Tier 2: a children's product intended to be in direct contact with a child's skin for  
29.5 one hour or longer, including but not limited to clothing, jewelry, bedding, or a car seat;

29.6 (iii) Tier 3: a children's product intended to be in direct contact with a child's skin  
29.7 for less than one hour; or

29.8 (iv) Tier 4: a children's product in which a priority chemical is contained only in an  
29.9 internal component that, under normal use, is unlikely to come into direct contact with  
29.10 a child's skin or mouth;

29.11 (3) the product components, materials, or coatings that contain one or more priority  
29.12 chemicals;

29.13 (4) the concentration and total amount of each priority chemical contained in a  
29.14 children's product, a description of how the concentration was determined, and an  
29.15 evaluation of the accuracy of the determination. Concentrations at or above the practical  
29.16 quantification limit must be reported, but may be reported in the following ranges:

29.17 (i) greater than or equal to the practical quantification limit but less than 100 ppm;

29.18 (ii) greater than or equal to 100 ppm but less than 500 ppm;

29.19 (iii) greater than or equal to 500 ppm but less than 1,000 ppm;

29.20 (iv) greater than or equal to 1,000 ppm but less than 5,000 ppm;

29.21 (v) greater than or equal to 5,000 ppm but less than 10,000 ppm; and

29.22 (vi) greater than or equal to 10,000 ppm.

29.23 For the purposes of this section, "ppm" means parts per million;

29.24 (5) the product category or categories for the children's product;

29.25 (6) a description of the function of the priority chemical in the product, including  
29.26 whether it is present as a contaminant;

29.27 (7) the name and address of the manufacturer, distributor, or trade association filing  
29.28 the report and the name, address, and telephone number of the contact person for the  
29.29 reporting manufacturer, distributor, or trade association;

29.30 (8) evidence describing the extent to which a child is likely to be exposed to the  
29.31 priority chemical through normal use of the children's product;

29.32 (9) the number of units of the children's product sold or distributed in Minnesota  
29.33 or nationally;

29.34 (10) any other information the manufacturer or distributor deems relevant; and

29.35 (11) any other information requested by the commissioner.

30.1 (b) Reporting shall include all intentionally added chemicals at or above the  
30.2 applicable practical quantification limit, and contaminants present in a product component  
30.3 at a concentration above 100 ppm.

30.4 (c) Reporting parties are not required to include any specific formula information  
30.5 or the specific name and address of the facility that is responsible for introduction of a  
30.6 priority chemical into a children's product or product component.

30.7 (d) If the information required in paragraph (a) is not submitted in a timely fashion  
30.8 or is incomplete or otherwise unacceptable as determined by the agency, the agency may  
30.9 contract with an independent third party of the agency's choice to provide the information  
30.10 and may assess a fee on the manufacturer or distributor to pay the costs as specified  
30.11 under section 116.9419.

30.12 (e) The agency shall determine on a case-by-case basis if reporting the information  
30.13 in paragraph (a), clauses (3) to (9), is required by a manufacturer or distributor whose  
30.14 children's product belongs in Tier 4 under paragraph (a), clause (2).

30.15 (f) If a manufacturer claims that any of the information provided to the agency under  
30.16 this section is trade secret information under section 13.37, subdivision 1, the agency shall  
30.17 make a determination regarding the claim. Information determined to be public data shall  
30.18 be posted on the agency's Web site. This paragraph does not apply to the presence and  
30.19 concentration and total amount of a priority chemical in a specific children's product,  
30.20 which is governed under section 116.9403, subdivisions 2 and 3.

30.21 (g) A trade association may file the information required under this section on behalf  
30.22 of a manufacturer or distributor, provided that the trade association includes in the filing a  
30.23 list of the manufacturers or distributors on whose behalf the trade association is reporting  
30.24 and all the information otherwise required of an individual manufacturer or distributor.

30.25 **Sec. 37. [116.9411] CHILDREN'S PRODUCTS; FULL PRODUCT REPORTING**  
30.26 **INFORMATION ON PRIORITY CHEMICALS; SECOND AND SUBSEQUENT**  
30.27 **REPORTS.**

30.28 (a) Following the initial submission of the information required under section  
30.29 116.9410, a manufacturer or distributor of a children's product offered for sale in the state  
30.30 that continues to contain a priority chemical must submit the information required under  
30.31 section 116.9410 to the agency every two years.

30.32 (b) If a reporting party determines that there has been no change in the information  
30.33 required to be filed under section 116.9410 since the most recent filing, the reporting party  
30.34 may submit a written statement indicating that the previously filed data is still valid, in  
30.35 lieu of a new duplicate complete report, and must submit the required fees.

31.1 (c) If a manufacturer or distributor is required to file more than one report under  
31.2 section 116.9410 on the same priority chemical in the same children's product code, each  
31.3 subsequent report must include the following information in addition to the information  
31.4 required under section 116.9410:

31.5 (1) the product code of the children's product; and

31.6 (2) a description of the manufacturer's attempts to remove the priority chemical  
31.7 from the children's product and any evaluation made of the use of safer alternatives to  
31.8 substitute for the priority chemical contained in the children's product, including the  
31.9 Chemical Abstracts Service Registry numbers of safer alternatives considered. If the  
31.10 manufacturer claims that any information provided to the agency under this clause is  
31.11 trade secret information under section 13.37, subdivision 1, the agency shall make a  
31.12 determination regarding the claim.

31.13 **Sec. 38. [116.9412] CHILDREN'S PRODUCTS; REMOVING A PRIORITY**  
31.14 **CHEMICAL; REPORTING REQUIREMENT.**

31.15 A manufacturer or distributor who removes a priority chemical from a children's  
31.16 product for which an initial notification has been filed under section 116.9408 or for which  
31.17 full product information has been filed under section 116.9410 must notify the agency  
31.18 of the removal at the earliest date possible. If the priority chemical removed is replaced  
31.19 by a safer alternative, the manufacturer or distributor must provide, on a form developed  
31.20 by the commissioner, the information in section 116.9410, paragraph (a), clauses (1) to  
31.21 (7), and the name of the safer alternative and its Chemical Abstracts Service Registry  
31.22 number, or, if not replaced by a chemical alternative, a description of the techniques or  
31.23 design changes implemented. The safer alternative or nonchemical techniques or design  
31.24 changes are trade secrets.

31.25 **Sec. 39. [116.9419] FEES.**

31.26 (a) The agency shall, if applicable, assess and collect the following fees from  
31.27 manufacturers and distributors of children's products offered for sale in this state:

31.28 (1) a fee of \$1,000 for each full product report required under section 116.9410. If  
31.29 a children's product contains more than one priority chemical, each priority chemical is  
31.30 subject to this fee;

31.31 (2) a fee equal to the costs billed by the independent contractor plus the agency's  
31.32 actual incurred costs to bid and administer the contract for each contract issued under  
31.33 section 116.9410, paragraph (d); and

32.1 (3) a fee equal to twice the fee in clause (1) for the second full product report  
32.2 required under section 116.9410 on the same priority chemical in the same children's  
32.3 product. The fee for each subsequent full product report required under that section is  
32.4 correspondingly increased by an amount equal to the fee in clause (1).

32.5 (b) No fee is required for filing an initial notification under section 116.9408.

32.6 (c) The commissioner shall deposit all fees collected under this section in the  
32.7 environmental fund. All fees collected under this section are exempt from section  
32.8 16A.1285.

32.9 **Sec. 40. [116.9420] STATE AGENCY DUTIES.**

32.10 (a) The agency shall publish all data that is required to be filed under sections  
32.11 116.9410 and 116.9411 and that is not trade secret data on the agency's Web site and  
32.12 through other means determined by the commissioner.

32.13 (b) If a priority chemical continues to be used in a specific children's product after  
32.14 its manufacturer files a report required under section 116.9411, the commissioner may  
32.15 recommend options to further reduce or eliminate the use of the priority chemical in the  
32.16 report required under section 116.9425.

32.17 (c) The commissioner, in consultation with the commissioners of commerce and  
32.18 health, may use fee revenue in excess of program implementation costs to offer grants  
32.19 awarded competitively to manufacturers or other researchers to develop safer alternatives  
32.20 to priority chemicals in children's products, to establish alternatives as safer alternatives,  
32.21 or to accelerate the commercialization of safer alternatives.

32.22 (d) The commissioners of health and commerce shall develop and implement  
32.23 an education effort regarding priority chemicals in children's products. Education and  
32.24 outreach activities include, but are not limited to, consumer product safety advice;  
32.25 notification of recalls; identification of target audiences for product alerts and methods  
32.26 of notification; outreach and feedback at county and state fairs; publicity of reporting  
32.27 requirements of priority chemicals in children's products; and education of retailers about  
32.28 reporting requirements.

32.29 **Sec. 41. [116.9423] ENFORCEMENT.**

32.30 The agency shall enforce sections 116.9401 to 116.9424 and rules adopted  
32.31 thereunder in the manner provided by section 115.071, subdivisions 1, 3, 4, 5, and 6.  
32.32 Section 115.071, subdivision 2, does not apply to violations of sections 116.9401 to  
32.33 116.9424 and rules adopted thereunder.



33.1 Sec. 42. **[116.9424] RULES.**

33.2 The commissioner or the commissioner of commerce may adopt rules as necessary  
33.3 to implement, administer, and enforce sections 116.9401 to 116.9425.

33.4 Sec. 43. **[116.9425] REPORT.**

33.5 By November 15, 2015, and every three years thereafter, the commissioners of the  
33.6 Pollution Control Agency, health, and commerce shall report to the legislative committees  
33.7 with jurisdiction over environment and natural resources, commerce, and public health  
33.8 on the implementation of sections 116.9401 to 116.9424.

33.9 Sec. 44. **[168.1295] STATE PARKS AND TRAILS PLATES.**

33.10 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall  
33.11 issue state parks and trails plates to an applicant who:

33.12 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton  
33.13 pickup truck, or motorcycle;

33.14 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

33.15 (3) pays the registration tax required under section 168.013;

33.16 (4) pays the fees required under this chapter;

33.17 (5) contributes a minimum of \$50 annually to the state parks and trails donation  
33.18 account established in section 85.056; and

33.19 (6) complies with this chapter and rules governing registration of motor vehicles  
33.20 and licensing of drivers.

33.21 (b) The state parks and trails plate application must indicate that the contribution  
33.22 specified under paragraph (a), clause (5), is a minimum contribution to receive the plate  
33.23 and that the applicant may make an additional contribution to the account.

33.24 (c) State parks and trails plates may be personalized according to section 168.12,  
33.25 subdivision 2a.

33.26 Subd. 2. **Design.** After consultation with interested groups, the commissioners of  
33.27 natural resources and public safety shall jointly select a suitable symbol for use by the  
33.28 commissioner of public safety to design the state parks and trails plates.

33.29 Subd. 3. **No refund.** Contributions under this section must not be refunded.

33.30 Subd. 4. **Plate transfers.** Notwithstanding section 168.12, subdivision 1, on  
33.31 payment of a transfer fee of \$5, plates issued under this section may be transferred to  
33.32 another passenger automobile registered to the person to whom the plates were issued.

33.33 Subd. 5. **Contribution and fees credited.** Contributions under subdivision 1,  
33.34 paragraph (a), clause (5), must be paid to the commissioner and credited to the state

34.1 parks and trails donation account established in section 85.056. The other fees collected  
34.2 under this section must be deposited in the vehicle services operating account of the  
34.3 special revenue fund under section 299A.705.

34.4 Subd. 6. **Record.** The commissioner shall maintain a record of the number of  
34.5 plates issued under this section.

34.6 Subd. 7. **Exemption.** Special plates issued under this section are not subject to  
34.7 section 168.1293, subdivision 2.

34.8 **EFFECTIVE DATE.** This section is effective the day following final enactment and  
34.9 applies to applications submitted on or after January 1, 2016, or the date the new driver and  
34.10 vehicle services information technology system is implemented, whichever comes later.

34.11 Sec. 45. **[347.57] DEFINITIONS.**

34.12 Subdivision 1. **Terms.** The definitions in this section apply to sections 347.57  
34.13 to 347.64.

34.14 Subd. 2. **Animal.** "Animal" means a dog or a cat.

34.15 Subd. 3. **Board.** "Board" means the Board of Animal Health.

34.16 Subd. 4. **Cat.** "Cat" means a mammal that is wholly or in part of the species Felis  
34.17 domesticus. An adult cat is a cat 28 weeks of age or older. A kitten is a cat under 28  
34.18 weeks of age.

34.19 Subd. 5. **Commercial breeder.** "Commercial breeder" means a person who  
34.20 possesses or has an ownership interest in animals and is engaged in the business of  
34.21 breeding animals for sale or for exchange in return for consideration, and who possesses  
34.22 ten or more adult intact animals and whose animals produce more than five total litters of  
34.23 puppies or kittens per year.

34.24 Subd. 6. **Confinement area.** "Confinement area" means a structure used or  
34.25 designed for use to restrict an animal to a limited amount of space, such as a room, pen,  
34.26 cage, kennel, compartment, crate, or hutch.

34.27 Subd. 7. **Dog.** "Dog" means a mammal that is wholly or in part of the species Canis  
34.28 familiaris. An adult dog is a dog 28 weeks of age or older. A puppy is a dog under 28  
34.29 weeks of age.

34.30 Subd. 8. **Facility.** "Facility" means the place used by a commercial breeder for  
34.31 breeding animals, and includes all buildings, property, confinement areas, and vehicles.

34.32 Subd. 9. **Local animal control authority.** "Local animal control authority" means  
34.33 an agency of the state, county, municipality, or other political subdivision of the state that  
34.34 is responsible for animal control operations in its jurisdiction.

35.1 Subd. 10. **Person.** "Person" means a natural person, firm, partnership, corporation,  
35.2 or association, however organized.

35.3 Subd. 11. **Possess.** "Possess" means to have custody of or have control over.

35.4 Subd. 12. **Veterinarian.** "Veterinarian" means a veterinarian in good standing and  
35.5 licensed in the state of Minnesota.

35.6 **Sec. 46. [347.58] LICENSING AND INSPECTIONS.**

35.7 Subdivision 1. **Licensing.** (a) The board may grant an operating license to a  
35.8 commercial breeder and must enforce sections 347.58 to 347.64.

35.9 (b) Beginning July 1, 2015, a commercial breeder must obtain an annual license  
35.10 for each facility it owns or operates. More than one building on the same premises is  
35.11 considered one facility. The initial prelicense inspection fee and the annual license fee is  
35.12 \$10 per adult intact animal, but each fee must not exceed \$250.

35.13 (c) The board must perform an announced initial prelicense inspection within 60  
35.14 days from the date of receiving a license application. A commercial breeder is not in  
35.15 violation of this section if the commercial breeder has filed a completed license application  
35.16 with the board and the board has not performed the initial prelicense inspection. The  
35.17 board must inspect a commercial breeder's facility before an initial license is issued. The  
35.18 initial prelicense inspection fee must be included with the license application. Upon  
35.19 completion of the inspection, the inspector must provide the commercial breeder an  
35.20 inspection certificate signed by the inspector in a format approved by the board.

35.21 (d) The license application must indicate if a commercial breeder operates under  
35.22 more than one name from a single location or has an ownership interest in any other  
35.23 facility. License holders must keep separate records for each business name.

35.24 (e) The application must include a statement that includes the following information:

35.25 (1) whether any license held by an applicant under this section or under any other  
35.26 federal, state, county, or local law, ordinance, or other regulation relating to breeding cats  
35.27 or dogs was ever suspended, revoked, or denied; and

35.28 (2) whether the applicant was ever convicted of animal cruelty.

35.29 (f) An application from a partnership, corporation, or limited liability company must  
35.30 include the name and address of all partners, directors, officers, or members and must  
35.31 include a notation of any partners, directors, officers, members, or others authorized to  
35.32 represent the partnership, corporation, or limited liability company.

35.33 (g) A nonresident applicant must consent to adjudication of any violation under the  
35.34 laws of the state of Minnesota and in Minnesota courts.

35.35 (h) A license issued under this section is not transferable.

36.1 (i) A license holder must apply for license renewal annually by submitting a renewal  
36.2 application on a form approved by the board. The license renewal application must be  
36.3 postmarked or submitted electronically in a method approved by the board by July 1  
36.4 of each year. The board may assess a late renewal penalty of up to 50 percent of the  
36.5 license fee. If a license is not renewed by August 1, the board may require the commercial  
36.6 breeder to reapply for an initial license.

36.7 (j) A commercial breeder must submit to the board an annual report by July 1 on a  
36.8 form prepared by the board. The form must include the current number of cats and dogs at  
36.9 the facility on the date of the report, the number of animals during the preceding year that  
36.10 were sold, traded, bartered, leased, brokered, given away, euthanized, or deceased from  
36.11 other causes, and any other information required by the board.

36.12 (k) If a commercial breeder is required to be licensed by the United States  
36.13 Department of Agriculture, United States Department of Agriculture inspection reports  
36.14 and records relating to animal care plans and veterinary care must be made available  
36.15 during an inspection, upon request.

36.16 (l) A commercial breeder must prominently display the commercial breeder's license  
36.17 at each facility.

36.18 (m) A commercial breeder's state license number or a symbol approved by the board  
36.19 must be included in all of the commercial breeder's advertisements or promotions that  
36.20 pertain to animals being sold or traded including, but not limited to, all newspapers,  
36.21 Internet, radio, or flyers.

36.22 (n) A commercial breeder must notify the board by certified mail or electronically  
36.23 in a method approved by the board within ten days of any change in address, name,  
36.24 management, or substantial control and ownership of the business or operation.

36.25 (o) The board must refuse to issue an initial license when a commercial breeder:

36.26 (1) is in violation of section 343.21; 343.24; 343.27; 343.28; 343.31; 343.37; 346.37;  
36.27 346.38; 346.39; 346.44; or 346.155;

36.28 (2) has failed to meet any of the requirements of this section and section 347.59;

36.29 (3) is in violation of a local ordinance regarding breeders;

36.30 (4) has been convicted, other than a petty misdemeanor conviction, of cruelty to  
36.31 animals under Minnesota law or a substantially similar animal cruelty law of another  
36.32 jurisdiction;

36.33 (5) has had a substantially similar license denied, revoked, or suspended by another  
36.34 federal or state authority within the last five years; or

36.35 (6) has falsified any material information requested by the board.

37.1 (p) A person who has been an officer, agent, direct family member, or employee of a  
37.2 commercial breeder whose license was revoked or suspended and who was responsible for  
37.3 or participated in the violation that was a basis for the revocation or suspension may not  
37.4 be licensed while the revocation or suspension is in effect.

37.5 Subd. 2. **Inspections.** (a) The board must inspect each licensed facility at least  
37.6 annually. The inspection must be with the commercial breeder or an agent of the  
37.7 commercial breeder present. The inspector must submit an inspection report to the board  
37.8 within ten days of each inspection on a form prepared by the board. The inspection report  
37.9 form must list separately each law, rule, regulation, and ordinance the facility is not in  
37.10 compliance with and what correction is required for compliance. The inspection report  
37.11 form must document the animal inventory on the date of the inspection.

37.12 (b) If, after the prelicense inspection, the commercial breeder has two consecutive  
37.13 years of inspections with no violations, the board must inspect the commercial breeder at  
37.14 least every two years. If the commercial breeder has any violations during an inspection or  
37.15 if the board has cause, the board must inspect the commercial breeder at least annually.

37.16 (c) If a license to operate is suspended, revoked, or denied, the board must be granted  
37.17 access to the facility during normal business hours to verify that it is not operating.

37.18 Subd. 3. **Record requirements.** (a) The commercial breeder must keep records on  
37.19 each animal at the facility that includes:

37.20 (1) the name, address, and United States Department of Agriculture license number,  
37.21 if applicable, from whom an animal was received; the date the commercial breeder  
37.22 received the animal; the date of the animal's birth; the breed, sex, color, and identifying  
37.23 marks of the animal; any identifying tag, tattoo, microchip, or collar number; worming  
37.24 treatments, vaccinations, and name of the person who administered the vaccination;  
37.25 medication received by the animal while in the possession of the commercial breeder; and  
37.26 any disease conditions diagnosed by a veterinarian; and

37.27 (2) the name and address of the person or entity to whom an animal was transferred.

37.28 (b) The commercial breeder must maintain a copy of the records required to be  
37.29 kept under this subdivision for two years.

37.30 Subd. 4. **Veterinary protocol.** (a) A commercial breeder must establish and  
37.31 maintain a written protocol for disease control and prevention, euthanasia, and veterinary  
37.32 care of animals at each facility. The initial protocol must be developed under the direction  
37.33 and supervision of the board. A commercial breeder must maintain a written protocol that  
37.34 is updated at least every 12 months and that is signed and dated by the board or by a  
37.35 veterinarian along with the commercial breeder. The written protocol must be available to  
37.36 the board upon request or at the time of inspection.

38.1 (b) An animal sold or otherwise distributed by a commercial breeder must be  
38.2 accompanied by a veterinary health certificate completed by a veterinarian. The certificate  
38.3 must be completed within 30 days prior to the sale or distribution and must indicate that  
38.4 the animal is current with vaccinations and has no signs of infectious or contagious  
38.5 diseases. The certificate accompanying an adult dog that was not spayed or neutered must  
38.6 indicate that the dog has no signs of infectious or contagious diseases and was tested for  
38.7 canine brucellosis with a test approved by the board and found to be negative.

38.8 Subd. 5. **Posting of information.** The board must maintain and post in a timely  
38.9 manner on its Web site a list of commercial breeders licensed and in good standing  
38.10 under this section.

38.11 Sec. 47. **[347.59] STANDARDS OF CARE.**

38.12 (a) A commercial breeder must comply with chapters 343 and 346.

38.13 (b) A commercial breeder must ensure that animals that are part of the commercial  
38.14 breeder's breeding business operations are cared for as follows:

38.15 (1) cats must not be housed in outdoor confinement areas;

38.16 (2) animals exercised in groups must be compatible and show no signs of contagious  
38.17 or infectious disease;

38.18 (3) females in estrus must not be housed in the same confinement area with  
38.19 unneutered males, except for breeding purposes;

38.20 (4) animals must be provided daily enrichment and must be provided positive physical  
38.21 contact with human beings and compatible animals at least twice daily unless a veterinarian  
38.22 determines such activities would adversely affect the health or well-being of the animal;

38.23 (5) animals must not be sold, traded, or given away before the age of eight weeks  
38.24 unless a veterinarian determines it would be in the best interests of the health or well-being  
38.25 of the animal;

38.26 (6) the commercial breeder must provide identification and tracking for each animal,  
38.27 which is not transferable to another animal; and

38.28 (7) the commercial breeder must provide adequate staff to maintain the facility and  
38.29 observe each animal daily to monitor each animal's health and well-being, and to properly  
38.30 care for the animals.

38.31 (c) A commercial breeder must not knowingly hire staff or independent contractors  
38.32 who have been convicted of cruelty to animals under the law of any jurisdiction.

38.33 (d) A commercial breeder must comply with any additional standards the board  
38.34 considers necessary to protect the public health and welfare of animals covered under  
38.35 sections 347.57 to 347.61. The standards must be established by rule.

39.1 (e) A United States Department of Agriculture (USDA) licensed breeder or dealer  
39.2 who is in compliance with the minimum USDA regulations governing the license holder  
39.3 as they relate to animal confinement areas as of the effective date of this section does not  
39.4 have to comply with the minimum confinement area measurements under section 346.39,  
39.5 subdivision 4, for existing confinement areas in each facility the breeder or dealer owns. If  
39.6 a USDA-licensed breeder or dealer builds a new confinement area after the effective date  
39.7 of this section, those minimum standards must meet or exceed the minimum specifications  
39.8 as they relate to confinement area size under section 346.39, subdivision 4.

39.9 Sec. 48. **[347.60] INVESTIGATIONS.**

39.10 (a) The board must initiate an investigation upon receiving a formal complaint  
39.11 alleging violations of section 347.58 or 347.59.

39.12 (b) When a local animal control authority, a peace officer, or a humane agent  
39.13 appointed under section 343.01 is made aware of an alleged violation under this chapter  
39.14 or chapter 343 or 346, committed by a commercial breeder, the local animal control  
39.15 authority, peace officer, or humane agent appointed under section 343.01 must report the  
39.16 alleged violation in a timely manner to the board.

39.17 Sec. 49. **[347.61] CIVIL ENFORCEMENT.**

39.18 Subdivision 1. **Correction orders.** (a) The board may issue a correction order  
39.19 requiring a commercial breeder to correct a violation of state statutes, rules, and  
39.20 regulations governing breeding facilities. The correction order must state the deficiencies  
39.21 that constitute the violation; the specific statute, rule, or regulation violated; and when  
39.22 the violation must be corrected.

39.23 (b) A commercial breeder may ask the board to reconsider any portion of the  
39.24 correction order that the commercial breeder believes is in error. The request for  
39.25 reconsideration must be made in writing by certified mail or electronically in a method  
39.26 approved by the board within seven days after receipt of the correction order. The  
39.27 request for reconsideration does not stay the correction order. The board must respond  
39.28 to the request for reconsideration within 15 days after receiving a request. The board's  
39.29 disposition of a request for reconsideration is final. The board may extend the time for  
39.30 complying with a correction order after receiving a request for reconsideration if necessary.

39.31 (c) The board must reinspect the facility within 15 days after the time for correcting  
39.32 the violation has passed to determine whether the violation has been corrected. If the  
39.33 violation has been corrected, the board must notify the commercial breeder in writing that

40.1 the commercial breeder is in compliance with the correction order. The board may charge  
40.2 a reinspection fee to determine if a previous violation has been corrected.

40.3 Subd. 2. **Administrative penalty orders.** After the inspection required under  
40.4 subdivision 1, paragraph (c), the board may issue an order requiring violations to  
40.5 be corrected and administratively assessing monetary penalties for violations. The  
40.6 administrative penalty order must include a citation of the statute, rule, or regulation  
40.7 violated; a description of the violation; and the amount of the penalty for each violation. A  
40.8 single correction order may assess a maximum administrative penalty of \$5,000.

40.9 Subd. 3. **Injunctive relief.** In addition to any other remedy provided by law, the  
40.10 board may bring an action for injunctive relief in the district court in Ramsey County or in  
40.11 the county in which a violation of the statutes, rules, or regulations governing the breeding  
40.12 of cats and dogs occurred to enjoin the violation.

40.13 Subd. 4. **Cease and desist.** The board must issue an order to cease a practice if its  
40.14 continuation would result in an immediate risk to animal welfare or public health. An  
40.15 order issued under this subdivision is effective for a maximum of 72 hours. The board or  
40.16 its designated agent must seek an injunction or take other administrative action authorized  
40.17 by law to restrain a practice beyond 72 hours. The issuance of a cease-and-desist order  
40.18 does not preclude other enforcement action by the board.

40.19 Subd. 5. **Refusal to reissue license; license suspension or revocation.** (a) The  
40.20 board may suspend, revoke, or refuse to renew a license as follows:

- 40.21 (1) for failure to comply with a correction order;  
40.22 (2) for failure to pay an administrative penalty;  
40.23 (3) for failure to meet the requirements of section 347.58 or 347.59; or  
40.24 (4) for falsifying information requested by the board.

40.25 A license suspension, revocation, or nonrenewal may be appealed through the Office of  
40.26 Administrative Hearings. A notice of intent to appeal must be filed in writing with the  
40.27 board within 20 days after receipt of the notice of suspension, revocation, or nonrenewal.

40.28 (b) The board must revoke a license if a commercial breeder has been convicted  
40.29 of cruelty to animals under Minnesota law or a substantially similar animal cruelty law  
40.30 of another jurisdiction, or for the denial, revocation, or suspension of a similar license  
40.31 by another federal or state authority. A license revocation under this subdivision may be  
40.32 appealed through the Office of Administrative Hearings. A notice of intent to appeal must  
40.33 be filed in writing with the board within 20 days after receipt of the notice of revocation.

40.34 (c) A commercial breeder whose license is revoked may not reapply for licensure for  
40.35 two years after the date of revocation. The license is permanently revoked if the basis for  
40.36 the revocation was a gross misdemeanor or felony conviction for animal cruelty.



41.1 (d) A commercial breeder whose license is suspended or revoked two times is  
41.2 permanently barred from licensure.

41.3 Subd. 6. **Administrative hearing rights.** (a) Except as provided in paragraph  
41.4 (b), if the board proposes to refuse to renew, suspend, or revoke a license, the board  
41.5 must first notify the commercial breeder in writing of the proposed action and provide an  
41.6 opportunity to request a hearing under the contested case provisions of chapter 14. If the  
41.7 commercial breeder does not request a hearing within 20 days after receipt of the notice of  
41.8 the proposed action, the board may proceed with the action without a hearing.

41.9 (b) The contested case provisions of chapter 14 do not apply when the board denies  
41.10 a license based on an applicant's failure to meet the minimum qualifications for licensure.

41.11 (c) A commercial breeder may appeal the amount of an administrative penalty  
41.12 order through the Office of Administrative Hearings pursuant to the procedures set forth  
41.13 in chapter 14. A commercial breeder wishing to file an appeal must notify the board in  
41.14 writing within 20 days after receipt of the administrative penalty order.

41.15 Subd. 7. **Other jurisdictions.** The board may accept as prima facie evidence of  
41.16 grounds for an enforcement action under this section any enforcement or disciplinary  
41.17 action from another jurisdiction, if the underlying violation would be grounds for a  
41.18 violation under the provisions of this section.

41.19 Subd. 8. **Appeals.** A final order by the board may be appealed to the Minnesota  
41.20 Court of Appeals.

41.21 Sec. 50. **[347.615] BIOSECURITY; ENTRY INTO FACILITIES.**

41.22 No law enforcement officer, agent of the board, or other official may enter a  
41.23 commercial breeder facility unless the person follows either the biosecurity procedure  
41.24 issued by the board or a reasonable biosecurity procedure maintained and prominently  
41.25 posted by the commercial breeder at each entry to a facility, whichever is more stringent.  
41.26 This section does not apply in emergency or exigent circumstances.

41.27 Sec. 51. **[347.62] PENALTIES.**

41.28 (a) A violation of section 347.58 or 347.59 that results in cruelty or torture to an  
41.29 animal, as those terms are defined in section 343.20, subdivision 3, is subject to the  
41.30 penalties in section 343.21, subdivisions 9 and 10, relating to pet or companion animals.

41.31 (b) It is a misdemeanor to falsify information in a license application, annual report,  
41.32 or record.

41.33 (c) It is a misdemeanor for an unlicensed commercial breeder to advertise animals  
41.34 for sale.

42.1 (d) It is a misdemeanor for a commercial breeder to operate without a license.

42.2 Sec. 52. **[347.63] DOG AND CAT BREEDERS LICENSING ACCOUNT;**  
 42.3 **APPROPRIATION.**

42.4 A dog and cat breeders licensing account is created in the special revenue fund.  
 42.5 All fees and penalties collected by the board under sections 347.58 to 347.62 must be  
 42.6 deposited in the state treasury and credited to the dog and cat breeders licensing account  
 42.7 in the special revenue fund. Money in the account, including interest on the account, is  
 42.8 annually appropriated to the board to administer those sections.

42.9 Sec. 53. **[347.64] APPLICABILITY.**

42.10 Sections 347.57 to 347.63 do not apply to:

- 42.11 (1) any species other than dogs and cats as they are defined in section 347.57; and
- 42.12 (2) veterinary clinics or veterinary hospitals.

42.13 Sec. 54. Laws 2008, chapter 363, article 5, section 4, subdivision 7, as amended by  
 42.14 Laws 2009, chapter 37, article 1, section 61, is amended to read:

42.15	<b>Subd. 7. Fish and Wildlife Management</b>	123,000	119,000
42.16	Appropriations by Fund		
42.17	General	-0-	(427,000)
42.18	Game and Fish	123,000	546,000

42.19 \$329,000 in 2009 is a reduction for fish and  
 42.20 wildlife management.

42.21 \$46,000 in 2009 is a reduction in the  
 42.22 appropriation for the Minnesota Shooting  
 42.23 Sports Education Center.

42.24 \$52,000 in 2009 is a reduction for licensing.

42.25 \$123,000 in 2008 and \$246,000 in 2009 are  
 42.26 from the game and fish fund to implement  
 42.27 fish virus surveillance, prepare infrastructure  
 42.28 to handle possible outbreaks, and implement  
 42.29 control procedures for highest risk waters  
 42.30 and fish production operations. This is a  
 42.31 onetime appropriation.

43.1 Notwithstanding Minnesota Statutes, section  
 43.2 297A.94, paragraph (e), \$300,000 in 2009  
 43.3 is from the second year appropriation in  
 43.4 Laws 2007, chapter 57, article 1, section 4,  
 43.5 subdivision 7, from the heritage enhancement  
 43.6 account in the game and fish fund ~~to study,~~  
 43.7 ~~pre-design, and design a shooting sports~~  
 43.8 ~~facility in the seven-county metropolitan~~  
 43.9 ~~area for shooting sports facilities.~~ Of this  
 43.10 amount, \$100,000 is for a grant to the Itasca  
 43.11 County Gun Club for shooting sports facility  
 43.12 improvements; and the remaining balance  
 43.13 is for trap shooting facility grants under  
 43.14 Minnesota Statutes, section 87A.10. This is  
 43.15 available onetime only and is available until  
 43.16 expended.

43.17 \$300,000 in 2009 is appropriated from the  
 43.18 game and fish fund for only activities that  
 43.19 improve, enhance, or protect fish and wildlife  
 43.20 resources. This is a onetime appropriation.

43.21 Sec. 55. Laws 2012, chapter 249, section 11, is amended to read:

43.22 Sec. 11. **COSTS OF SCHOOL TRUST LANDS DIRECTOR AND**  
 43.23 **LEGISLATIVE PERMANENT SCHOOL FUND COMMISSION.**

43.24 (a) The costs of the school trust lands director, including the costs of hiring staff,  
 43.25 and the Legislative Permanent School Fund Commission for fiscal years 2014 ~~and~~ 2015,  
 43.26 and 2016 shall be from the state forest ~~development~~ suspense account under Minnesota  
 43.27 Statutes, section 16A.125, and from the minerals management account under Minnesota  
 43.28 Statutes, section 93.2236, ~~as appropriated by the legislature.~~

43.29 (b) The school trust lands director and the Legislative Permanent School Fund  
 43.30 Commission shall submit to the ~~2014~~ 2015 legislature a proposal to fund the operational  
 43.31 costs of the Legislative Permanent School Fund Commission and school trust lands  
 43.32 director and staff with a cost certification method using revenues generated by the  
 43.33 permanent school fund lands.

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

44.1 Sec. 56. **RECOGNITION; COMMERCIAL BREEDER EXCELLENCE.**

44.2 The Board of Animal Health, in consultation with representatives of the licensed  
44.3 commercial breeder industry, must develop a program to recognize persons who  
44.4 demonstrate commercial breeder excellence and exceed the standards and practices  
44.5 required of commercial breeders under this act.

44.6 Sec. 57. **REGISTRATION; INITIAL PRELICENSE INSPECTIONS.**

44.7 Subdivision 1. Commercial breeder registration. Beginning July 1, 2014, until  
44.8 June 30, 2015, a commercial breeder must register each facility it owns or operates by  
44.9 paying a registration fee not to exceed \$250 per facility to the Board of Animal Health.

44.10 Subd. 2. Initial prelicense inspections. Beginning July 1, 2014, the board may  
44.11 begin the initial prelicense inspections under Minnesota Statutes, section 347.58.

44.12 Subd. 3. Deposits of fees. Fees collected under this section must be deposited in the  
44.13 dog and cat breeders licensing account in the special revenue fund.

44.14 Sec. 58. **BEE VALUATION PROTOCOL REQUIRED.**

44.15 No later than January 1, 2015, the commissioner of agriculture must report to  
44.16 the house of representatives and senate committees with jurisdiction over agriculture  
44.17 finance the protocol that the commissioner developed, in consultation with experts, for  
44.18 determining the fair market value of bees, hives, colonies, apiaries, and queen apiaries for  
44.19 purposes of compensation under Minnesota Statutes, section 18B.055.

44.20 Sec. 59. **INVASIVE TERRESTRIAL PLANTS AND PESTS CENTER.**

44.21 Subdivision 1. Establishment. The Board of Regents of the University of Minnesota  
44.22 is requested to establish an Invasive Terrestrial Plants and Pests Center to prevent and  
44.23 minimize the threats posed by terrestrial invasive plants, other weeds, pathogens, and  
44.24 pests in order to protect the state's prairies, forests, wetlands, and agricultural resources.  
44.25 With the approval of the board, the College of Food, Agricultural and Natural Resource  
44.26 Science, in coordination with the College of Biological Sciences, shall administer the  
44.27 center utilizing the following departments:

44.28 (1) Entomology;

44.29 (2) Plant Pathology;

44.30 (3) Forest Resources;

44.31 (4) Horticultural Science;

44.32 (5) Fisheries Wildlife and Conservation Biology;

44.33 (6) Agronomy and Plant Genetics;

- 45.1 (7) Plant Biology; and  
 45.2 (8) Ecology, Evolution, and Behavior.

45.3 The college may also utilize the following research and outreach centers in  
 45.4 achieving the purposes of this section: Cloquet Forestry Center; North Central Research  
 45.5 and Outreach Center; Northwest Research and Outreach Center; Southern Research and  
 45.6 Outreach Center; Southwest Research and Outreach Center; West Central Research and  
 45.7 Outreach Center; Rosemount Research and Outreach Center; Horticultural Research  
 45.8 Center; and Sand Plain Research Center.

45.9 Subd. 2. **Purpose.** The purpose of the Invasive Terrestrial Plants and Pests Center is  
 45.10 to research and develop effective measures to prevent and minimize the threats posed by  
 45.11 terrestrial invasive plants, pathogens, and pests, including agricultural weeds and pests, in  
 45.12 order to protect the state's native prairies, forests, wetlands, and agricultural resources, by:

45.13 (1) creating a prioritized list of pest and plant species that threaten the state's prairies,  
 45.14 forests, wetlands, and agricultural resources and making the list publicly accessible; and

45.15 (2) conducting research focused on the species included on the prioritized list  
 45.16 developed under this subdivision that includes:

45.17 (i) development of new control methods, including biocontrols;

45.18 (ii) development of integrated pest management tools that minimize nontarget  
 45.19 impacts;

45.20 (iii) research projects focused on establishment prevention, early detection, and  
 45.21 rapid response;

45.22 (iv) an analysis of any consequences related to the management of prioritized species  
 45.23 to the state's water, pollinators, and native prairies and other native species; and

45.24 (v) reports on the results that are made publicly accessible.

45.25 Subd. 3. **Report.** By January 15, each year as a condition of the appropriation  
 45.26 provided under this act, the Board of Regents of the University of Minnesota shall submit  
 45.27 a report to the chairs and ranking minority members of the house of representatives and  
 45.28 senate committees and divisions with jurisdiction over the environment and natural  
 45.29 resources and agriculture on: (1) the activities and outcomes of the center; and (2) any  
 45.30 recommendations for additional funding for education, implementation, or other activities.

45.31 **Sec. 60. REPORT REQUIRED.**

45.32 No later than January 15, 2015, the commissioner of agriculture must report to the  
 45.33 legislative committees with jurisdiction over agriculture finance proposed legislation to  
 45.34 implement sections 12 and 13, including a fee structure that complies with Minnesota

46.1 Statutes, section 16A.1285, and is sufficient to cover the commissioner's costs. The  
46.2 commissioner must examine programs in other states.

46.3 Sec. 61. **REPEALER.**

46.4 Minnesota Statutes 2012, section 115A.551, subdivision 2, is repealed.

APPENDIX  
Article locations in H3158-1

	AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES	
ARTICLE 1	APPROPRIATIONS .....	Page.Ln 1.25
	AGRICULTURE, ENVIRONMENT AND NATURAL RESOURCES	
ARTICLE 2	FISCAL IMPLEMENTATION PROVISIONS .....	Page.Ln 7.11

**115A.551 RECYCLING.**

Subd. 2. **County recycling goals.** By December 31, 1993, each county outside of the metropolitan area will have as a goal to recycle a minimum of 25 percent by weight of total solid waste generation; and by December 31, 1993, each county within the metropolitan area will have as a goal to recycle a minimum of 35 percent by weight of total solid waste generation. Each county will develop and implement or require political subdivisions within the county to develop and implement programs, practices, or methods designed to meet its recycling goal. Nothing in this section or in any other law may be construed to prohibit a county from establishing a higher recycling goal.