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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4477

03/16/2020 Authored by Lippert, Brand and Vang
The bill was read for the first time and referred to the Agriculture and Food Finance and Policy Division

1.1 A bill for an act
1.2 relating to agriculture; modifying Noxious Weed Advisory Committee membership,
1.3 rulemaking authority, and seed law provisions; amending Minnesota Statutes 2018,
1.4 sections 18.91, subdivision 2; 21.75, subdivision 1; 21.85, subdivision 15; proposing
1.5 coding for new law in Minnesota Statutes, chapter 21.

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

1.7 Section 1. Minnesota Statutes 2018, section 18.91, subdivision 2, is amended to read:

1.8 Subd. 2. Membership. The commissioner shall appoint members, which shall include
1.9 representatives from the following:

1.10 (1) the Department of Horticultural Science, ~~agronomy, and forestry~~ at the University
1.11 of Minnesota;

1.12 (2) the Department of Agronomy at the University of Minnesota;

1.13 (3) the Department of Forest Resources at the University of Minnesota;

1.14 (2) (4) the nursery and landscape industry in Minnesota;

1.15 (3) (5) the seed industry in Minnesota;

1.16 (4) (6) the Department of Agriculture;

1.17 (5) (7) the Department of Natural Resources;

1.18 (6) (8) a conservation organization;

1.19 (7) (9) an environmental organization;

1.20 (8) (10) at least two farm organizations;

- 2.1 ~~(9)~~ (11) the county agricultural inspectors;
- 2.2 ~~(10)~~ (12) city, ~~township, and county~~ governments;
- 2.3 (13) township governments;
- 2.4 (14) county governments;
- 2.5 ~~(11)~~ (15) the Department of Transportation;
- 2.6 ~~(12)~~ (16) the University of Minnesota Extension;
- 2.7 ~~(13)~~ (17) the timber and forestry industry in Minnesota;
- 2.8 ~~(14)~~ (18) the Board of Water and Soil Resources;
- 2.9 ~~(15)~~ (19) soil and water conservation districts;
- 2.10 ~~(16)~~ (20) the Minnesota Association of County Land Commissioners; and
- 2.11 ~~(17)~~ (21) other members as needed.

2.12 Sec. 2. Minnesota Statutes 2018, section 21.75, subdivision 1, is amended to read:

2.13 Subdivision 1. **Enforcement; rulemaking.** ~~The duty of enforcing sections 21.71 to~~
 2.14 ~~21.78 and carrying out the provisions and requirements thereof is vested in the commissioner~~
 2.15 ~~of agriculture. The commissioner, personally or through agents, shall~~ The commissioner
 2.16 must enforce sections 21.71 to 21.78. The commissioner must:

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

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

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

3.1 Sec. 3. Minnesota Statutes 2018, section 21.85, subdivision 15, is amended to read:

3.2 Subd. 15. **Prohibited and restricted seeds.** (a) The commissioner shall, in consultation
3.3 with the Seed Program Advisory Committee, must determine species that are considered
3.4 prohibited weed seeds and restricted noxious weed seeds and the allowable rate of occurrence
3.5 of restricted noxious weed seeds: subject to sections 21.80 to 21.92. The commissioner must
3.6 prepare, publish, and revise at least once every three years, a list of prohibited and restricted
3.7 noxious weed seeds. The commissioner must distribute the list to the public and may request
3.8 the help of the United States Department of Agriculture's published All-States Noxious
3.9 Weed Seed List or any other organization that the commissioner considers appropriate to
3.10 assist in the distribution. The commissioner may, in consultation with the Seed Program
3.11 Advisory Committee, accept and consider noxious weed seed designation petitions from
3.12 Minnesota citizens or Minnesota organizations or associations including the Noxious Weed
3.13 Advisory Committee.

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

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

3.18 Sec. 4. **[21.851] ADVISORY COMMITTEE; MEMBERSHIP.**

3.19 Subdivision 1. **Duties.** The commissioner must consult with the Seed Program Advisory
3.20 Committee to advise the commissioner concerning responsibilities under the seed regulatory
3.21 program. The committee must evaluate species for invasiveness, difficulty of control, cost
3.22 of control, benefits, and amount of injury caused by each species. For each species evaluated,
3.23 the committee must recommend to the commissioner whether a species should be listed as
3.24 a prohibited noxious weed seed or restricted noxious weed seed or not be listed. Species
3.25 designated as prohibited or restricted noxious weed seeds must be reevaluated every three
3.26 years for a recommendation on whether or not the designated species need to remain on the
3.27 noxious weed seed lists. The committee must also advise the commissioner on the
3.28 implementation of the Minnesota Seed Law. Members of the committee are not entitled to
3.29 reimbursement of expenses nor payment of per diem. Members serve two-year terms with
3.30 subsequent reappointment by the commissioner.

3.31 Subd. 2. **Membership.** The commissioner must appoint members to include
3.32 representatives from:

- 4.1 (1) the College of Food, Agricultural and Natural Resource Sciences or Extension at the
4.2 University of Minnesota;
- 4.3 (2) Minnesota Crop Improvement;
- 4.4 (3) the seed industry in Minnesota, a minimum of six members with representation from
4.5 multinational, national, regional, and Minnesota seed companies;
- 4.6 (4) the grain industry in Minnesota;
- 4.7 (5) farmers in Minnesota;
- 4.8 (6) other state and federal agencies with an interest in seed; and
- 4.9 (7) other members as needed.
- 4.10 Subd. 3. **Organization.** The committee must select a chair from its membership. Meetings
4.11 of the committee may be called by or at the direction of the commissioner or the chair.