



LEGISLATIVE and REGULATORY PRINCIPLES AND POSITIONS

approved by
MNLA Government Affairs Committee

adopted by
MNLA Board of Directors

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MNLA LEGISLATIVE and REGULATORY PRINCIPLES AND POSITIONS

This manual includes the principles and position statements designed to guide the government affairs efforts of the Minnesota Nursery & Landscape Association staff and volunteer leadership, as well as a guide demonstrating the process for developing legislative, policy, and regulatory priorities.

Positions are numbered by the year they were first adopted, with the most recently-adopted positions listed first.

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- Position 2010-4: Identification of Tree Care Professionals.
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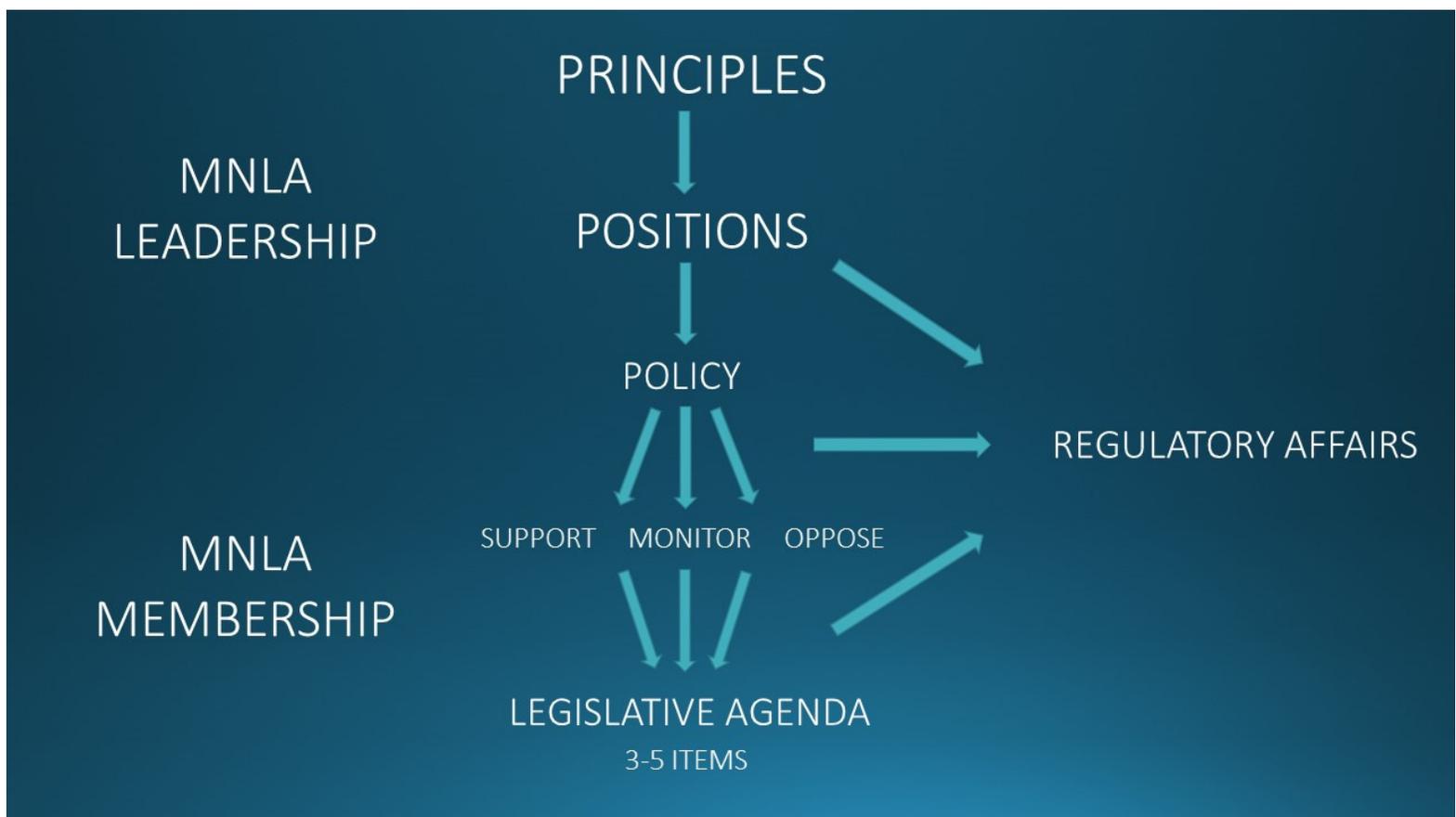
STATEMENT OF MNLA GOVERNMENT AFFAIRS PRINCIPLES & GUIDE

The mission of MNLA Government Affairs programs is to help members operate their businesses more successfully by recommending policy positions, setting and implementing strategy, and representing the collective interests of MNLA members in state legislative and regulatory affairs and, when feasible, in national and local affairs.

The MNLA Board of Directors, the MNLA Government Affairs Committee and MNLA staff will refer to the following principles when determining legislative and regulatory priorities and engaging in government affairs efforts.

1. MNLA Government Affairs upholds the association's mission of helping nursery and landscape related companies in Minnesota and the surrounding region operate their businesses more successfully.
2. MNLA Government Affairs is ethical, professional, and nonpartisan.
3. MNLA Government Affairs proactively promotes stewardship of our natural resources.
4. MNLA Government Affairs will support the basic tenets of a capitalist-based economy in a representative democracy*.
5. MNLA Government Affairs recognizes that appropriate taxation and regulation are necessary functions of our republic.
6. MNLA Government Affairs will establish public policy positions related to the environment, first, on peer-reviewed, sound scientific research; and, secondarily, on generally accepted cultural practices where sound science is not available or clearly defined.

*A capitalistic economy in a democracy is generally defined as the means of producing wealth, best achieved through privately-owned and controlled enterprises. Land, labor, and capital are best owned, operated and traded by private individuals; and furthermore, investments, distribution, income, production, pricing, and supply are best determined by voluntary private decisions in a competitive market economy.



MNLA GOVERNMENT AFFAIRS POSITIONS

SECTION 1 – WATER RESOURCES

Position #2010-1

Promotion of Efficient Irrigation

MNLA promotes efficient irrigation to ensure long term sustainability of water resources and the landscape. Irrigation is required to fulfill the world's growing need for food, feed, fiber, fuel and the quality of life benefits provided by a healthy landscape. As stewards of a critical resource, we believe that efficient irrigation meets these needs while recognizing environmental and conservation concerns.

Position #2010-2

Stewardship of Water Resources

As stewards of water resources, MNLA shall advocate for workable outdoor water use policies including, but not limited to: best practice programs, adoption of workable rainwater/stormwater reuse, creation and adoption of minimum performance expectations in Minnesota building codes, voluntary registration programs for consumer protection and, if necessary, licensure of professionals to demonstrate minimum levels of competence and consumer and resource protection.

SECTION 2 – TREES, COMMUNITY FORESTRY

Position #2011-1

Community Forestry / Green Infrastructure

MNLA supports public investments in removal of diseased or infested trees; replacement of removed trees; and expansion of overall urban tree planting efforts. MNLA can support public investment in treatment of diseased or infested trees if it has been identified as an ongoing priority by a public entity and/or if a sustainable source of ongoing funding is secured.

A comprehensive and financially sustainable urban shade tree plan of action may include appropriate maintenance and corrective sanitation; biological control; chemical treatment; and the planting of diverse species of trees.

Protecting and enhancing urban shade tree resources is critical for the state's "green infrastructure."

Environmental benefits trees provide include:

- Energy savings
- Stormwater mitigation
- Biodiversity and wildlife habitat
- Community livability benefits such as higher property values, noise reduction, recreation values, business district enhancements, aesthetics, and crime reduction.

Minnesota's state and local governments, as well as homeowners and the business community, should be both proactive and reactive to protect, enhance and restore our urban shade tree resources in light of damage from emerald ash borer, Dutch elm disease, Gypsy moth, oak wilt, and other pests and diseases.

Position #2011-2

Community Forestry / Research Funding

MNLA may support requests for public funding of research to protect, enhance and restore urban shade tree resources, provided the proposal is fiscally responsible and reasonably practical and applicable to the needs of MNLA members, plus the researcher can demonstrate how the proposal will provide unique

information not available from other institutions. Such proposals may be reviewed by the MNLA Commercial Arborists Committee and/or the MNLA Nursery Committee prior to endorsement.

Position #2010-4

Identification of Tree Care Professionals

To help protect consumers and the environment in the wake of pest and disease threats to community forests, MNLA supports a state-based system that identifies credentialed tree care professionals.

Position #2007-1

Restrictions on firewood movement to protect Minnesota forests and the green industry

MNLA supports laws and rules regulating the movement of firewood and the labeling of firewood for sale. In addition, MNLA supports strong enforcement of these laws and rules by the appropriate agencies. Because firewood is known to potentially harbor serious forest pests such as emerald ash borer, Gypsy moth, Asian long horn beetle, sudden oak death fungus, and Sirex wood wasp, its close regulation by state authorities is beneficial for forest and environmental protection, as well as for the protection of the economic interests of green industry companies.

Position #2006-2

Forest and Shade Tree Pest Authority

MNLA supports pest regulatory authority for exclusion or eradication to be housed at the Minnesota Department of Agriculture and that shade tree replacement and other reforestation planting programs be housed at the Minnesota Department of Natural Resources.

SECTION 3 – INVASIVE PLANTS, NOXIOUS WEEDS

Position #2009-1

Noxious Weeds

MNLA supports voluntary and regulatory efforts to limit the negative environmental impact of noxious weeds. To that end, MNLA supports government and voluntary citizen efforts for noxious weed control; and a vigorous program at the Minnesota Department of Agriculture that provides statewide coordination and education. Furthermore, MNLA supports restrictions on plants that have negative environmental impacts, provided there has been scientific review and that the economic attributes of that plant are strongly taken into consideration.

Position #2006-1

Invasive Species Programs

MNLA supports strong funding for the Minnesota Department of Agriculture and the Minnesota Department of Natural Resources for invasive species surveys and inspection programs for emerging pests; integrated pest management (IPM) strategies for established pests; and plant pest laboratory services.

Position #2002-3

Nursery Industry Invasives Code of Conduct

The Minnesota Nursery & Landscape Association has endorsed the national Voluntary Codes of Conduct for Nursery Professionals.

- Ensure that invasive potential is assessed prior to introducing and marketing plant species new to North America. Invasive potential should be assessed by the introducer or qualified experts using emerging risk assessment methods that consider plant characteristics and prior observations or

experience with the plant elsewhere in the world. Additional insights may be gained through extensive monitoring on the nursery site prior to further distribution.

- Work with regional experts and stakeholders to determine which species in your region are either currently invasive or will become invasive. Identify plants that could be suitable alternatives in your region.
- Develop and promote alternative plant material through plant selection and breeding.
- Where agreement has been reached among nursery associations, government, academia and ecology and conservation organizations, phase-out existing stocks of those specific invasive species in regions where they are considered to be a threat.
- Follow all laws on importation and quarantine of plant materials across political boundaries.
- Encourage customers to use, and garden writers to promote, non-invasive plants.

Position #1998-2

Invasive Plants

The Minnesota Nursery and Landscape Association encourages the use of native and well-adapted non-native plant material, provided such material is appropriate for a particular site. MNLA discourages the use of invasive plants, i.e.: plants that have spread or may spread into native ecosystems and dominate or disrupt those ecosystems. MNLA will be involved in proactive, science-based public review processes that screen plants for invasive tendencies. MNLA will continue to educate its members and - through its members - consumers on the appropriate use of plant materials to beautify the landscape and improve the environment. Professional advice should be sought on what are appropriate plants for a particular site.

SECTION 4 – TAXATION

Position #2009-2

Ag Land Preservation and Taxation

MNLA supports policies which encourage land to continue in agricultural production as well as being preserved for conservation purposes. Furthermore, these policies should include fair taxation of such farmland or conservation land pressured by residential or commercial development.

Position #2009-5

Sales Taxes

MNLA opposes extension of sales and use taxes on any services without offsetting reductions in other business-related taxes.

SECTION 5 – CONTRACTOR CONCERNS

Position #2009-3

Contractor Prompt Payment and Retainage

MNLA supports efforts which protect the rights of all contractors and suppliers, large and small, to be paid in a timely manner for work done to specification. Sub-contractors and suppliers should be treated with fairness in Minnesota Statutes Chapter 337 “Building and Construction Contracts” and all other statutory references affecting prompt payment and retainage.

Position #2009-4

Power Limited Licensing for Irrigation and Landscape Lighting Professionals

MNLA supports workable licensing for power limited technicians, including professionals practicing irrigation and landscape lighting installation. However, the current Power Limited Technician / Technology System Contractor licensure system is flawed and, consequently, many professionals are not in compliance. Make compliance reasonable through these steps: (1) Eliminate the artificial barrier of the 3-year apprenticeship; and (2) Create a meaningful exam that is appropriate to the area of business. In addition, the Department of Labor & Industry should be (1) Transparent and accountable in identifying where license revenue is being allocated; and (2) Vigilant about enforcement procedures.

Position #2004-1

Concerns from MNLA members regarding facility depth of burial enforcement and practices

MNLA supports the state’s outdoor facility excavation and locating laws and rules, as well as the Gopher State One Call notification system. MNLA regularly furnishes education and educational opportunities to its members about excavation and facility locating laws and rules.

MNLA members regularly encounter outdoor facilities, primarily telephone and cable facilities, that are not installed to required depth (MN Statutes 326B.35 and National Electrical Safety Code 352-1) resulting in damaged facilities, interrupted service, project delays and unbudgeted costs to members and consumers.

MNLA supports/requests effective depth of burial enforcement by the Office of Pipeline Safety and advocates for changes in cultural practices by facility owners to adhere to applicable Minnesota laws and rules, and to fairly work with law-abiding excavators to eliminate costs of repairs to the excavator for damaged facilities when the excavator has followed proper locating procedures, yet the facility is found to improperly buried or improperly located.

SECTION 6 - OTHER

Position #2009-6

Horticulture is Agriculture

MNLA supports continued recognition of the production of horticultural crops as agriculture. Horticultural crops shall include but are not limited trees, shrubs, perennials, and annuals. Both the state of Minnesota and the federal government identify nursery and greenhouse production to be agriculture, as noted in the citations that follow.

<p>Minnesota Department of Revenue Fact Sheet #100 states: <i>Agricultural Production includes the following activities when they result in a product that will ultimately be sold at retail: Floriculture – cultivating flowering plants; Horticulture – cultivating fruits, vegetables and plants.</i></p>
<p>Minnesota Statutes 273.13 specifically includes nursery stock as an agricultural product: <i>"The term "agricultural products" as used in this subdivision includes production for sale of: (1) livestock, dairy animals, dairy products, poultry and poultry products, fur-bearing animals, horticultural and nursery stock, fruit of all kinds, vegetables, forage, grains, bees, and apiary products by the owner;</i></p>

<p>Because nursery stock is an agricultural product, it fits within Minnesota Statutes 273.13 as being produced on agricultural property:</p> <p><i>(e) Agricultural land as used in this section means contiguous acreage of ten acres or more, used during the preceding year for agricultural purposes. "Agricultural purposes" as used in this section means the raising, cultivation, drying, or storage of agricultural products for sale, or the storage of machinery or equipment used in support of agricultural production by the same farm entity.</i></p>
<p>Minnesota Statutes 273.13 goes so far as to give special consideration to small nurseries:</p> <p><i>(f) Real estate of less than ten acres, which is exclusively or intensively used for raising or cultivating agricultural products, shall be considered as agricultural land. To qualify under this paragraph, property that includes a residential structure must be used intensively for one of the following purposes:</i></p> <p><i>(ii) as a nursery, provided that only those acres used to produce nursery stock are considered agricultural land;</i></p>
<p>Further evidence that the State of Minnesota is clear that nurseries are considered agriculture: In Minnesota Statute 297A.61, Subd. 12, machinery used in the production for sale of trees and shrubs, plants . . . <i>"is included as farm machinery exempt from sales tax."</i> In Minnesota Statute 297A.69, Subd. 2, the State of Minnesota also identifies materials consumed in the production of horticultural and floricultural products to be exempt from sales tax.</p>
<p>The sale and movement of nursery stock is regulated by the Minnesota Department of Agriculture from which nursery growers must obtain inspection certificates.</p>
<p>Horticultural and floricultural products are included in the Census of Agriculture performed by the National Agricultural Statistics Service.</p>
<p>The U.S. Department of Agriculture recognizes nursery crops as eligible for Federal crop insurance.</p>
<p>Internal Revenue Code Section 263(A)(d)(3) allows growers of crops with a preproductive period (time growing on the nursery) of more than two years to elect to not capitalize the costs of expenses (inventory) as otherwise required by section 263(A), though section 263(A)(e)(2)(A) then requires the use of straightline depreciation for equipment and other depreciable property used in that production. In layman's terms, nurseries can use cash basis accounting instead of accrual basis accounting because of their unique circumstances in agriculture.</p>

Position #2006-4

Minnesota Grown

Funds are used to match dollars from grower associations to support marketing of Minnesota Grown agricultural products. In addition to helping farmer's markets, fruit and vegetable growers, specialty meat producers and others, the Minnesota Grown program helps nurseries, greenhouses and garden centers market their locally grown landscape plants which are grown specifically for our tough northern winters. MNLA supports continued funding of the Minnesota Grown program.

Position #2004-3

Immigration System Reform

Because many MNLA members are reliant upon immigrants as part of their seasonal workforce, MNLA supports reform of the nation's immigration system. MNLA supports reform that would (a) allow employers to hire the necessary seasonal workers in a fair and legal manner; (b) protect the nation's security interests; and (c) protect the human rights of the immigrant workers.

Position #2012-1

Integrated Pest Management

MNLA supports the use of Integrated Pest Management (IPM), a science-based decision-making process that identifies and reduces risks from pests and pest management related strategies. IPM coordinates the use of pest biology, environmental information and available technology to prevent unacceptable levels of pest damage by the most economical means, while posing the least possible risk to people, property, resources and the environment. IPM provides an effective strategy for managing pests in all arenas, from developed agricultural, residential, and public areas to wild lands. IPM serves as an umbrella to provide an effective, all encompassing, low-risk approach to protect resources and people from pests.

Position #2014-1

Pollinators

The Minnesota Nursery and Landscape Association (MNLA) is an advocate for pollinator-friendly habitats and purposefully devotes resources to the complex issues surrounding pollinator health.

MNLA believes that US EPA guidance and research based in sound science are fundamental foundations for rational decision making, policy development, and subsequent human actions to maintain and enhance pollinator habitat.

MNLA encourages its members to incorporate the use of best management practices including Integrated Pest Management when transforming pollinator advocacy to action.