

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 4223

(SENATE AUTHORS: WEBER)

DATE	D-PG	OFFICIAL STATUS
03/11/2020	5403	Introduction and first reading Referred to Agriculture, Rural Development, and Housing Policy
05/07/2020		Comm report: To pass as amended Joint rule 2.03, referred to Rules and Administration Comm report: Adopt previous comm report Jt. rule 2.03 suspended Second reading

1.1 A bill for an act

1.2 relating to agriculture; making policy and technical changes to agriculture-related

1.3 provisions including provisions related to seed law, noxious weed law, loans, pet

1.4 food, meat processing, eggs, and others; amending Minnesota Statutes 2018,

1.5 sections 17.117, subdivisions 4, 5, 16; 18.77, subdivisions 8a, 13, by adding

1.6 subdivisions; 18.771; 18.78, subdivisions 1, 3; 18.79, subdivisions 6, 10, 15, 18,

1.7 21; 18.82; 18.90; 18.91, subdivision 2; 18G.09; 21.72, subdivisions 11, 14, 15, by

1.8 adding a subdivision; 21.73, subdivision 1; 21.74; 21.75, subdivision 1; 21.81, by

1.9 adding subdivisions; 21.82, by adding a subdivision; 21.84; 21.85, subdivisions

1.10 2, 15; 21.86, subdivision 2; 21.89, subdivision 4; 21.891, subdivision 2; 25.40,

1.11 subdivisions 1, 2; 28A.03, subdivision 8; 29.23, subdivision 3; 31A.02, subdivision

1.12 10; 31A.10; 31A.15, subdivision 1; Minnesota Statutes 2019 Supplement, section

1.13 41B.047, subdivision 1; proposing coding for new law in Minnesota Statutes,

1.14 chapter 21; repealing Minnesota Statutes 2018, section 21.81, subdivision 12.

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

1.16 **ARTICLE 1**

1.17 **DEPARTMENT OF AGRICULTURE;**

1.18 **SEED LAW**

1.19 Section 1. Minnesota Statutes 2018, section 21.72, subdivision 11, is amended to read:

1.20 Subd. 11. **Screenings.** "Screenings" means chaff, florets, immature or broken seed, weed

1.21 seeds, inert matter, and other foreign material removed in any way from any seeds or grains

1.22 in any kind of cleaning and processing, or obtained from any other source.

1.23 Sec. 2. Minnesota Statutes 2018, section 21.72, subdivision 14, is amended to read:

1.24 Subd. 14. **Noxious weed seeds.** "Noxious weed seeds" includes restricted and prohibited

1.25 noxious weed seeds as defined in ~~subdivision~~ subdivisions 15 and 16.

2.1 Sec. 3. Minnesota Statutes 2018, section 21.72, subdivision 15, is amended to read:

2.2 Subd. 15. **Restricted weed seeds.** "Restricted weed seeds" are those weed seeds which,
2.3 if present in weed-seed infested agricultural seeds and grains, or screenings, shall not be
2.4 present singly or collectively in excess of the rate of 90 per pound. Restricted weed seeds
2.5 are seeds of buckhorn plantain (*Plantago lanceolata*), dodder (*Cuscuta* spp.), Frenchweed
2.6 (*Thlaspi arvense*), hoary alyssum (*Berteroa incana*), horse nettle (*Solanum carolinense*),
2.7 wild mustard (*Brassica* spp.), quack grass (*Agropyron repens*), Canada thistle (*Cirsium*
2.8 *arvense*), field bindweed (*Convolvulus arvensis*), leafy spurge (*Euphorbia esula*), perennial
2.9 peppergrass (*Cardaria draba*), perennial sow thistle (*Sonchus arvensis*), and Russian
2.10 knapweed (*Centaurea repens*) placed on the list provided under section 21.85, subdivision
2.11 15.

2.12 Sec. 4. Minnesota Statutes 2018, section 21.72, is amended by adding a subdivision to
2.13 read:

2.14 Subd. 16. **Prohibited noxious weed seeds.** "Prohibited noxious weed seeds" are those
2.15 weed seeds placed on the list provided under section 21.85, subdivision 15.

2.16 Sec. 5. Minnesota Statutes 2018, section 21.73, subdivision 1, is amended to read:

2.17 Subdivision 1. **Infested feed grain; screenings.** It is unlawful for any person to feed or
2.18 to sell, offer for sale, or expose for sale, or transport, to the consumer, for feeding purposes,
2.19 any weed-seed infested agricultural seeds and grains, or screenings:

2.20 (1) containing restricted or prohibited noxious weed seeds in excess of the legal limit;
2.21 and

2.22 (2) containing more than ten percent total weed seeds by weight.

2.23 Sec. 6. Minnesota Statutes 2018, section 21.74, is amended to read:

2.24 **21.74 EXCEPTIONS.**

2.25 The provisions of section 21.73 shall not apply to:

2.26 (1) Agricultural seeds and grains, or screenings, not intended for feeding purposes;

2.27 (2) Weed-seed infested agricultural seeds and grains, or screenings, being transported
2.28 upon any public highway to or from a cleaning or processing establishment for cleaning or
2.29 processing, which same are carried or transported in such vehicles or containers as will
2.30 prevent the leaking or scattering thereof;

3.1 (3) Weed-seed infested agricultural seeds and grains, or screenings, which have first
3.2 been devitalized by grinding, heating, chemical treatment, or any other suitable method;

3.3 (4) The sale of weed-seed infested agricultural seeds and grains, or screenings, to each
3.4 other by jobbers, manufacturers, or processors who mix or grind concentrated commercial
3.5 feeding stuff for sale; provided that the restrictions applying to clause (2), are complied
3.6 with;

3.7 (5) The sale of weed-seed infested agricultural seeds and grains, or screenings, by any
3.8 vendor to a consumer, provided that the restrictions set forth in clauses (2) and (3) are
3.9 complied with. However, where the vendor is not equipped to devitalize weed seeds, the
3.10 vendor may sell weed-seed infested agricultural seeds, grains, or screenings only to a
3.11 consumer who holds a permit issued by the commissioner for such a purchase. The
3.12 commissioner shall issue such a permit annually to a consumer only if the consumer has
3.13 the necessary facilities for devitalization, as determined by the commissioner, or has access
3.14 to such facilities. The consumer shall devitalize such weed-seed infested agricultural seeds,
3.15 grains, or screenings. The commissioner may revoke a permit after due notice and a hearing
3.16 if the consumer does not comply with the provisions of this clause. The provisions of this
3.17 clause shall not apply to the sale at a farm auction of a vendors agricultural seeds or grains
3.18 for feeding or processing purposes. "Farm auction" for the purpose of this clause means the
3.19 final sale at auction of the personal property of the farmer to the highest bidder. However,
3.20 if such agricultural seeds and grains are sold under variety names, and in such manner and
3.21 at such prices as to indicate that it is intended to use the seeds and grains for seeding purposes,
3.22 the seeds and grains are then subject to all laws relating to cleaning, testing, and labeling
3.23 of agricultural seed as set forth in the agricultural seed laws and the agricultural weed laws
3.24 of the state of Minnesota and such rules as have been promulgated by the commissioner of
3.25 agriculture thereunder; and

3.26 (6) Weed-seed infested agricultural seed and grains or screenings, produced by the farmer
3.27 and fed on the farmer's own farm, provided it does not contain restricted or prohibited
3.28 noxious weed seeds in excess of the legal limit.

3.29 Sec. 7. Minnesota Statutes 2018, section 21.75, subdivision 1, is amended to read:

3.30 Subdivision 1. **Enforcement; rulemaking.** ~~The duty of enforcing sections 21.71 to~~
3.31 ~~21.78 and carrying out the provisions and requirements thereof is vested in the commissioner~~
3.32 ~~of agriculture. The commissioner, personally or through agents, shall~~ The commissioner
3.33 must enforce sections 21.71 to 21.78. The commissioner must:

4.1 (1) sample, inspect, make analysis of, and test weed-seed infested agricultural seeds and
4.2 grains, or screenings, transported, sold, or offered, or exposed for sale within this state for
4.3 any purpose, at such time and place, and to such extent as the commissioner may deem
4.4 necessary to determine whether such weed-seed infested agricultural seeds and grain, or
4.5 screenings, is in compliance with the provisions of sections 21.71 to 21.78, and to notify
4.6 promptly the person who transported, sold, offered, or exposed the weed-seed infested
4.7 agricultural seeds and grains, or screenings, for sale of any violation; and

4.8 (2) prescribe and, after public hearing following due public notice, adopt such rules as
4.9 may be necessary to secure the efficient enforcement of sections 21.71 to 21.78. ~~Such rules~~
4.10 ~~are to be adopted in accordance with the law; and~~

4.11 ~~(3) Prescribe and, after public hearing following due public notice, establish, add to, or~~
4.12 ~~subtract therefrom by rules a restricted noxious weed-seed list.~~

4.13 Sec. 8. Minnesota Statutes 2018, section 21.81, is amended by adding a subdivision to
4.14 read:

4.15 Subd. 14a. **Labeler.** "Labeler" means the person whose complete name and address
4.16 appears on the label of agricultural, vegetable, flower, tree, or shrub seed for sale within
4.17 this state, or the person identified by the code designation on the label as authorized by
4.18 Code of Federal Regulations, title 7, section 201.23.

4.19 Sec. 9. Minnesota Statutes 2018, section 21.81, is amended by adding a subdivision to
4.20 read:

4.21 Subd. 21a. **Recommended Uniform State Seed Law.** "Recommended Uniform State
4.22 Seed Law" refers to the Association of American Seed Control Officials guidelines for seed
4.23 law.

4.24 Sec. 10. Minnesota Statutes 2018, section 21.82, is amended by adding a subdivision to
4.25 read:

4.26 Subd. 9. **Hemp seed.** To comply with the hemp requirements in chapter 18K, a hemp
4.27 seed labeler must test the hemp parent plants used to produce the hemp seed at the appropriate
4.28 developmental stage and obtain a certificate of analysis showing that the hemp seed was
4.29 produced from hemp parent plants with less than 0.3 percent total delta-9
4.30 tetrahydrocannabinol concentration.

5.1 Sec. 11. Minnesota Statutes 2018, section 21.84, is amended to read:

5.2 **21.84 RECORDS.**

5.3 (a) Each person whose name appears on the label of agricultural, vegetable, flower,
 5.4 wildflower, tree, or shrub seeds, or any other seed subject to section 21.82 or 21.83 shall
 5.5 must keep (1) for three years complete records of each seed lot of agricultural, vegetable,
 5.6 flower, wildflower, tree, or shrub seed sold in this state, and shall keep (2) for one year a
 5.7 file sample of each seed lot of seed after disposition of the lot.

5.8 (b) The labeler must retain the following information as part of the complete record for
 5.9 each seed lot sold:

5.10 (1) the lot number or other lot identification;

5.11 (2) a copy of the genuine grower's or tree seed collector's declaration, or a similar
 5.12 document containing the same information;

5.13 (3) copies of invoices showing the sale of each seed lot, including the name of the person
 5.14 the seed was sold to, the amount sold, the date of sale, the name of the kind or the kind and
 5.15 variety of the seed, and the lot number;

5.16 (4) a copy of the label that was attached to or accompanied the seed lot;

5.17 (5) a copy of the field and final certification documents, if applicable;

5.18 (6) a copy of each testing report of the seed for labeling purposes; and

5.19 (7) a file sample of the seed lot which is representative of the seed lot and of sufficient
 5.20 size to constitute an official sample in accordance with section 201.43 of the Federal Seed
 5.21 Act regulations.

5.22 Sec. 12. Minnesota Statutes 2018, section 21.85, subdivision 2, is amended to read:

5.23 **Subd. 2. Seed laboratory.** (a) The commissioner ~~shall~~ must establish and maintain a
 5.24 seed laboratory for seed testing, employing necessary agents and assistants to administer
 5.25 and enforce sections 21.80 to 21.92, who shall be governed by chapter 43A.

5.26 (b) The laboratory procedures for testing official seed samples are the procedures set
 5.27 forth in the Rules for Testing Seeds that is published annually by the Association of Official
 5.28 Seed Analysts. If a laboratory procedure rule does not exist for a particular type of seed,
 5.29 then laboratory procedures from other recognized seed testing sources may be used, including
 5.30 procedures under the Code of Federal Regulations, title 7, part 201, or the International
 5.31 Rules for Testing Seeds.

6.1 (c) The commissioner must apply the following tolerances when comparing the label
6.2 claims made for required label categories, minimum standards not specifically required to
6.3 be labeled, or other label claims that can be verified by laboratory analysis:

6.4 (1) tolerances for pure seed, weed seed, other crop seed, and inert matter according to
6.5 Code of Federal Regulations, title 7, section 201.60, including additional tolerances for
6.6 chaffy seeds and mixtures containing chaffy seeds;

6.7 (2) tolerances for the presence of prohibited noxious weed seeds and rate of occurrence
6.8 of restricted weed seeds according to Code of Federal Regulations, title 7, section 201.65;

6.9 (3) tolerances for germination, hard seed, dormant seed, total viable seed, and pure live
6.10 seed percentages of kinds of seeds required to be labeled as agricultural seed according to
6.11 Code of Federal Regulations, title 7, section 201.63; and

6.12 (4) minimum germination standards:

6.13 (i) for vegetable seed germination, in accordance with section 21.82, subdivision 7,
6.14 paragraph (a), and the germination standards for vegetable seeds prepared for use by home
6.15 gardeners in Code of Federal Regulations, title 7, section 201.31; and

6.16 (ii) for flower seed germination, in accordance with section 21.82, subdivision 8,
6.17 paragraph (a), and the germination standards for flower seeds prepared for use by home
6.18 gardeners as listed in the Recommended Uniform State Seed Law.

6.19 Sec. 13. Minnesota Statutes 2018, section 21.85, subdivision 15, is amended to read:

6.20 Subd. 15. **Prohibited and restricted seeds.** (a) The commissioner shall, in consultation
6.21 with the Seed Program Advisory Committee, must determine species that are considered
6.22 prohibited weed seeds and restricted noxious weed seeds and the allowable rate of occurrence
6.23 of restricted noxious weed seeds- subject to sections 21.80 to 21.92. The commissioner must
6.24 prepare, publish, and revise at least once every three years, a list of prohibited and restricted
6.25 noxious weed seeds. The commissioner must distribute the list to the public and may request
6.26 the help of the United States Department of Agriculture's published All-States Noxious
6.27 Weed Seed List or any other organization that the commissioner considers appropriate to
6.28 assist in the distribution. The commissioner may, in consultation with the Seed Program
6.29 Advisory Committee, accept and consider noxious weed seed designation petitions from
6.30 Minnesota citizens or Minnesota organizations or associations including the Noxious Weed
6.31 Advisory Committee.

6.32 (b) Restricted weed seeds, if present in weed-seed infested agricultural seeds and grains,
6.33 or screenings, must not be present singly or collectively in excess of the rate of 90 per pound.

7.1 (c) Prohibited noxious weed seeds must not be present in weed-seed infested agricultural
7.2 seeds and grains, or screenings.

7.3 **Sec. 14. [21.851] ADVISORY COMMITTEE; MEMBERSHIP.**

7.4 Subdivision 1. **Duties.** The commissioner must consult with the Seed Program Advisory
7.5 Committee to advise the commissioner concerning responsibilities under the seed regulatory
7.6 program. The committee must evaluate species for invasiveness, difficulty of control, cost
7.7 of control, benefits, and amount of injury caused by each species. For each species evaluated,
7.8 the committee must recommend to the commissioner whether a species should be listed as
7.9 a prohibited noxious weed seed or restricted noxious weed seed or not be listed. Species
7.10 designated as prohibited or restricted noxious weed seeds must be reevaluated every three
7.11 years for a recommendation on whether or not the designated species need to remain on the
7.12 noxious weed seed lists. The committee must also advise the commissioner on the
7.13 implementation of the Minnesota Seed Law. Members of the committee are not entitled to
7.14 reimbursement of expenses nor payment of per diem. Members serve two-year terms with
7.15 subsequent reappointment by the commissioner.

7.16 Subd. 2. **Membership.** The commissioner must appoint members to include
7.17 representatives from:

7.18 (1) the College of Food, Agricultural and Natural Resource Sciences or Extension at the
7.19 University of Minnesota;

7.20 (2) Minnesota Crop Improvement;

7.21 (3) the seed industry in Minnesota, a minimum of six members with representation from
7.22 multinational, national, regional, and Minnesota seed companies;

7.23 (4) the grain industry in Minnesota;

7.24 (5) farmers in Minnesota;

7.25 (6) other state and federal agencies with an interest in seed; and

7.26 (7) other members as needed.

7.27 Subd. 3. **Organization.** The committee must select a chair from its membership. Meetings
7.28 of the committee may be called by or at the direction of the commissioner or the chair.

7.29 Sec. 15. Minnesota Statutes 2018, section 21.86, subdivision 2, is amended to read:

7.30 Subd. 2. **Miscellaneous violations.** No person may:

8.1 (a) detach, alter, deface, or destroy any label required in sections 21.82 and 21.83, alter
8.2 or substitute seed in a manner that may defeat the purposes of sections 21.82 and 21.83, or
8.3 alter or falsify any seed tests, laboratory reports, records, or other documents to create a
8.4 misleading impression as to kind, variety, history, quality, or origin of the seed;

8.5 (b) hinder or obstruct in any way any authorized person in the performance of duties
8.6 under sections 21.80 to 21.92;

8.7 (c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of
8.8 any lot of seed held under a stop sale order or attached tags, except with express permission
8.9 of the enforcing officer for the purpose specified;

8.10 (d) use the word "type" in any labeling in connection with the name of any agricultural
8.11 seed variety;

8.12 (e) use the word "trace" as a substitute for any statement which is required; ~~or~~

8.13 (f) plant any agricultural seed which the person knows contains weed seeds or noxious
8.14 weed seeds in excess of the limits for that seed; or

8.15 (g) advertise or sell seed containing patented, protected, or proprietary varieties used
8.16 without permission of the patent or certificate holder of the intellectual property associated
8.17 with the variety of seed.

8.18 Sec. 16. Minnesota Statutes 2018, section 21.89, subdivision 4, is amended to read:

8.19 Subd. 4. **Exemptions.** ~~An initial A~~ A labeler who sells for use in Minnesota agricultural,
8.20 vegetable, or flower seeds must have a seed fee permit unless the agricultural, vegetable,
8.21 or flower seeds are of the breeder or foundation seed classes of varieties developed by
8.22 publicly financed research agencies intended for the purpose of increasing the quantity of
8.23 seed available.

8.24 Sec. 17. Minnesota Statutes 2018, section 21.891, subdivision 2, is amended to read:

8.25 Subd. 2. **Seed fee permits.** (a) ~~An initial A~~ A labeler who wishes to sell seed in Minnesota
8.26 must comply with section 21.89, subdivisions 1 and 2, and the procedures in this subdivision.
8.27 Each ~~initial~~ labeler who wishes to sell seed in Minnesota must apply to the commissioner
8.28 to obtain a permit. The application must contain the name and address of the applicant, the
8.29 application date, and the name and title of the applicant's contact person. Permit fees are
8.30 based on the initial sale of seed in Minnesota.

9.1 (b) The application for a seed permit covered by section 21.89, subdivision 2, clause
9.2 (1), must be accompanied by an application fee of \$75.

9.3 (c) The application for a seed permit covered by section 21.89, subdivision 2, clause
9.4 (2), must be accompanied by an application fee based on the level of annual gross sales as
9.5 follows:

9.6 (1) for gross sales of \$0 to \$25,000, the annual permit fee is \$75;

9.7 (2) for gross sales of \$25,001 to \$50,000, the annual permit fee is \$150;

9.8 (3) for gross sales of \$50,001 to \$100,000, the annual permit fee is \$300;

9.9 (4) for gross sales of \$100,001 to \$250,000, the annual permit fee is \$750;

9.10 (5) for gross sales of \$250,001 to \$500,000, the annual permit fee is \$1,500;

9.11 (6) for gross sales of \$500,001 to \$1,000,000, the annual permit fee is \$3,000; and

9.12 (7) for gross sales of \$1,000,001 and above, the annual permit fee is \$4,500.

9.13 (d) The application for a seed permit covered by section 21.89, subdivision 2, clause
9.14 (3), must be accompanied by an application fee of \$75. ~~Initial~~ Labelers holding seed fee
9.15 permits covered under this paragraph need not apply for a new permit or pay the application
9.16 fee. Under this permit category, the fees for the following kinds of agricultural seed sold
9.17 either in bulk or containers are:

9.18 (1) oats, wheat, and barley, 9 cents per hundredweight;

9.19 (2) rye, field beans, buckwheat, and flax, 12 cents per hundredweight;

9.20 (3) field corn, 17 cents per 80,000 seed unit;

9.21 (4) forage, hemp, lawn and turf grasses, and legumes, 69 cents per hundredweight;

9.22 (5) sunflower, \$1.96 per hundredweight;

9.23 (6) sugar beet, 12 cents per 100,000 seed unit;

9.24 (7) soybeans, 7.5 cents per 140,000 seed unit; ~~and~~

9.25 (8) for any agricultural seed not listed in clauses (1) to (7), the fee for the crop most
9.26 closely resembling it in normal planting rate applies; and

9.27 (9) for native grasses and wildflower seed, \$1 per hundredweight.

9.28 (e) If, for reasons beyond the control and knowledge of the ~~initial~~ labeler, seed is shipped
9.29 into Minnesota by a person other than the ~~initial~~ labeler, the responsibility for the seed fees
9.30 are transferred to the shipper. An application for a transfer of this responsibility must be

10.1 made to the commissioner. Upon approval by the commissioner of the transfer, the shipper
10.2 is responsible for payment of the seed permit fees.

10.3 (f) Seed permit fees may be included in the cost of the seed either as a hidden cost or as
10.4 a line item cost on each invoice for seed sold. To identify the fee on an invoice, the words
10.5 "Minnesota seed permit fees" must be used.

10.6 (g) All seed fee permit holders must file semiannual reports with the commissioner,
10.7 even if no seed was sold during the reporting period. Each semiannual report must be
10.8 submitted within 30 days of the end of each reporting period. The reporting periods are
10.9 October 1 to March 31 and April 1 to September 30 of each year or July 1 to December 31
10.10 and January 1 to June 30 of each year. Permit holders may change their reporting periods
10.11 with the approval of the commissioner.

10.12 (h) The holder of a seed fee permit must pay fees on all seed for which the permit holder
10.13 is the ~~initial~~ labeler and which are covered by sections 21.80 to 21.92 and sold during the
10.14 reporting period.

10.15 (i) If a seed fee permit holder fails to submit a semiannual report and pay the seed fee
10.16 within 30 days after the end of each reporting period, the commissioner shall assess a penalty
10.17 of \$100 or eight percent, calculated on an annual basis, of the fee due, whichever is greater,
10.18 but no more than \$500 for each late semiannual report. A \$15 penalty must be charged when
10.19 the semiannual report is late, even if no fee is due for the reporting period. Seed fee permits
10.20 may be revoked for failure to comply with the applicable provisions of this paragraph or
10.21 the Minnesota seed law.

10.22 Sec. 18. **REPEALER.**

10.23 Minnesota Statutes 2018, section 21.81, subdivision 12, is repealed.

10.24 **ARTICLE 2**
10.25 **DEPARTMENT OF AGRICULTURE;**
10.26 **NOXIOUS WEEDS**

10.27 Section 1. Minnesota Statutes 2018, section 18.77, subdivision 8a, is amended to read:

10.28 Subd. 8a. **Noxious weed management plan.** "Noxious weed management plan" means
10.29 controlling or eradicating noxious weeds in the manner designated in a management plan
10.30 developed for the ~~area or site~~ location where the infestations are found using specific
10.31 strategies or methods that are to be used singly or in combination to achieve control or
10.32 eradication.

11.1 Sec. 2. Minnesota Statutes 2018, section 18.77, subdivision 13, is amended to read:

11.2 Subd. 13. ~~Weed management area~~ **Noxious weed management site.** "~~Weed~~
11.3 ~~management area~~" "Noxious weed management site" means a designated area where special
11.4 or unique noxious weed control or eradication strategies or methods are used according to
11.5 a specific management plan developed for each management area established.

11.6 Sec. 3. Minnesota Statutes 2018, section 18.77, is amended by adding a subdivision to
11.7 read:

11.8 Subd. 14. **Cooperative weed management areas or CWMAs.** "Cooperative weed
11.9 management areas" or "CWMAs" means partnership organizations formed with the goal
11.10 of managing invasive plants across jurisdictional and land ownership boundaries through
11.11 collective planning and sharing of knowledge and resources.

11.12 Sec. 4. Minnesota Statutes 2018, section 18.77, is amended by adding a subdivision to
11.13 read:

11.14 Subd. 15. **Biological control of plants.** "Biological control of plants" means the reduction
11.15 of noxious weed or invasive plant populations through the use of natural enemies such as
11.16 parasitoids, predators, pathogens, antagonists, or competitors to suppress noxious weed or
11.17 invasive plant populations.

11.18 Sec. 5. Minnesota Statutes 2018, section 18.77, is amended by adding a subdivision to
11.19 read:

11.20 Subd. 16. **Appropriate disposal site.** "Appropriate disposal site" means a facility that
11.21 lawfully destroys noxious weeds and noxious weed propagating parts.

11.22 Sec. 6. Minnesota Statutes 2018, section 18.77, is amended by adding a subdivision to
11.23 read:

11.24 Subd. 17. **Invasive plant.** "Invasive plant" means a nonnative species whose introduction
11.25 and establishment causes, or may cause, economic or environmental harm or harm to human
11.26 health.

11.27 Sec. 7. Minnesota Statutes 2018, section 18.771, is amended to read:

11.28 **18.771 NOXIOUS WEED CATEGORIES.**

11.29 (a) For purposes of designation under section 18.79, subdivision 13, noxious weed
11.30 category means each of the following categories:;

12.1 (1) the prohibited-eradicate noxious weeds category;

12.2 (2) the prohibited-control noxious weeds category;

12.3 (3) the restricted noxious weeds category;

12.4 (4) the specially regulated plants category; and

12.5 (5) the county noxious weeds category.

12.6 (b) ~~Prohibited~~ The "prohibited-eradicate noxious weeds" category includes noxious
 12.7 weeds that must be ~~controlled or~~ eradicated on all lands within the state. Transportation of
 12.8 ~~a prohibited noxious weed's propagating parts is restricted by permit~~ the propagating parts
 12.9 of prohibited-eradicate noxious weeds is prohibited except as allowed ~~by~~ under section
 12.10 18.82. ~~Prohibited~~ Prohibited-eradicate noxious weeds may not be sold or propagated in
 12.11 Minnesota. ~~There are two regulatory listings for prohibited noxious weeds in Minnesota:~~
 12.12 Noxious weeds that are designated as prohibited-eradicate noxious weeds and placed on
 12.13 the prohibited-eradicate noxious weeds list are plants that are not currently known to be
 12.14 present in Minnesota or are not widely established in the state. All prohibited-eradicate
 12.15 noxious weeds must be eradicated.

12.16 ~~(1) the noxious weed eradicate list is established. Prohibited noxious weeds placed on~~
 12.17 ~~the noxious weed eradicate list are plants that are not currently known to be present in~~
 12.18 ~~Minnesota or are not widely established. These species must be eradicated; and~~

12.19 ~~(2) the noxious weed control list is established. Prohibited noxious weeds placed on the~~
 12.20 ~~noxious weed control list are plants that are already established throughout Minnesota or~~
 12.21 ~~regions of the state. Species on this list must at least be controlled.~~

12.22 (c) The "prohibited-control noxious weeds" category includes noxious weeds that must
 12.23 be controlled on all lands within the state. Transportation of the propagating parts of
 12.24 prohibited-control noxious weeds is prohibited except as allowed under section 18.82.
 12.25 Prohibited-control noxious weeds may not be propagated or sold in Minnesota. Noxious
 12.26 weeds that are designated as prohibited-control noxious weeds and placed on the
 12.27 prohibited-control noxious weeds list are plants that are already established throughout the
 12.28 state or regions of the state. At minimum, these species must be controlled in a way that
 12.29 prevents spread of these species by seed or vegetative means.

12.30 ~~(e)~~ (d) The "restricted noxious weeds" category includes noxious weeds and their
 12.31 propagating parts that may not be imported, sold, or transported in the state, except as
 12.32 allowed by permit under section 18.82. Noxious weeds that are designated as restricted and
 12.33 placed on the restricted list may be plants that are widely distributed in Minnesota, but for

13.1 ~~which the only feasible means of control is to prevent their spread by prohibiting the~~
 13.2 ~~importation, sale, and transportation of their propagating parts in the state, except as allowed~~
 13.3 ~~by section 18.82 and for which a requirement of eradication or control would not be feasible~~
 13.4 ~~on a statewide basis using existing practices.~~

13.5 ~~(d)~~ (e) The "specially regulated plants" category includes noxious weeds that may be
 13.6 native species or nonnative species that have demonstrated economic value, but also have
 13.7 the potential to cause harm in noncontrolled environments. Plants designated as specially
 13.8 regulated have been determined to pose ecological, economical, or human or animal health
 13.9 concerns. Species-specific management plans or rules that define the use and management
 13.10 requirements for these plants must be developed by the commissioner of agriculture for
 13.11 each plant designated as specially regulated. The commissioner must also take measures to
 13.12 minimize the potential for harm caused by these plants.

13.13 ~~(e)~~ (f) The "county noxious weeds" category includes noxious weeds that are designated
 13.14 by individual county boards to be enforced as prohibited noxious weeds within the county's
 13.15 jurisdiction and must be approved by the commissioner of agriculture, in consultation with
 13.16 the Noxious Weed Advisory Committee. Each county board must submit newly proposed
 13.17 county noxious weeds to the commissioner of agriculture for review. Approved county
 13.18 noxious weeds shall also be posted with the county's general weed notice prior to May 15
 13.19 each year. Counties are solely responsible for developing county noxious weed lists and
 13.20 their enforcement.

13.21 Sec. 8. Minnesota Statutes 2018, section 18.78, subdivision 1, is amended to read:

13.22 Subdivision 1. **Generally.** A person owning land, a person occupying land, or a person
 13.23 responsible for the maintenance of public land ~~shall control or eradicate~~ must manage all
 13.24 noxious weeds, according to the noxious weed categories under section 18.771, on the land
 13.25 at a time and in a manner ordered by an inspector or county-designated employee.

13.26 Sec. 9. Minnesota Statutes 2018, section 18.78, subdivision 3, is amended to read:

13.27 Subd. 3. ~~Weed control agreement~~ Noxious weed management plan. The
 13.28 commissioner, municipality, or county agricultural inspector or county-designated employee
 13.29 may enter into ~~a weed control~~ an agreement with a landowner or noxious weed management
 13.30 ~~area site~~ group to establish a mutually agreed-upon noxious weed management plan for up
 13.31 to three years duration, whereby a noxious weed problem will be controlled without additional
 13.32 enforcement action. If a property owner fails to comply with the noxious weed management
 13.33 plan, an individual notice may be served.

14.1 Sec. 10. Minnesota Statutes 2018, section 18.79, subdivision 6, is amended to read:

14.2 Subd. 6. **Training for control or eradication of noxious weeds.** The commissioner
14.3 shall conduct initial training considered necessary for inspectors and county-designated
14.4 employees in the enforcement of the Minnesota Noxious Weed Law. The ~~director~~ dean of
14.5 University of Minnesota Extension may conduct educational programs for the general public
14.6 that will aid compliance with the Minnesota Noxious Weed Law. Upon request, the
14.7 commissioner may provide information and other technical assistance to the county
14.8 agricultural inspector or county-designated employee to aid in the performance of
14.9 responsibilities specified by the county board under section 18.81, subdivisions 1a and 1b.

14.10 Sec. 11. Minnesota Statutes 2018, section 18.79, subdivision 10, is amended to read:

14.11 Subd. 10. **Prosecution.** On finding that a person has violated sections 18.76 to 18.91,
14.12 the ~~county agricultural~~ inspector or county-designated employee may start court proceedings
14.13 in the locality in which the violation occurred. The county attorney may prosecute actions
14.14 under sections 18.76 to 18.91 within the county attorney's jurisdiction.

14.15 Sec. 12. Minnesota Statutes 2018, section 18.79, subdivision 15, is amended to read:

14.16 Subd. 15. **Noxious weed management.** The commissioner, in consultation with the
14.17 Noxious Weed Advisory Committee, shall develop management strategies and criteria for
14.18 each noxious weed category listed in section 18.771 and each individually listed species.

14.19 Sec. 13. Minnesota Statutes 2018, section 18.79, subdivision 18, is amended to read:

14.20 Subd. 18. **Noxious weed education and notification.** (a) The commissioner shall
14.21 disseminate information and conduct educational campaigns with respect to control of
14.22 noxious weeds or invasive plants to enhance regulatory compliance and voluntary efforts
14.23 to eliminate or manage these plants. The commissioner shall call and attend meetings and
14.24 conferences dealing with the subject of noxious weeds. The commissioner shall maintain
14.25 on the department's website noxious weed management information including but not limited
14.26 to the roles and responsibilities of citizens and government entities under sections 18.76 to
14.27 18.91 and specific guidance as to whom a person should contact to report a noxious weed
14.28 issue.

14.29 (b) The commissioner shall post notice on the department's website ~~and alert~~ when a
14.30 weed on the eradicate list is confirmed for the first time in a county. The commissioner may
14.31 notify appropriate media outlets when a weed on the eradicate list is confirmed for the first
14.32 time in a county.

15.1 Sec. 14. Minnesota Statutes 2018, section 18.79, subdivision 21, is amended to read:

15.2 Subd. 21. **Noxious weed management area site**. The commissioner, in consultation
 15.3 with the Noxious Weed Advisory Committee, may establish a noxious weed management
 15.4 ~~area site~~ to include a part of one or more counties or all of one or more counties of this state
 15.5 and shall include all the land within the boundaries of the area established. Noxious weed
 15.6 management plans developed for a noxious weed management ~~area site~~ must be reviewed
 15.7 and approved by the commissioner ~~and~~ in consultation with the Noxious Weed Advisory
 15.8 Committee. Noxious weed management ~~areas sites~~ may seek funding under section 18.90.

15.9 Sec. 15. Minnesota Statutes 2018, section 18.82, is amended to read:

15.10 **18.82 TRANSPORTATION OF NOXIOUS WEED PROPAGATING PARTS IN**
 15.11 **~~INFESTED MATERIAL OR EQUIPMENT.~~**

15.12 Subdivision 1. **Permits.** Transporting noxious weed propagating parts without a permit
 15.13 is prohibited, except as provided in section 21.74. If a person wants to transport noxious
 15.14 weed propagating parts along a public ~~highway~~ roadway, including materials or equipment
 15.15 containing the propagating parts of noxious weeds ~~designated as noxious by the~~
 15.16 ~~commissioner~~, the person must secure a written permit for transportation ~~of the material or~~
 15.17 ~~equipment~~ from an inspector or county-designated employee. Inspectors or county-designated
 15.18 employees may issue permits to persons residing or operating within their jurisdiction. A
 15.19 permit is not required for the transport of noxious weeds for the purpose of destroying
 15.20 propagating parts at a ~~Department of Agriculture-approved~~ an appropriate disposal site.
 15.21 Anyone transporting noxious weed propagating parts for the purpose of disposal at an
 15.22 ~~approved~~ appropriate disposal site shall ensure that all materials are contained in a manner
 15.23 that prevents escape during transport and complies with section 115A.931. A person must
 15.24 obtain a permit before possessing noxious weeds with propagating parts for research,
 15.25 education and outreach, or other reasons approved by the commissioner.

15.26 Subd. 2. **Conditions of permit issuance.** The following conditions must be met before
 15.27 a permit under subdivision 1 may be issued:

15.28 (1) any material or equipment containing noxious weed propagating parts that is about
 15.29 to be transported along a public ~~highway~~ roadway must be in a container that is sufficiently
 15.30 tight and closed or otherwise covered to prevent the blowing or scattering of the material
 15.31 along the highway or on other lands or water; ~~and~~

15.32 (2) the destination for unloading and the use of the material or equipment containing
 15.33 noxious weed propagating parts must be stated on the permit along with the method that

16.1 will be used to destroy the viability of the propagating parts and thereby prevent ~~their~~ the
16.2 material being dumped or scattered upon land or water; and

16.3 (3) the applicant for a permit for possession of noxious weed propagating parts must
16.4 agree to follow the guidelines listed on the permit by the inspector.

16.5 Subd. 3. **Duration of permit; revocation.** A permit under subdivision 1 is valid for up
16.6 to one year after the date it is issued unless otherwise specified by the inspector or
16.7 county-designated employee issuing the permit. The permit may be revoked if an inspector
16.8 or county-designated employee determines that the applicant has not complied with this
16.9 section.

16.10 Sec. 16. Minnesota Statutes 2018, section 18.90, is amended to read:

16.11 **18.90 GRANT PROGRAM.**

16.12 (a) From funds available in the noxious weed and invasive plant species assistance
16.13 account established in section 18.89, the commissioner shall administer a grant program to
16.14 assist counties and municipalities and other weed management entities in the cost of
16.15 implementing and maintaining noxious weed control programs and in addressing special
16.16 weed control problems. The commissioner shall receive applications by counties,
16.17 municipalities, noxious weed management ~~areas~~ sites, and weed management entities for
16.18 assistance under this section and, in consultation with the Noxious Weed Advisory
16.19 Committee, award grants for any of the following eligible purposes:

16.20 (1) to conduct applied research to solve locally significant weed management problems;

16.21 (2) to demonstrate innovative control methods or land management practices which have
16.22 the potential to reduce landowner costs to control noxious weeds or improve the effectiveness
16.23 of noxious weed control;

16.24 (3) to encourage the ongoing support of noxious weed management ~~areas~~ sites;

16.25 (4) to respond to introductions or infestations of invasive plants that threaten or potentially
16.26 threaten the productivity of cropland and rangeland over a wide area;

16.27 (5) to respond to introductions or infestations of invasive plant species that threaten or
16.28 potentially threaten the productivity of biodiversity of wildlife and fishery habitats on public
16.29 and private lands;

16.30 (6) to respond to special weed control problems involving weeds not included in the list
16.31 of noxious weeds published and distributed by the commissioner;

17.1 (7) to conduct monitoring or surveillance activities to detect, map, or determine the
17.2 distribution of invasive plant species and to determine susceptible locations for the
17.3 introduction or spread of invasive plant species; and

17.4 (8) to conduct educational activities.

17.5 (b) The commissioner shall select and prioritize applications for assistance under this
17.6 section based on the following considerations:

17.7 (1) the seriousness of the noxious weed or invasive plant problem or potential problem
17.8 addressed by the project;

17.9 (2) the ability of the project to provide timely intervention to save current and future
17.10 costs of control and eradication;

17.11 (3) the likelihood that the project will prevent or resolve the problem or increase
17.12 knowledge about resolving similar problems in the future;

17.13 (4) the extent to which the project will leverage federal funds and other nonstate funds;

17.14 (5) the extent to which the applicant has made progress in addressing noxious weed or
17.15 invasive plant problems;

17.16 (6) the extent to which the project will provide a comprehensive approach to the control
17.17 or eradication of noxious weeds;

17.18 (7) the extent to which the project will reduce the total population or area of infestation
17.19 of a noxious weed;

17.20 (8) the extent to which the project uses the principles of integrated vegetation management
17.21 and sound science; and

17.22 (9) other factors that the commissioner determines to be relevant.

17.23 (c) Nothing in this section may be construed to relieve a person of the duty or
17.24 responsibility to control the spread of noxious weeds on lands owned and controlled by the
17.25 person.

17.26 Sec. 17. Minnesota Statutes 2018, section 18.91, subdivision 2, is amended to read:

17.27 Subd. 2. **Membership.** The commissioner shall appoint members, which shall include
17.28 representatives from the following:

17.29 (1) the Department of Horticultural Science, agronomy, and forestry at the University
17.30 of Minnesota;

- 18.1 (2) the Department of Agronomy at the University of Minnesota;
- 18.2 (3) the Department of Forest Resources at the University of Minnesota;
- 18.3 ~~(2)~~ (4) the nursery and landscape industry in Minnesota;
- 18.4 ~~(3)~~ (5) the seed industry in Minnesota;
- 18.5 ~~(4)~~ (6) the Department of Agriculture;
- 18.6 ~~(5)~~ (7) the Department of Natural Resources;
- 18.7 ~~(6)~~ (8) a conservation organization;
- 18.8 ~~(7)~~ (9) an environmental organization;
- 18.9 ~~(8)~~ (10) at least two farm organizations;
- 18.10 ~~(9)~~ (11) the county agricultural inspectors;
- 18.11 ~~(10)~~ (12) city, township, and county governments;
- 18.12 (13) township governments;
- 18.13 (14) county governments;
- 18.14 ~~(11)~~ (15) the Department of Transportation;
- 18.15 ~~(12)~~ (16) the University of Minnesota Extension;
- 18.16 ~~(13)~~ (17) the timber and forestry industry in Minnesota;
- 18.17 ~~(14)~~ (18) the Board of Water and Soil Resources;
- 18.18 ~~(15)~~ (19) soil and water conservation districts;
- 18.19 ~~(16)~~ (20) the Minnesota Association of County Land Commissioners; and
- 18.20 ~~(17)~~ (21) other members as needed.

ARTICLE 3

DEPARTMENT OF AGRICULTURE; MISCELLANEOUS PROVISIONS

18.24 Section 1. Minnesota Statutes 2018, section 17.117, subdivision 4, is amended to read:

18.25 Subd. 4. **Definitions.** (a) For the purposes of this section, the terms defined in this
18.26 subdivision have the meanings given them.

18.27 (b) "Agricultural and environmental revolving accounts" means accounts in the
18.28 agricultural fund, controlled by the commissioner, which hold funds available to the program.

19.1 (c) "Agriculture supply business" means a person, partnership, joint venture, corporation,
19.2 limited liability company, association, firm, public service company, or cooperative that
19.3 provides materials, equipment, or services to farmers or agriculture-related enterprises.

19.4 (d) "Allocation" means the funds awarded to an applicant for implementation of best
19.5 management practices through a competitive or noncompetitive application process.

19.6 (e) "Applicant" means a local unit of government eligible to participate in this program
19.7 that requests an allocation of funds as provided in subdivision 6b.

19.8 (f) "Best management practices" has the meaning given in sections 103F.711, subdivision
19.9 3, and 103H.151, subdivision 2. Best management practices also means other practices,
19.10 techniques, and measures that have been demonstrated to the satisfaction of the
19.11 commissioner: (1) to prevent or reduce adverse environmental impacts by using the most
19.12 effective and practicable means of achieving environmental goals; or (2) to achieve drinking
19.13 water quality standards under chapter 103H or under Code of Federal Regulations, title 40,
19.14 parts 141 and 143, as amended.

19.15 (g) "Borrower" means a farmer, an agriculture supply business, or a ~~rural~~ landowner
19.16 applying for a low-interest loan.

19.17 (h) "Commissioner" means the commissioner of agriculture, including when the
19.18 commissioner is acting in the capacity of chair of the Rural Finance Authority, or the designee
19.19 of the commissioner.

19.20 (i) "Committed project" means an eligible project scheduled to be implemented at a
19.21 future date:

19.22 ~~(1) that has been approved and certified by the local government unit; and~~

19.23 ~~(2) for which a local lender has obligated itself to offer a loan.~~

19.24 (j) "Comprehensive water management plan" means a state-approved and locally adopted
19.25 plan authorized under section 103B.231, 103B.255, 103B.311, 103C.331, 103D.401, or
19.26 103D.405.

19.27 (k) "Cost incurred" means expenses for implementation of a project accrued because
19.28 the borrower has agreed to purchase equipment or is obligated to pay for services or materials
19.29 already provided as a result of implementing an approved eligible project.

19.30 (l) "Farmer" means a person, partnership, joint venture, corporation, limited liability
19.31 company, association, firm, public service company, or cooperative that regularly participates
19.32 in physical labor or operations management of farming and files a Schedule F as part of

20.1 filing United States Internal Revenue Service Form 1040 or indicates farming as the primary
20.2 business activity under Schedule C, K, or S, or any other applicable report to the United
20.3 States Internal Revenue Service.

20.4 (m) "Lender agreement" means an agreement entered into between the commissioner
20.5 and a local lender which contains terms and conditions of participation in the program.

20.6 (n) "Local government unit" means a county, soil and water conservation district, or an
20.7 organization formed for the joint exercise of powers under section 471.59 with the authority
20.8 to participate in the program.

20.9 (o) "Local lender" means a local government unit as defined in paragraph (n); a local
20.10 unit of government with taxing or special assessment authority, such as a watershed district,
20.11 a drainage authority, or a township; a state or federally chartered bank;₂ a savings association;₂
20.12 a state or federal credit union;₂ Agribank and its affiliated organizations;₂ or a nonprofit
20.13 economic development organization or other financial lending institution approved by the
20.14 commissioner.

20.15 (p) "Local revolving loan account" means the account held by a local government unit
20.16 and a local lender into which principal repayments from borrowers are deposited and new
20.17 loans are issued in accordance with the requirements of the program and lender agreements.

20.18 (q) "Nonpoint source" has the meaning given in section 103F.711, subdivision 6.

20.19 (r) "Program" means the agriculture best management practices loan program in this
20.20 section.

20.21 (s) "Project" means one or more components or activities located within Minnesota that
20.22 are required by the local government unit to be implemented for satisfactory completion of
20.23 an eligible best management practice.

20.24 (t) "Rural landowner" means the owner of record of Minnesota real estate located in an
20.25 area determined by the local government unit to be rural after consideration of local land
20.26 use patterns, zoning regulations, jurisdictional boundaries, local community definitions,
20.27 historical uses, and other pertinent local factors.

20.28 (u) "Water-quality cooperative" has the meaning given in section 115.58, paragraph (d),
20.29 except as expressly limited in this section.

20.30 Sec. 2. Minnesota Statutes 2018, section 17.117, subdivision 5, is amended to read:

20.31 Subd. 5. **Uses of funds.** (a) Use of funds under this section must be in compliance with
20.32 the rules and regulations of the funding source or appropriation. Use of funds from the

21.1 Public Facilities Authority must comply with the federal Water Pollution Control Act,
 21.2 section 446A.07, and eligible activities listed in the intended use plan authorized in section
 21.3 446A.07, subdivision 4.

21.4 (b) In the event of a conflict between this section and a law appropriating money for
 21.5 this program, the law appropriating money for this program governs.

21.6 Sec. 3. Minnesota Statutes 2018, section 17.117, subdivision 16, is amended to read:

21.7 Subd. 16. **Liens against property.** (a) The amount of loans and accruing interest made
 21.8 by ~~counties~~ a county, home rule charter city, statutory city, or town acting as a local lender
 21.9 lender under this section is a lien against the real property for which the improvement was
 21.10 made and must be assessed against the property or properties benefited unless the amount
 21.11 is prepaid. The lien is a special assessment under chapter 419 and repayments may be
 21.12 collected as a special assessment as provided for in section 429.101 or by charter. An amount
 21.13 loaned under the program and its accruing interest assessed against the property is a priority
 21.14 lien only against subsequent liens.

21.15 (b) The county, home rule charter city, statutory city, or town may bill amounts due on
 21.16 the loan on the tax statement for the property. Enforcement of the lien created by this
 21.17 subdivision must, at the county's, home rule charter city's, statutory city's, or town's option,
 21.18 be in the manner set forth in chapter 580 or 581. When the amount due and all interest has
 21.19 been paid, the county, home rule charter city, statutory city, or town shall file a satisfaction
 21.20 of the lien created under this subdivision.

21.21 (c) A county, home rule charter city, statutory city, or town may also secure amounts
 21.22 due on a loan under this section by taking a purchase money security interest in equipment
 21.23 in accordance with chapter 336, article 9, and may enforce the purchase money security
 21.24 interest in accordance with chapters 336, article 9, and 565.

21.25 Sec. 4. Minnesota Statutes 2018, section 18G.09, is amended to read:

21.26 **18G.09 SHIPMENT OF PLANT PESTS AND BIOLOGICAL CONTROL AGENTS.**

21.27 ~~Shipment, introduction into, or release in Minnesota of (1) a plant pest, noxious weed,~~
 21.28 ~~or other organism that may directly or indirectly affect Minnesota's plant life as a harmful~~
 21.29 ~~or dangerous pest, parasite, or predator of other organisms, or (2) an arthropod, is prohibited,~~
 21.30 ~~except under permit issued by the commissioner.~~

21.31 ~~No~~ (a) A person may not sell, offer for sale, move, convey, transport, deliver, ship, or
 21.32 offer for shipment any plant pest, noxious weed, or biological control agent without a permit

22.1 from the United States Department of Agriculture, Animal and Plant Health Inspection
 22.2 Service or its state equivalent. A permit may be issued only after the commissioner
 22.3 determines that the proposed shipment or use will not create a hazard to the agricultural,
 22.4 forest, or horticultural interests of this state or the state's general environmental quality. For
 22.5 interstate movement, the permit must be affixed conspicuously to the exterior of each
 22.6 shipping container, box, package, or appliance; accompany each shipping container, box,
 22.7 package, or appliance; or comply with other directions of the commissioner. ~~This section~~
 22.8 ~~does not apply to intrastate shipments of federal or state-approved biological control agents~~
 22.9 ~~used in this state for control of plant pests.~~ Shipping containers must be escape-proof and
 22.10 the commissioner shall specify labeling and shipping protocols.

22.11 (b) This section does not apply to:

22.12 (1) intrastate shipments of federal- or state-approved biological control agents used in
 22.13 this state for control of plant pests; and

22.14 (2) interstate shipments of organisms that the United States Department of Agriculture
 22.15 has specifically identified as not needing a permit for movement.

22.16 Sec. 5. Minnesota Statutes 2018, section 25.40, subdivision 1, is amended to read:

22.17 Subdivision 1. **Adoption.** (a) The commissioner may adopt rules for commercial feeds,
 22.18 pet foods, and specialty pet foods as are authorized in sections 25.31 to 25.43 and other
 22.19 reasonable rules as may be necessary for the efficient enforcement of sections 25.31 to
 22.20 25.43. In the interest of uniformity the commissioner shall by rule adopt, unless the
 22.21 commissioner determines that they are inconsistent with the provisions of sections 25.31
 22.22 to 25.43 or are not appropriate to conditions which exist in this state, the official definitions
 22.23 of feed ingredients and official feed terms adopted by the Association of American Feed
 22.24 Control Officials and published in the official publication of that organization.

22.25 (b) The Model Pet and Specialty Pet Food Regulation, as adopted by the Association of
 22.26 American Feed Control Officials, is adopted as the pet food and specialty pet food rules in
 22.27 this state.

22.28 Sec. 6. Minnesota Statutes 2018, section 25.40, subdivision 2, is amended to read:

22.29 Subd. 2. **Notice; public comment.** Before the issuance, amendment, or repeal of any
 22.30 rule authorized by sections 25.31 to 25.43, the commissioner shall publish the proposed
 22.31 rule, amendment, or notice to repeal an existing rule in a manner reasonably calculated to
 22.32 give interested parties, including all current license holders, adequate notice and shall afford

23.1 all interested persons an opportunity to present their views orally or in writing, within a
 23.2 reasonable period of time. After consideration of all views presented by interested persons,
 23.3 the commissioner shall take appropriate action to issue the proposed rule or to amend or
 23.4 repeal an existing rule. The provisions of this subdivision notwithstanding, if the
 23.5 commissioner, pursuant to the authority of sections 25.31 to 25.43, adopts the Model Pet
 23.6 and Specialty Pet Food Regulation, official definitions of feed ingredients, and official feed
 23.7 terms as adopted by the Association of American Feed Control Officials, any amendment
 23.8 or modification adopted by the association is adopted automatically under sections 25.31
 23.9 to 25.43 without regard to the publication of the notice required by this subdivision unless
 23.10 the commissioner, by order specifically determines that the amendment or modification
 23.11 shall not be adopted.

23.12 Sec. 7. Minnesota Statutes 2018, section 28A.03, subdivision 8, is amended to read:

23.13 Subd. 8. **Custom processor.** "Custom processor" means a person who ~~slaughters animals~~
 23.14 ~~or processes noninspected meat for the owner of the animals, and returns the meat products~~
 23.15 ~~derived from the slaughter or processing to the owner. "Custom processor" does not include~~
 23.16 ~~a person who slaughters animals or poultry or processes meat for the owner of the animals~~
 23.17 ~~or poultry on the farm or premises of the owner of the animals, meat, or poultry. For the~~
 23.18 ~~purpose of this clause, "animals" or "meat" do not include poultry or game animals or meat~~
 23.19 ~~derived therefrom~~ conducts activities as defined in section 31A.02, subdivision 5.

23.20 Sec. 8. Minnesota Statutes 2018, section 29.23, subdivision 3, is amended to read:

23.21 Subd. 3. **Egg temperature.** Eggs must be held at a temperature not to exceed 45 degrees
 23.22 Fahrenheit (7 degrees Celsius) after being received by the egg handler except for cleaning,
 23.23 sanitizing, grading, and further processing when they must immediately be placed under
 23.24 refrigeration that is maintained at 45 degrees Fahrenheit (7 degrees Celsius) or below. Eggs
 23.25 offered for sale by a retail food handler must be held at a temperature not to exceed ~~41~~ 45
 23.26 degrees Fahrenheit (7 degrees Celsius). ~~Equipment in use prior to August 1, 1991, is not~~
 23.27 ~~subject to this requirement.~~ Shell eggs that have been frozen must not be offered for sale
 23.28 except as approved by the commissioner.

23.29 Sec. 9. Minnesota Statutes 2018, section 31A.02, subdivision 10, is amended to read:

23.30 Subd. 10. **Meat food product; poultry food product.** "Meat food product" or "poultry
 23.31 food product" means a product usable as human food and made wholly or in part from meat
 23.32 or poultry or a portion of the carcass of cattle, sheep, swine, poultry, wild game or fowl,
 23.33 farmed Cervidae, as defined in section 35.153, subdivision 3, llamas, as defined in section

24.1 17.455, subdivision 2, Ratitae, as defined in section 17.453, subdivision 3, or goats. "Meat
24.2 food product" or "poultry food product" does not include products which contain meat,
24.3 poultry, or other portions of the carcasses of cattle, sheep, swine, wild game or fowl, farmed
24.4 Cervidae, llamas, Ratitae, or goats only in a relatively small proportion or that historically
24.5 have not been considered by consumers as products of the meat food industry, and which
24.6 are exempted from definition as a meat food product or poultry food product by the
24.7 commissioner under the conditions the commissioner prescribes to assure that the meat or
24.8 other portions of carcasses contained in the products are not adulterated and that the products
24.9 are not represented as meat food products or poultry food products.

24.10 "Meat food product," as applied to products of equines, has a meaning comparable to
24.11 that for cattle, sheep, swine, wild game or fowl, farmed Cervidae, llamas, Ratitae, and goats.

24.12 Sec. 10. Minnesota Statutes 2018, section 31A.10, is amended to read:

24.13 **31A.10 PROHIBITIONS.**

24.14 No person may, with respect to an animal, carcass, part of a carcass, poultry, poultry
24.15 food product, meat, or meat food product:

24.16 (1) slaughter an animal or prepare an article that is usable as human food, at any
24.17 establishment preparing articles solely for intrastate commerce, except in compliance with
24.18 this chapter;

24.19 (2) sell, transport, offer for sale or transportation, or receive for transportation, in intrastate
24.20 commerce (i) articles which are usable as human food and are adulterated or misbranded
24.21 at the time of sale, transportation, offer for sale or transportation, or receipt for transportation;
24.22 or (ii) articles required to be inspected under sections 31A.01 to 31A.16 that have not been
24.23 inspected and passed;

24.24 (3) do something to an article that is usable as human food while the article is being
24.25 transported in intrastate commerce or held for sale after transportation, which is intended
24.26 to cause or has the effect of causing the article to be adulterated or misbranded; or

24.27 (4) sell, offer for sale, or possess with intent to sell meat derived from custom processing,
24.28 except wild game and fowl products may be donated under sections 17.035; 97A.505,
24.29 subdivision 5; 97A.510; and 97B.303.

24.30 Sec. 11. Minnesota Statutes 2018, section 31A.15, subdivision 1, is amended to read:

24.31 Subdivision 1. **Inspection.** The provisions of sections 31A.01 to 31A.16 requiring
24.32 inspection of the slaughter of animals and the preparation of the carcasses, parts of carcasses,

25.1 meat, poultry, poultry food products, and meat food products at establishments conducting
25.2 slaughter and preparation do not apply:

25.3 (1) to the processing by a person of the person's own animals and the owner's preparation
25.4 and transportation in intrastate commerce of the carcasses, parts of carcasses, meat, poultry,
25.5 poultry food products, and meat food products of those animals exclusively for use by the
25.6 owner and members of the owner's household, nonpaying guests, and employees; or

25.7 (2) to the custom processing by a person of ~~cattle, sheep, swine, poultry, or goats~~ animals,
25.8 wild game, or fowl delivered by the owner for processing, and the preparation or
25.9 transportation in intrastate commerce of the carcasses, parts of carcasses, meat, poultry,
25.10 poultry food products, and meat food products of animals, exclusively for use in the
25.11 household of the owner by the owner and members of the owner's household, nonpaying
25.12 guests, and employees. Meat from custom processing ~~of cattle, sheep, swine, poultry, or~~
25.13 ~~goats~~ must be identified and handled as required by the commissioner, during all phases of
25.14 processing, chilling, cooling, freezing, preparation, storage, and transportation. The custom
25.15 processor may not engage in the business of buying or selling carcasses, parts of carcasses,
25.16 meat, poultry, poultry food products, or meat food products of animals usable as human
25.17 food unless the carcasses, parts of carcasses, meat, poultry, poultry food products, or meat
25.18 food products have been inspected and passed and are identified as inspected and passed
25.19 by the Minnesota Department of Agriculture or the United States Department of Agriculture.

25.20 Sec. 12. Minnesota Statutes 2019 Supplement, section 41B.047, subdivision 1, is amended
25.21 to read:

25.22 Subdivision 1. **Establishment.** The authority shall establish and implement a disaster
25.23 recovery loan program to help farmers:

25.24 (1) clean up, repair, or replace farm structures and septic and water systems, as well as
25.25 replace seed, other crop inputs, feed, and livestock, ~~when damaged by high winds, hail,~~
25.26 ~~tornado, or flood, or the weight of snow, sleet, or ice;~~

25.27 (2) purchase watering systems, irrigation systems, and other drought mitigation systems
25.28 and practices when drought is the cause of the purchase;

25.29 (3) restore farmland; ~~or~~

25.30 (4) replace flocks, make building improvements, or cover the loss of revenue when the
25.31 replacement, improvements, or loss of revenue is due to the confirmed presence of ~~the~~ a
25.32 highly pathogenic avian influenza contagious disease in a commercial poultry or game flock
25.33 located in Minnesota; or

- 26.1 (5) replace livestock, make building improvements, or cover the loss of revenue when
26.2 the replacement, improvements, or loss of revenue is due to the confirmed presence of a
26.3 highly contagious disease in a livestock operation located in Minnesota.

APPENDIX
Repealed Minnesota Statutes: 20-5685

21.81 DEFINITIONS.

Subd. 12. **Initial labeler.** "Initial labeler" means a person who is the first to label for sale within this state an agricultural, vegetable, flower, tree, or shrub seed.