

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 1039

**DATE:** March 25, 2011

**Version:** First engrossment

**Authors:** Hamilton

**Subject:** Omnibus agriculture finance bill

**Analyst:** Colbey Sullivan

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

---

### Overview

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

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

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

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

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

**Subd. 4. Bioenergy and value-added agriculture.** Provides the total general fund appropriation for the final ethanol producer payments and the Agricultural Growth, Research, and Innovation Program.

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

to several named entities.

- 4 Board of animal health.** Appropriates general fund dollars for BAH's activities.
- 5 Agricultural utilization research institute.** Appropriates general fund dollars for AURI's activities.
- 6 Ammonia and anhydrous ammonia.** Defines these terms for the purposes of fertilizer regulatory law in chapter 18C, "Fertilizer, Soil Amendment, and Plant Amendment."
- 7 Certification of regulatory compliance.** Allows MDA to certify a nonemployee to perform anhydrous ammonia facility inspections and issue compliance certificates. Requires a person responsible for an anhydrous ammonia facility and issued a compliance certificate to submit a copy to the MDA.
- 8 Compliance and inspection frequency.** Authorizes MDA to implement policies and procedures that allow for decreased inspection frequency for an anhydrous ammonia facility inspected by MDA or an authorized private inspector under section 7. MDA must consider compliance history, enforcement record, and any public safety or environmental risks.
- 9 Fee.** Eliminates the \$10 minimum for the Agricultural Chemical Response and Reimbursement Account (ACRRA) surcharge that MDA levies on agricultural pesticide sales. Retains the \$10 minimum ACRRA surcharge for nonagricultural pesticides.
- 10 Account; appropriation.** Establishes a dedicated account in the Agricultural Fund to hold wholesale producer dealer license fees and penalties. Statutorily appropriates money in the account to MDA to license and regulate wholesale produce dealers - i.e., persons who act as a broker or wholesaler of perishable fresh fruits and vegetables; milk, cream, or products made from milk or cream; or poultry or poultry products.
- 11 County agricultural societies, formation, powers.** Grants county agricultural societies the authority to exchange real or personal property.
- 12 Oversight.** Amends the Agricultural Growth, Research, and Innovation program statute to state that the MDA must appropriate AGRI funds as specified by the legislature, rather than in consultation with certain members of the legislature.
- 13 Public corporation; limited powers.** Allows counties to perform no-bid exchanges of comparably-valued land for any purpose. Retains the existing no-bid process that counties may use to acquire land for highway right-of-way. Creates a new process for all other exchanges that allows for private appraisals and requires the county board to hold a public meeting before giving final approval to the proposed exchange. Requires the county auditor to post notice of the public meeting at least two weeks in advance.
- 14 Personal Responsibility in Food Consumption Act.**
- Subd. 1. Title.** Provides that the bill is titled the "Personal Responsibility in Food Consumption Act."
- Subd. 2. Definitions.** Provides definitions for certain phrases and terms used in the bill.
- Subd. 3. Immunity from civil liability.** Establishes the substantive immunity provision. Specified entities associated with the production or delivery of a food or nonalcoholic beverage are immune from civil liability based on an individual's weight gain, obesity, or related health condition resulting from the long-term purchase or consumption of the food or beverage.

**Subd. 4. Actions permitted.** Provides that certain violations of other federal or state laws or rules that proximately cause an injury are not subject to the immunity provision contained in subdivision 3.

**Effective date.** Provides that this section is effective the day following final enactment and applies to actions filed by any party on or after that date.

**15 Repealer.** Repeals the ethanol producer payment statutes to coincide with the appropriation in section 3, subdivision 4, for the final outstanding deficiency payments.

**Effective date.** Provides that the statutes are repealed on the last day of the first year of the next biennium, i.e., after the MDA issues the final ethanol payments.