

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2458

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DATE	D-PG	OFFICIAL STATUS
03/13/2025	755	Introduction and first reading Referred to Agriculture, Veterans, Broadband, and Rural Development
04/07/2025	1581a	Comm report: To pass as amended and re-refer to Finance
04/10/2025	1795a	Comm report: To pass as amended
	1982	Second reading
04/28/2025	4073	Referred to for comparison with HF2446 Rule 45-amend, subst. General Orders HF2446, SF indefinitely postponed

1.1 A bill for an act

1.2 relating to state government; establishing a budget for the Department of

1.3 Agriculture, the Board of Animal Health, the Agricultural Utilization Research

1.4 Institute, and the Office of Broadband Development; making policy and technical

1.5 changes to agriculture provisions; modifying livestock marketing agency and

1.6 dealer licensing provisions; modifying seed potato provisions; modifying food

1.7 handler licensing provisions; modifying the cottage foods licensing exemption;

1.8 transferring money; appropriating money; modifying and establishing fees;

1.9 requiring reports; amending Minnesota Statutes 2024, sections 17.1017; 17.1018;

1.10 17.117, subdivisions 1, 3; 17.118, subdivisions 1, 2, 3; 17.133, subdivision 1;

1.11 17A.03, subdivisions 8, 10, 11, by adding a subdivision; 17A.04, subdivisions 1,

1.12 2, 4, 6, 7, 8; 17A.06, subdivisions 2, 3; 17A.07; 17A.08; 17A.15; 18B.26,

1.13 subdivision 8; 18B.37, subdivision 6; 18C.111, by adding a subdivision; 18J.01;

1.14 18J.02; 18J.03; 18J.04, subdivisions 1, 2, 3, 4; 18J.05, subdivisions 1, 2, 6; 18J.06;

1.15 18J.07, subdivisions 3, 4, 5; 18J.09; 21.111; 21.112, by adding a subdivision;

1.16 21.113; 21.115; 21.117; 21.119; 21.1195; 21.1196, subdivision 2; 21.891,

1.17 subdivision 2; 25.391, subdivisions 1, 2; 28A.03, subdivision 7, by adding

1.18 subdivisions; 28A.04; 28A.05; 28A.06; 28A.07; 28A.0753, subdivision 3; 28A.08;

1.19 28A.081, subdivision 1; 28A.085, subdivision 1; 28A.14; 28A.151, subdivision

1.20 2; 28A.152, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 28A.17; 32D.01,

1.21 by adding a subdivision; 35.155, subdivision 12; 41A.09, subdivision 2a; 41A.16,

1.22 subdivision 7; 41A.30, subdivision 1; 41B.039, subdivision 2; 41B.0391,

1.23 subdivisions 1, 2, 4, 6; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043,

1.24 subdivision 1b; 41B.045, subdivision 2; 41B.047, subdivision 3; 41B.056,

1.25 subdivision 1; 41B.057, subdivisions 1, 3; 223.17, subdivision 3; 232.22,

1.26 subdivision 3; 239.761, subdivisions 3, 4, 5, 6; 296A.01, subdivisions 20, 23, 24;

1.27 Laws 2021, First Special Session chapter 3, article 1, section 2, subdivision 4, as

1.28 amended; Laws 2023, chapter 43, article 1, section 2, subdivision 4, as amended;

1.29 proposing coding for new law in Minnesota Statutes, chapters 21; 32D; 343;

1.30 repealing Minnesota Statutes 2024, sections 21.116; 21.118; 21.1196, subdivision

1.31 3; 21.121; 21.122; 35.68; 35.830; 239.77, subdivision 5; Minnesota Rules, parts

1.32 1510.2300; 1510.2305; 1510.2310; 1510.2315; 1510.2320; 1510.2325; 1510.2330;

1.33 1510.2335; 1510.2340; 1510.2345; 1510.2350; 1510.2355, subparts 1, 2, 3a, 4, 5,

1.34 6, 7.

3.1 assistance program under Minnesota Statutes,
3.2 section 17.134. The commissioner may award
3.3 no more than \$50,000 of the appropriation
3.4 each year to a single recipient.

3.5 Notwithstanding Minnesota Statutes, section
3.6 16B.98, subdivision 14, the commissioner may
3.7 use up to 6.5 percent of this appropriation for
3.8 costs incurred to administer the program. Any
3.9 unencumbered balance does not cancel at the
3.10 end of the first year and is available in the
3.11 second year. Appropriations encumbered
3.12 under contract on or before June 30, 2027, for
3.13 soil health financial assistance grants are
3.14 available until June 30, 2029.

3.15 (c) \$225,000 the first year and \$225,000 the
3.16 second year are for compensation for livestock
3.17 destroyed or crippled by a wolf under
3.18 Minnesota Statutes, section 3.737. If the
3.19 amount in the first year is insufficient, the
3.20 amount in the second year is available in the
3.21 first year. The commissioner may use up to
3.22 \$5,000 each year to reimburse expenses
3.23 incurred by university extension educators to
3.24 provide fair market values of destroyed or
3.25 crippled livestock. If the commissioner
3.26 receives federal funding to pay claims for
3.27 destroyed or crippled livestock, an equivalent
3.28 amount of this appropriation may be used to
3.29 reimburse nonlethal prevention methods
3.30 performed by federal wildlife services staff.

3.31 (d) \$205,000 the first year and \$205,000 the
3.32 second year are for compensation for crop or
3.33 fence damage caused by elk under Minnesota
3.34 Statutes, section 3.7371. If the amount in the
3.35 first year is insufficient, the amount in the

4.1 second year is available in the first year. The
4.2 commissioner may use up to \$10,000 of the
4.3 appropriation each year to reimburse expenses
4.4 incurred by the commissioner or the
4.5 commissioner's approved agent to investigate
4.6 and resolve claims, as well as for costs
4.7 associated with training for approved agents.
4.8 The commissioner may use up to \$40,000 of
4.9 the appropriation each year to make grants to
4.10 producers for measures to protect stored crops
4.11 from elk damage. If the commissioner
4.12 determines that claims made under Minnesota
4.13 Statutes, section 3.737 or 3.7371, are
4.14 unusually high, amounts appropriated for
4.15 either program may be transferred to the
4.16 appropriation for the other program.

4.17 (e) \$825,000 the first year and \$825,000 the
4.18 second year are to replace capital equipment
4.19 in the Department of Agriculture's analytical
4.20 laboratory.

4.21 (f) \$420,000 the first year and \$924,000 the
4.22 second year are to support current services.

4.23 (g) \$150,000 the first year and \$150,000 the
4.24 second year are to coordinate climate-related
4.25 activities and services within the Department
4.26 of Agriculture and with counterparts in local,
4.27 state, and federal agencies and for a full-time
4.28 climate implementation coordinator. The
4.29 climate implementation coordinator must
4.30 coordinate efforts seeking federal funding for
4.31 Minnesota's agricultural climate adaptation
4.32 and mitigation efforts and develop strategic
4.33 partnerships with the private sector and
4.34 nongovernment organizations.

5.1 (h) \$351,000 the first year and \$351,000 the
 5.2 second year are for additional meat and poultry
 5.3 inspection services. The base for this
 5.4 appropriation is \$450,000 in fiscal year 2028
 5.5 and each year thereafter.

5.6 **Subd. 3. Agricultural Marketing and**
 5.7 **Development**

21,126,000

20,876,000

5.8 (a) \$634,000 the first year and \$634,000 the
 5.9 second year are for the continuation of the
 5.10 dairy development and profitability
 5.11 enhancement program, including dairy
 5.12 profitability teams and dairy business planning
 5.13 grants under Minnesota Statutes, section
 5.14 32D.30.

5.15 (b) The commissioner may use funds
 5.16 appropriated in this subdivision for annual
 5.17 cost-share payments to resident farmers or
 5.18 entities that sell, process, or package
 5.19 agricultural products in this state for the costs
 5.20 of organic certification. The commissioner
 5.21 may allocate these funds for assistance to
 5.22 persons transitioning from conventional to
 5.23 organic agriculture.

5.24 (c) \$75,000 the first year and \$75,000 the
 5.25 second year are for mental health outreach and
 5.26 support to farmers, ranchers, and others in the
 5.27 agricultural community and for farm safety
 5.28 grant and outreach programs under Minnesota
 5.29 Statutes, section 17.1195. Mental health
 5.30 outreach and support may include a 24-hour
 5.31 hotline, stigma reduction, and education.
 5.32 Notwithstanding Minnesota Statutes, section
 5.33 16A.28, any unencumbered balance does not
 5.34 cancel at the end of fiscal year 2026 and is
 5.35 available until June 30, 2027. The base for this

6.1 appropriation is \$50,000 in fiscal year 2028
6.2 and each year thereafter.

6.3 (d) \$16,557,000 the first year and \$16,307,000
6.4 the second year are for the agricultural growth,
6.5 research, and innovation program under
6.6 Minnesota Statutes, section 41A.12. The base
6.7 for this appropriation is \$16,357,000 in fiscal
6.8 year 2028 and each year thereafter.

6.9 (e) Except as provided in paragraph (f), the
6.10 commissioner may allocate the appropriation
6.11 in paragraph (d) each year among the
6.12 following areas: facilitating the startup,
6.13 modernization, improvement, or expansion of
6.14 livestock operations, including beginning and
6.15 transitioning livestock operations with
6.16 preference given to robotic dairy-milking
6.17 equipment; assisting value-added agricultural
6.18 businesses to begin or expand, to access new
6.19 markets, or to diversify, including aquaponics
6.20 systems, with preference given to hemp fiber
6.21 processing equipment; facilitating the startup,
6.22 modernization, or expansion of other
6.23 beginning and transitioning farms, including
6.24 by providing loans under Minnesota Statutes,
6.25 section 41B.056; sustainable agriculture
6.26 on-farm research and demonstration; the
6.27 development or expansion of food hubs and
6.28 other alternative community-based food
6.29 distribution systems; enhancing renewable
6.30 energy infrastructure and use; crop research,
6.31 including basic and applied turf seed research;
6.32 Farm Business Management tuition assistance;
6.33 and good agricultural practices and good
6.34 handling practices certification assistance.

6.35 Notwithstanding Minnesota Statutes, section

7.1 16B.98, subdivision 14, the commissioner may
7.2 use up to 6.5 percent of the appropriation in
7.3 paragraph (d) for costs incurred to administer
7.4 the program.

7.5 (f) Of the amount appropriated for the
7.6 agricultural growth, research, and innovation
7.7 program under Minnesota Statutes, section
7.8 41A.12:

7.9 (1) \$1,000,000 the first year and \$1,000,000
7.10 the second year are for distribution in equal
7.11 amounts to each of the state's county fairs to
7.12 preserve and promote Minnesota agriculture;

7.13 (2) \$2,750,000 the first year and \$2,750,000
7.14 the second year are for incentive payments
7.15 under Minnesota Statutes, sections 41A.16,
7.16 41A.17, 41A.18, and 41A.20. If this
7.17 appropriation exceeds the total amount for
7.18 which all producers are eligible in a fiscal
7.19 year, the balance of the appropriation is
7.20 available for other purposes under this
7.21 paragraph;

7.22 (3) \$2,750,000 the first year and \$2,750,000
7.23 the second year are for grants that enable retail
7.24 petroleum dispensers, fuel storage tanks, and
7.25 other equipment to dispense biofuels to the
7.26 public in accordance with the biofuel
7.27 replacement goals established under
7.28 Minnesota Statutes, section 239.7911. A retail
7.29 petroleum dispenser selling petroleum for use
7.30 in spark ignition engines for vehicle model
7.31 years after 2000 is eligible for grant money
7.32 under this clause if the retail petroleum
7.33 dispenser has no more than 20 retail petroleum
7.34 dispensing sites and each site is located in
7.35 Minnesota. The grant money must be used to

8.1 replace or upgrade equipment that does not
8.2 have the ability to be certified for E25. A grant
8.3 award must not exceed 65 percent of the cost
8.4 of the appropriate technology. A grant award
8.5 must not exceed \$200,000 per station. The
8.6 commissioner must cooperate with biofuel
8.7 stakeholders in the implementation of the grant
8.8 program. The commissioner, in cooperation
8.9 with any economic or community development
8.10 financial institution and any other entity with
8.11 which the commissioner contracts, must
8.12 submit a report on the biofuels infrastructure
8.13 financial assistance program by January 15
8.14 each year to the chairs and ranking minority
8.15 members of the legislative committees and
8.16 divisions with jurisdiction over agriculture
8.17 policy and finance. The annual report must
8.18 include but not be limited to a summary of the
8.19 following metrics: (i) the number and types
8.20 of projects financed; (ii) the amount of dollars
8.21 leveraged or matched per project; (iii) the
8.22 geographic distribution of financed projects;
8.23 (iv) any market expansion associated with
8.24 upgraded infrastructure; (v) the demographics
8.25 of the areas served; (vi) the costs of the
8.26 program; and (vii) the number of grants to
8.27 minority-owned or female-owned businesses;
8.28 (4) \$250,000 the first year and \$250,000 the
8.29 second year are for grants to facilitate the
8.30 startup, modernization, or expansion of meat,
8.31 poultry, egg, and milk processing facilities. A
8.32 grant award under this clause must not exceed
8.33 \$200,000;
8.34 (5) \$1,444,000 the first year and \$1,444,000
8.35 the second year are for providing more fruits,

9.1 vegetables, meat, poultry, grain, and dairy for
9.2 children in school and early childhood
9.3 education settings, including, at the
9.4 commissioner's discretion, providing grants
9.5 to reimburse schools and early childhood
9.6 education and child care providers for
9.7 purchasing equipment and agricultural
9.8 products. Of the amount appropriated,
9.9 \$150,000 each year is for a statewide
9.10 coordinator of farm-to-institution strategy and
9.11 programming. The coordinator must consult
9.12 with relevant stakeholders and provide
9.13 technical assistance and training for
9.14 participating farmers and eligible grant
9.15 recipients. At the commissioner's discretion,
9.16 for state administration of federal cooperative
9.17 agreements for purchasing Minnesota grown
9.18 and raised foods for schools, child care
9.19 providers, food banks, and other institutions,
9.20 the commissioner may use an amount of state
9.21 funds equal to no more than 7.5 percent of the
9.22 total federal funds awarded to the state. The
9.23 commissioner shall expend any available
9.24 federal administrative funds awarded for this
9.25 purpose before using state funds;

9.26 (6) \$1,075,000 the first year and \$1,075,000
9.27 the second year are for grants to facilitate the
9.28 development of urban agriculture, including
9.29 projects related to youth education, community
9.30 and economic development, value-added
9.31 processing, and vocational training. The base
9.32 for this appropriation is \$1,125,000 in fiscal
9.33 year 2028 and each year thereafter;

9.34 (7) \$1,000,000 the first year and \$1,000,000
9.35 the second year are for the food retail

10.1 improvement and development program under
 10.2 Minnesota Statutes, section 17.1017;
 10.3 (8) Up to \$200,000 the first year and up to
 10.4 \$200,000 the second year are for cooperative
 10.5 development grants under Minnesota Statutes,
 10.6 section 17.1016; and
 10.7 (9) \$250,000 the first year is for the protecting
 10.8 livestock grant program for producers to
 10.9 support the installation of measures to prevent
 10.10 the transmission of avian influenza. For the
 10.11 appropriation in this clause, a grant applicant
 10.12 must document a cost-share of 20 percent. An
 10.13 applicant's cost-share amount may be reduced
 10.14 up to \$2,000 to cover time and labor costs.
 10.15 This is a onetime appropriation.
 10.16 Notwithstanding Minnesota Statutes, section
 10.17 16A.28, this appropriation does not cancel at
 10.18 the end of the first year and is available in the
 10.19 second year.
 10.20 (g) Notwithstanding Minnesota Statutes,
 10.21 section 16A.28, the appropriation in paragraph
 10.22 (d) does not cancel at the end of the second
 10.23 year and is available until June 30, 2029.
 10.24 Appropriations encumbered under contract on
 10.25 or before June 30, 2029, for agricultural
 10.26 growth, research, and innovation grants are
 10.27 available until June 30, 2032.
 10.28 **Subd. 4. Administration and Financial**
 10.29 **Assistance**

12,104,00012,118,000

10.30 (a) \$474,000 the first year and \$474,000 the
 10.31 second year are for payments to county and
 10.32 district agricultural societies and associations
 10.33 under Minnesota Statutes, section 38.02,
 10.34 subdivision 1. Aid payments to county and
 10.35 district agricultural societies and associations

11.1 must be disbursed no later than July 15 each
11.2 year. These payments are the amount of aid
11.3 from the state for an annual fair held in the
11.4 previous calendar year.

11.5 (b) \$300,000 the first year and \$300,000 the
11.6 second year are for grants to the Minnesota
11.7 Agricultural Education and Leadership
11.8 Council for programs of the council under
11.9 Minnesota Statutes, chapter 41D.

11.10 (c) \$2,000 the first year is for a grant to the
11.11 Minnesota State Poultry Association to
11.12 promote youth poultry programs in Minnesota.

11.13 This is a onetime appropriation.

11.14 Notwithstanding Minnesota Statutes, section
11.15 16A.28, any unencumbered balance does not
11.16 cancel at the end of the first year and is
11.17 available in the second year.

11.18 (d) \$18,000 the first year and \$18,000 the
11.19 second year are for grants to the Minnesota
11.20 Livestock Breeders Association. This is a
11.21 onetime appropriation.

11.22 (e) \$30,000 the first year and \$30,000 the
11.23 second year are for grants to the Northern
11.24 Crops Institute that may be used to purchase
11.25 equipment. This is a onetime appropriation.

11.26 (f) \$35,000 the first year and \$35,000 the
11.27 second year are for grants to the Minnesota
11.28 State Horticultural Society. This is a onetime
11.29 appropriation.

11.30 (g) \$75,000 the first year and \$75,000 the
11.31 second year are for grants to the Center for
11.32 Rural Policy and Development. This is a
11.33 onetime appropriation.

- 12.1 (h) \$40,000 the first year and \$40,000 the
12.2 second year are appropriated from the general
12.3 fund to the commissioner of agriculture for
12.4 grants to the Minnesota Turf Seed Council for
12.5 basic and applied research on:
- 12.6 (1) the improved production of forage and turf
12.7 seed related to new and improved varieties;
12.8 and
- 12.9 (2) native plants, including plant breeding,
12.10 nutrient management, pest management,
12.11 disease management, yield, and viability.
- 12.12 The Minnesota Turf Seed Council may
12.13 subcontract with a qualified third party for
12.14 some or all of the basic or applied research.
- 12.15 Any unencumbered balance does not cancel
12.16 at the end of the first year and is available in
12.17 the second year. The Minnesota Turf Seed
12.18 Council must prepare a report outlining the
12.19 use of the grant money and related
12.20 accomplishments. No later than January 15,
12.21 2027, and January 15, 2028, the council must
12.22 submit the report to the chairs and ranking
12.23 minority members of the legislative
12.24 committees and divisions with jurisdiction
12.25 over agriculture finance and policy. This is a
12.26 onetime appropriation.
- 12.27 (i) \$50,000 the first year and \$50,000 the
12.28 second year are for grants to GreenSeam for
12.29 assistance to agriculture-related businesses to
12.30 support business retention and development,
12.31 business attraction and creation, talent
12.32 development and attraction, and regional
12.33 branding and promotion. These are onetime
12.34 appropriations. No later than December 1,
12.35 2026, and December 1, 2027, GreenSeam

- 13.1 must report to the chairs and ranking minority
13.2 members of the legislative committees with
13.3 jurisdiction over agriculture and rural
13.4 development with information on new and
13.5 existing businesses supported, number of new
13.6 jobs created in the region, new educational
13.7 partnerships and programs supported, and
13.8 regional branding and promotional efforts.
- 13.9 (j) \$1,000,000 the first year and \$1,000,000
13.10 the second year are to award and administer
13.11 farm down payment assistance grants under
13.12 Minnesota Statutes, section 17.133, with
13.13 priority given to eligible applicants with no
13.14 more than \$100,000 in annual gross farm
13.15 product sales and eligible applicants who are
13.16 producers of industrial hemp, cannabis, or one
13.17 or more of the following specialty crops as
13.18 defined by the United States Department of
13.19 Agriculture for purposes of the specialty crop
13.20 block grant program: fruits and vegetables,
13.21 tree nuts, dried fruits, medicinal plants,
13.22 culinary herbs and spices, horticulture crops,
13.23 floriculture crops, and nursery crops.
- 13.24 Notwithstanding Minnesota Statutes, section
13.25 16A.28, any unencumbered balance at the end
13.26 of the first year does not cancel and is
13.27 available in the second year and appropriations
13.28 encumbered under contract by June 30, 2027,
13.29 are available until December 31, 2027.
- 13.30 (k) \$1,700,000 the first year and \$1,700,000
13.31 the second year are for grants to Second
13.32 Harvest Heartland on behalf of Minnesota's
13.33 five Feeding America food banks for the
13.34 following purposes:

14.1 (1) at least \$850,000 each year must be
14.2 allocated to purchase milk for distribution to
14.3 Minnesota's food shelves and other charitable
14.4 organizations that are eligible to receive food
14.5 from the food banks. Milk purchased under
14.6 the grants must be acquired from Minnesota
14.7 milk processors and based on low-cost bids.
14.8 The milk must be allocated to each Feeding
14.9 America food bank serving Minnesota
14.10 according to the formula used in the
14.11 distribution of United States Department of
14.12 Agriculture commodities under The
14.13 Emergency Food Assistance Program. Second
14.14 Harvest Heartland may enter into contracts or
14.15 agreements with food banks for shared funding
14.16 or reimbursement of the direct purchase of
14.17 milk. Each food bank that receives funding
14.18 under this clause may use up to two percent
14.19 for administrative expenses. Notwithstanding
14.20 Minnesota Statutes, section 16A.28, any
14.21 unencumbered balance the first year does not
14.22 cancel and is available the second year;
14.23 (2) to compensate agricultural producers and
14.24 processors for costs incurred to harvest and
14.25 package for transfer surplus fruits, vegetables,
14.26 and other agricultural commodities that would
14.27 otherwise go unharvested, be discarded, or be
14.28 sold in a secondary market. Surplus
14.29 commodities must be distributed statewide to
14.30 food shelves and other charitable organizations
14.31 that are eligible to receive food from the food
14.32 banks. Surplus food acquired under this clause
14.33 must be from Minnesota producers and
14.34 processors. Second Harvest Heartland may
14.35 not use any amount of each grant awarded
14.36 under this clause for administrative expenses;

15.1 (3) to purchase and distribute protein products,
15.2 including but not limited to pork, poultry, beef,
15.3 dry legumes, cheese, and eggs to Minnesota's
15.4 food shelves and other charitable organizations
15.5 that are eligible to receive food from the food
15.6 banks. Second Harvest Heartland may use up
15.7 to two percent of each grant awarded under
15.8 this clause for administrative expenses. Protein
15.9 products purchased under the grants must be
15.10 acquired from Minnesota processors and
15.11 producers; and

15.12 (4) up to \$500,000 each year is to purchase
15.13 produce from The Good Acre.

15.14 Second Harvest Heartland must submit
15.15 quarterly reports to the commissioner and the
15.16 chairs and ranking minority members of the
15.17 legislative committees with jurisdiction over
15.18 agriculture finance in the form prescribed by
15.19 the commissioner. The reports must include
15.20 but are not limited to information on the
15.21 expenditure of funds, the amount of milk or
15.22 other commodities purchased, and the
15.23 organizations to which this food was
15.24 distributed.

15.25 (1) \$260,000 the first year and \$260,000 the
15.26 second year are for a pass-through grant to
15.27 Region Five Development Commission to
15.28 provide, in collaboration with Farm Business
15.29 Management, statewide mental health
15.30 counseling support to Minnesota farm
15.31 operators, families, and employees, and
15.32 individuals who work with Minnesota farmers
15.33 in a professional capacity. Region Five
15.34 Development Commission may use up to 6.5

- 16.1 percent of the grant awarded under this
16.2 paragraph for administration.
- 16.3 (m) \$25,000 the first year and \$25,000 the
16.4 second year are for grants to the Southern
16.5 Minnesota Initiative Foundation to promote
16.6 local foods through an annual event that raises
16.7 public awareness of local foods and connects
16.8 local food producers and processors with
16.9 potential buyers.
- 16.10 (n) \$1,000,000 the first year and \$1,000,000
16.11 the second year are for the Emerging Farmers
16.12 Office to provide services to beginning and
16.13 emerging farmers to increase connections
16.14 between farmers and market opportunities
16.15 throughout the state. This appropriation may
16.16 be used for grants, translation services,
16.17 training programs, or other purposes in line
16.18 with the recommendations of the emerging
16.19 farmer working group established under
16.20 Minnesota Statutes, section 17.055,
16.21 subdivision 1.
- 16.22 (o) \$137,000 the first year and \$203,000 the
16.23 second year are to support current services.
- 16.24 (p) \$337,000 the first year and \$337,000 the
16.25 second year are for farm advocate services.
16.26 Of these amounts, \$50,000 the first year and
16.27 \$50,000 the second year are for the
16.28 continuation of the farmland transition
16.29 programs and may be used for grants to
16.30 farmland access teams to provide technical
16.31 assistance to potential beginning farmers.
16.32 Farmland access teams must assist existing
16.33 farmers and beginning farmers with
16.34 transitioning farm ownership and farm
16.35 operation. Services provided by teams may

- 17.1 include but are not limited to mediation
17.2 assistance, designing contracts, financial
17.3 planning, tax preparation, estate planning, and
17.4 housing assistance.
- 17.5 (q) \$250,000 the first year and \$250,000 the
17.6 second year are for the local food purchasing
17.7 assistance grant program under article 3,
17.8 section 42.
- 17.9 (r) \$50,000 the first year is to conduct a study
17.10 and develop recommendations for establishing
17.11 an incentive-based program to support and
17.12 encourage agricultural retailers in promoting
17.13 4R nutrient management practices. The 4R
17.14 nutrient management practices include: the
17.15 right source of nutrients, at the right rate and
17.16 right time, in the right place.
- 17.17 (1) As part of the study, the department must
17.18 evaluate strategies for leveraging cost-share
17.19 programs, including the feasibility of
17.20 coordinating with the Agricultural Water
17.21 Quality Certification Program and other efforts
17.22 related to the state's Nutrient Reduction
17.23 Strategy.
- 17.24 (2) The commissioner must submit a report
17.25 detailing its findings, including potential
17.26 funding sources and proposal outlines for
17.27 funding requests where appropriate. The
17.28 commissioner must submit the report to the
17.29 chairs and ranking minority members of the
17.30 legislative committees with jurisdiction over
17.31 agriculture and environment by December 15,
17.32 2025.
- 17.33 (s) The commissioner shall continue to
17.34 increase connections with ethnic minority and

18.1 immigrant farmers to farming opportunities
 18.2 and farming programs throughout the state.

18.3 **Sec. 3. BOARD OF ANIMAL HEALTH** **\$ 6,656,000 \$ 6,781,000**

18.4 \$246,000 the first year and \$371,000 the
 18.5 second year are to maintain the current level
 18.6 of service delivery.

18.7 **Sec. 4. AGRICULTURAL UTILIZATION**
 18.8 **RESEARCH INSTITUTE** **\$ 4,388,000 \$ 4,434,000**

18.9 \$45,000 the first year and \$91,000 the second
 18.10 year are to maintain the current level of service
 18.11 delivery.

18.12 **Sec. 5. TRANSFERS; ADMINISTRATION.**

18.13 Positions, salary money, and nonsalary administrative money may be transferred within
 18.14 the Department of Agriculture as the commissioner of agriculture considers necessary, with
 18.15 the advanced approval of the commissioner of management and budget. The commissioner
 18.16 of agriculture shall report to the chairs and ranking minority members of the legislative
 18.17 committees with jurisdiction over agriculture finance quarterly about the transfers made
 18.18 under this section.

18.19 **Sec. 6. TRANSFERS.**

18.20 (a) \$100,000 in fiscal year 2026 and \$100,000 in fiscal year 2027 are transferred from
 18.21 the general fund to the pollinator research account established under Minnesota Statutes,
 18.22 section 18B.051. For fiscal years 2028 through 2031, the commissioner of management and
 18.23 budget must include a transfer of \$100,000 each year from the general fund to the pollinator
 18.24 research account established under Minnesota Statutes, section 18B.051, when preparing
 18.25 each forecast from the effective date of this section through the February 2027 forecast,
 18.26 under Minnesota Statutes, section 16A.103.

18.27 (b) \$186,000 in fiscal year 2026 and \$186,000 in fiscal year 2027 are transferred from
 18.28 the general fund to the Minnesota grown account and may be used as grants for Minnesota
 18.29 Grown promotion under Minnesota Statutes, section 17.102. Notwithstanding Minnesota
 18.30 Statutes, section 16A.28, the appropriations encumbered under contract on or before June
 18.31 30, 2027, for Minnesota Grown grants in this paragraph are available until June 30, 2029.
 18.32 For fiscal years 2028 through 2031, the commissioner of management and budget must
 18.33 include a transfer of \$186,000 each year from the general fund to the Minnesota grown

19.1 account established under Minnesota Statutes, section 17.102, when preparing each forecast
19.2 from the effective date of this section through the February 2027 forecast, under Minnesota
19.3 Statutes, section 16A.103.

19.4 (c) \$10,552,000 in fiscal year 2026 and \$10,552,000 in fiscal year 2027 are transferred
19.5 from the general fund to the agriculture research, education, extension, and technology
19.6 transfer account under Minnesota Statutes, section 41A.14, subdivision 3, and the
19.7 commissioner shall transfer funds each year to the Board of Regents of the University of
19.8 Minnesota for purposes of Minnesota Statutes, section 41A.14, subdivision 1, clauses (1)
19.9 and (2), and must supplement and not supplant existing sources and levels of funding. The
19.10 commissioner may use up to one percent of this transfer for costs incurred to administer
19.11 this program.

19.12 (d) Of the amount transferred for the agriculture research, education, extension, and
19.13 technology transfer grant program under Minnesota Statutes, section 41A.14:

19.14 (1) \$600,000 in fiscal year 2026 and \$600,000 in fiscal year 2027 are for the Minnesota
19.15 Agricultural Experiment Station's agriculture rapid response fund under Minnesota Statutes,
19.16 section 41A.14, subdivision 1, clause (2);

19.17 (2) up to \$1,000,000 in fiscal year 2026 and up to \$1,000,000 in fiscal year 2027 are for
19.18 research on avian influenza, salmonella, and other turkey-related diseases and disease
19.19 prevention measures;

19.20 (3) \$2,375,000 in fiscal year 2026 and \$2,375,000 in fiscal year 2027 are for grants to
19.21 the Minnesota Agricultural Education Leadership Council to enhance agricultural education
19.22 with priority given to Farm Business Management challenge grants;

19.23 (4) \$350,000 in fiscal year 2026 and \$350,000 in fiscal year 2027 are for potato research;

19.24 (5) \$802,000 in fiscal year 2026 and \$802,000 in fiscal year 2027 are to fund the Forever
19.25 Green Initiative and protect Minnesota's natural resources while increasing the efficiency,
19.26 profitability, and productivity of Minnesota farmers by incorporating perennial and winter
19.27 annual crops into existing agricultural practices. By February 1 each year, the dean of the
19.28 College of Food, Agricultural and Natural Resource Sciences must submit a report to the
19.29 chairs and ranking minority members of the legislative committees with jurisdiction over
19.30 agriculture finance and policy and higher education detailing uses of the money in this
19.31 clause, including administrative costs, and the achievements this money contributed to;

19.32 (6) \$200,000 in fiscal year 2026 and \$200,000 in fiscal year 2027 are for research on
19.33 natural strands of wild rice;

20.1 (7) \$250,000 in fiscal year 2026 and \$250,000 in fiscal year 2027 are for the cultivated
20.2 wild rice forward selection project at the North Central Research and Outreach Center,
20.3 including a tenure track or research associate plant scientist; and

20.4 (8) \$75,000 in fiscal year 2026 and \$75,000 in fiscal year 2027 are for grants to the
20.5 Southwest Minnesota State University Foundation to support the Minnesota Agriculture
20.6 and Rural Leadership program.

20.7 For fiscal years 2028 through 2031, the commissioner of management and budget must
20.8 include a transfer of \$10,552,000 each year from the general fund to the agriculture research,
20.9 education, extension, and technology transfer account under Minnesota Statutes, section
20.10 41A.14, subdivision 3, when preparing each forecast from the effective date of this section
20.11 through the February 2027 forecast, under Minnesota Statutes, section 16A.103.

20.12 (e) \$1,425,000 in fiscal year 2026 and \$1,425,000 in fiscal year 2027 are transferred
20.13 from the general fund to the agricultural and environmental revolving loan account
20.14 established under Minnesota Statutes, section 17.117, subdivision 5a, for low-interest or
20.15 no-interest loans issued through the agriculture best management practices loan program
20.16 under Minnesota Statutes, section 17.117. For fiscal years 2028 through 2031, the
20.17 commissioner of management and budget must include a transfer of \$1,425,000 each year
20.18 from the general fund to the agricultural and environmental revolving loan account under
20.19 Minnesota Statutes, section 17.117, subdivision 5a, when preparing each forecast from the
20.20 effective date of this section through the February 2027 forecast, under Minnesota Statutes,
20.21 section 16A.103.

20.22 **Sec. 7. FISCAL YEAR 2025 TRANSFER.**

20.23 \$1,500,000 in fiscal year 2025 is transferred from the general fund to the agricultural
20.24 emergency account established under Minnesota Statutes, section 17.041.

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

20.26 **Sec. 8. CANCELLATIONS; FISCAL YEAR 2025.**

20.27 (a) \$3,000,000 of the appropriation in fiscal year 2024 from the general fund for green
20.28 fertilizer production facilities under Laws 2023, chapter 60, article 10, section 4, is canceled
20.29 to the general fund by June 30, 2025.

20.30 (b) \$1,500,000 of the appropriation in fiscal year 2025 from the general fund for Dairy
20.31 Assistance, Investment, Relief Initiative (DAIRI) grants and other forms of financial
20.32 assistance to Minnesota dairy farms that enroll in coverage under a federal dairy risk

21.1 protection program and produced no more than 16,000,000 pounds of milk in 2022 under
 21.2 Laws 2024, chapter 126, article 1, section 1, is canceled to the general fund by June 30,
 21.3 2025.

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

21.5 Sec. 9. Laws 2021, First Special Session chapter 3, article 1, section 2, subdivision 4, as
 21.6 amended by Laws 2022, chapter 95, article 1, section 1, subdivision 4, is amended to read:

21.7	Subd. 4. Agriculture, Bioenergy, and Bioproduct		
21.8	Advancement	25,343,000	27,257,000

21.9 (a) \$9,300,000 the first year and \$9,300,000
 21.10 the second year are for transfer to the
 21.11 agriculture research, education, extension, and
 21.12 technology transfer account under Minnesota
 21.13 Statutes, section 41A.14, subdivision 3. Of
 21.14 these amounts: at least \$600,000 the first year
 21.15 and \$600,000 the second year are for the
 21.16 Minnesota Agricultural Experiment Station's
 21.17 agriculture rapid response fund under
 21.18 Minnesota Statutes, section 41A.14,
 21.19 subdivision 1, clause (2); \$2,000,000 the first
 21.20 year and \$2,000,000 the second year are for
 21.21 grants to the Minnesota Agriculture Education
 21.22 Leadership Council to enhance agricultural
 21.23 education with priority given to Farm Business
 21.24 Management challenge grants; \$350,000 the
 21.25 first year and \$350,000 the second year are
 21.26 for potato breeding; and \$450,000 the first
 21.27 year and \$450,000 the second year are for the
 21.28 cultivated wild rice breeding project at the
 21.29 North Central Research and Outreach Center
 21.30 to include a tenure track/research associate
 21.31 plant breeder. The commissioner shall transfer
 21.32 the remaining funds in this appropriation each
 21.33 year to the Board of Regents of the University
 21.34 of Minnesota for purposes of Minnesota
 21.35 Statutes, section 41A.14. Of the amount

22.1 transferred to the Board of Regents, up to
22.2 \$1,000,000 each year is for research on avian
22.3 influenza, salmonella, and other turkey-related
22.4 diseases. By January 15, 2023, entities
22.5 receiving grants for potato breeding and wild
22.6 rice breeding are requested to report to the
22.7 chairs and ranking minority members of the
22.8 legislative committees with jurisdiction over
22.9 agriculture and higher education regarding the
22.10 use of the grant money and to provide an
22.11 update on the status of research and related
22.12 accomplishments.

22.13 To the extent practicable, money expended
22.14 under Minnesota Statutes, section 41A.14,
22.15 subdivision 1, clauses (1) and (2), must
22.16 supplement and not supplant existing sources
22.17 and levels of funding. The commissioner may
22.18 use up to one percent of this appropriation for
22.19 costs incurred to administer the program.

22.20 (b) \$16,028,000 the first year and \$17,928,000
22.21 the second year are for the agricultural growth,
22.22 research, and innovation program under
22.23 Minnesota Statutes, section 41A.12. Except
22.24 as provided below, the commissioner may
22.25 allocate the appropriation each year among
22.26 the following areas: facilitating the start-up,
22.27 modernization, improvement, or expansion of
22.28 livestock operations including beginning and
22.29 transitioning livestock operations with
22.30 preference given to robotic dairy-milking
22.31 equipment; providing funding not to exceed
22.32 \$800,000 each year to develop and enhance
22.33 farm-to-school markets for Minnesota farmers
22.34 by providing more fruits, vegetables, meat,
22.35 grain, and dairy for Minnesota children in

23.1 school and child care settings including, at the
23.2 commissioner's discretion, reimbursing
23.3 schools for purchases from local farmers;
23.4 assisting value-added agricultural businesses
23.5 to begin or expand, to access new markets, or
23.6 to diversify, including aquaponics systems;
23.7 providing funding not to exceed \$600,000
23.8 each year for urban youth agricultural
23.9 education or urban agriculture community
23.10 development of which \$10,000 each year is
23.11 for transfer to the emerging farmer account
23.12 under Minnesota Statutes, section 17.055,
23.13 subdivision 1a; providing funding not to
23.14 exceed \$450,000 each year for the good food
23.15 access program under Minnesota Statutes,
23.16 section 17.1017; facilitating the start-up,
23.17 modernization, or expansion of other
23.18 beginning and transitioning farms including
23.19 by providing loans under Minnesota Statutes,
23.20 section 41B.056; sustainable agriculture
23.21 on-farm research and demonstration;
23.22 development or expansion of food hubs and
23.23 other alternative community-based food
23.24 distribution systems; enhancing renewable
23.25 energy infrastructure and use; crop research;
23.26 Farm Business Management tuition assistance;
23.27 and good agricultural practices and good
23.28 handling practices certification assistance. The
23.29 commissioner may use up to 6.5 percent of
23.30 this appropriation for costs incurred to
23.31 administer the program.

23.32 Of the amount appropriated for the agricultural
23.33 growth, research, and innovation program
23.34 under Minnesota Statutes, section 41A.12:

24.1 (1) \$1,000,000 the first year and \$1,000,000
24.2 the second year are for distribution in equal
24.3 amounts to each of the state's county fairs to
24.4 preserve and promote Minnesota agriculture;

24.5 (2) \$4,500,000 the first year and \$5,750,000
24.6 the second year are for incentive payments
24.7 under Minnesota Statutes, sections 41A.16,
24.8 41A.17, 41A.18, and 41A.20. Notwithstanding
24.9 Minnesota Statutes, section 16A.28, the first
24.10 year appropriation is available until June 30,
24.11 2023, and the second year appropriation is
24.12 available until June 30, 2024. If this
24.13 appropriation exceeds the total amount for
24.14 which all producers are eligible in a fiscal
24.15 year, the balance of the appropriation is
24.16 available for other purposes under this
24.17 paragraph. The base appropriation under this
24.18 clause is \$5,750,000 in fiscal year 2024 and
24.19 thereafter;

24.20 (3) \$3,000,000 the first year and \$3,000,000
24.21 the second year are for grants that enable retail
24.22 petroleum dispensers, fuel storage tanks, and
24.23 other equipment to dispense biofuels to the
24.24 public in accordance with the biofuel
24.25 replacement goals established under
24.26 Minnesota Statutes, section 239.7911. A retail
24.27 petroleum dispenser selling petroleum for use
24.28 in spark ignition engines for vehicle model
24.29 years after 2000 is eligible for grant money
24.30 under this clause if the retail petroleum
24.31 dispenser has no more than 10 retail petroleum
24.32 dispensing sites and each site is located in
24.33 Minnesota. The grant money must be used to
24.34 replace or upgrade equipment that does not
24.35 have the ability to be certified for E25. A grant

25.1 award must not exceed 65 percent of the cost
25.2 of the appropriate technology. A grant award
25.3 must not exceed \$200,000 per station. The
25.4 commissioner must cooperate with biofuel
25.5 stakeholders in the implementation of the grant
25.6 program. The commissioner, in cooperation
25.7 with any economic or community development
25.8 financial institution and any other entity with
25.9 which it contracts, must submit a report on the
25.10 biofuels infrastructure financial assistance
25.11 program by January 15 of each year to the
25.12 chairs and ranking minority members of the
25.13 legislative committees and divisions with
25.14 jurisdiction over agriculture policy and
25.15 finance. The annual report must include but
25.16 not be limited to a summary of the following
25.17 metrics: (i) the number and types of projects
25.18 financed; (ii) the amount of dollars leveraged
25.19 or matched per project; (iii) the geographic
25.20 distribution of financed projects; (iv) any
25.21 market expansion associated with upgraded
25.22 infrastructure; (v) the demographics of the
25.23 areas served; (vi) the costs of the program;
25.24 and (vii) the number of grants to
25.25 minority-owned or female-owned businesses;
25.26 (4) \$750,000 the first year and \$1,400,000 the
25.27 second year are for grants to facilitate the
25.28 start-up, modernization, or expansion of meat,
25.29 poultry, egg, and milk processing facilities. A
25.30 grant award under this clause must not exceed
25.31 \$200,000. Any unencumbered balance at the
25.32 end of the second year does not cancel until
25.33 June 30, 2024, and may be used for other
25.34 purposes under this paragraph. The base
25.35 appropriation under this clause is \$250,000 in
25.36 fiscal year 2024 and thereafter; and

26.1 (5) \$1,400,000 the first year and \$1,400,000
26.2 the second year are for livestock investment
26.3 grants under Minnesota Statutes, section
26.4 17.118. Any unencumbered balance at the end
26.5 of the second year does not cancel until June
26.6 30, 2024, and may be used for other purposes
26.7 under this paragraph. The appropriations under
26.8 this clause are onetime.

26.9 Notwithstanding Minnesota Statutes, section
26.10 16A.28, ~~any unencumbered balance does not~~
26.11 ~~cancel at the end of the first year and is~~
26.12 ~~available for the second year, and this~~
26.13 appropriation does not cancel at the end of the
26.14 second year and is available until June 30,
26.15 2029. Appropriations encumbered under
26.16 contract on or before June 30, ~~2023~~ 2029, for
26.17 agricultural growth, research, and innovation
26.18 grants are available until June 30, ~~2026~~ 2032.

26.19 The base amount for the agricultural growth,
26.20 research, and innovation program is
26.21 \$17,553,000 in fiscal year 2024 and
26.22 \$17,553,000 in fiscal year 2025, and includes
26.23 funding for incentive payments under
26.24 Minnesota Statutes, sections 41A.16, 41A.17,
26.25 41A.18, and 41A.20.

26.26 (c) \$15,000 the first year and \$29,000 the
26.27 second year are to maintain the current level
26.28 of service delivery.

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

27.1 Sec. 10. Laws 2023, chapter 43, article 1, section 2, subdivision 4, as amended by Laws
 27.2 2024, chapter 126, article 1, section 1, subdivision 4, is amended to read:

27.3	Subd. 4. Agriculture, Bioenergy, and Bioproduct	34,034,000	38,159,000
27.4	Advancement		

27.5 (a) \$10,702,000 the first year and \$10,702,000
 27.6 the second year are for the agriculture
 27.7 research, education, extension, and technology
 27.8 transfer program under Minnesota Statutes,
 27.9 section 41A.14. Except as provided below,
 27.10 the appropriation each year is for transfer to
 27.11 the agriculture research, education, extension,
 27.12 and technology transfer account under
 27.13 Minnesota Statutes, section 41A.14,
 27.14 subdivision 3, and the commissioner shall
 27.15 transfer funds each year to the Board of
 27.16 Regents of the University of Minnesota for
 27.17 purposes of Minnesota Statutes, section
 27.18 41A.14. To the extent practicable, money
 27.19 expended under Minnesota Statutes, section
 27.20 41A.14, subdivision 1, clauses (1) and (2),
 27.21 must supplement and not supplant existing
 27.22 sources and levels of funding. The
 27.23 commissioner may use up to one percent of
 27.24 this appropriation for costs incurred to
 27.25 administer the program.

27.26 Of the amount appropriated for the agriculture
 27.27 research, education, extension, and technology
 27.28 transfer grant program under Minnesota
 27.29 Statutes, section 41A.14:

27.30 (1) \$600,000 the first year and \$600,000 the
 27.31 second year are for the Minnesota Agricultural
 27.32 Experiment Station's agriculture rapid
 27.33 response fund under Minnesota Statutes,
 27.34 section 41A.14, subdivision 1, clause (2);

28.1 (2) up to \$1,000,000 the first year and up to
28.2 \$1,000,000 the second year are for research
28.3 on avian influenza, salmonella, and other
28.4 turkey-related diseases and disease prevention
28.5 measures;

28.6 (3) \$2,250,000 the first year and \$2,250,000
28.7 the second year are for grants to the Minnesota
28.8 Agricultural Education Leadership Council to
28.9 enhance agricultural education with priority
28.10 given to Farm Business Management
28.11 challenge grants;

28.12 (4) \$450,000 the first year is for the cultivated
28.13 wild rice breeding project at the North Central
28.14 Research and Outreach Center to include a
28.15 tenure track/research associate plant breeder;

28.16 (5) \$350,000 the first year and \$350,000 the
28.17 second year are for potato breeding;

28.18 (6) \$802,000 the first year and \$802,000 the
28.19 second year are to fund the Forever Green
28.20 Initiative and protect the state's natural
28.21 resources while increasing the efficiency,
28.22 profitability, and productivity of Minnesota
28.23 farmers by incorporating perennial and
28.24 winter-annual crops into existing agricultural
28.25 practices. The base for the allocation under
28.26 this clause is \$802,000 in fiscal year 2026 and
28.27 each year thereafter. By February 1 each year,
28.28 the dean of the College of Food, Agricultural
28.29 and Natural Resource Sciences must submit
28.30 a report to the chairs and ranking minority
28.31 members of the legislative committees with
28.32 jurisdiction over agriculture finance and policy
28.33 and higher education detailing uses of the
28.34 funds in this paragraph, including

29.1 administrative costs, and the achievements
29.2 these funds contributed to;

29.3 (7) \$350,000 each year is for farm-scale winter
29.4 greenhouse research and development
29.5 coordinated by University of Minnesota
29.6 Extension Regional Sustainable Development
29.7 Partnerships. The allocation in this clause is
29.8 onetime;

29.9 (8) \$200,000 the second year is for research
29.10 on natural stands of wild rice; and

29.11 (9) \$250,000 the second year is for the
29.12 cultivated wild rice forward selection project
29.13 at the North Central Research and Outreach
29.14 Center, including a tenure track or research
29.15 associate plant scientist.

29.16 (b) The base for the agriculture research,
29.17 education, extension, and technology transfer
29.18 program is \$10,352,000 in fiscal year 2026
29.19 and \$10,352,000 in fiscal year 2027.

29.20 (c) \$23,332,000 the first year is for the
29.21 agricultural growth, research, and innovation
29.22 program under Minnesota Statutes, section
29.23 41A.12. Except as provided below, the
29.24 commissioner may allocate this appropriation
29.25 among the following areas: facilitating the
29.26 start-up, modernization, improvement, or
29.27 expansion of livestock operations, including
29.28 beginning and transitioning livestock
29.29 operations with preference given to robotic
29.30 dairy-milking equipment; assisting
29.31 value-added agricultural businesses to begin
29.32 or expand, to access new markets, or to
29.33 diversify, including aquaponics systems, with
29.34 preference given to hemp fiber processing

30.1 equipment; facilitating the start-up,
30.2 modernization, or expansion of other
30.3 beginning and transitioning farms, including
30.4 by providing loans under Minnesota Statutes,
30.5 section 41B.056; sustainable agriculture
30.6 on-farm research and demonstration; the
30.7 development or expansion of food hubs and
30.8 other alternative community-based food
30.9 distribution systems; enhancing renewable
30.10 energy infrastructure and use; crop research,
30.11 including basic and applied turf seed research;
30.12 Farm Business Management tuition assistance;
30.13 and good agricultural practices and good
30.14 handling practices certification assistance. The
30.15 commissioner may use up to 6.5 percent of
30.16 this appropriation for costs incurred to
30.17 administer the program.

30.18 Of the amount appropriated for the agricultural
30.19 growth, research, and innovation program
30.20 under Minnesota Statutes, section 41A.12:

30.21 (1) \$1,000,000 the first year is for distribution
30.22 in equal amounts to each of the state's county
30.23 fairs to preserve and promote Minnesota
30.24 agriculture;

30.25 (2) \$5,750,000 the first year is for incentive
30.26 payments under Minnesota Statutes, sections
30.27 41A.16, 41A.17, 41A.18, and 41A.20.

30.28 Notwithstanding Minnesota Statutes, section
30.29 16A.28, the first year appropriation is
30.30 available until June 30, 2025. If this
30.31 appropriation exceeds the total amount for
30.32 which all producers are eligible in a fiscal
30.33 year, the balance of the appropriation is
30.34 available for other purposes under this
30.35 paragraph;

31.1 (3) \$3,375,000 the first year is for grants that
31.2 enable retail petroleum dispensers, fuel storage
31.3 tanks, and other equipment to dispense
31.4 biofuels to the public in accordance with the
31.5 biofuel replacement goals established under
31.6 Minnesota Statutes, section 239.7911. A retail
31.7 petroleum dispenser selling petroleum for use
31.8 in spark ignition engines for vehicle model
31.9 years after 2000 is eligible for grant money
31.10 under this clause if the retail petroleum
31.11 dispenser has no more than 10 retail petroleum
31.12 dispensing sites and each site is located in
31.13 Minnesota. The grant money must be used to
31.14 replace or upgrade equipment that does not
31.15 have the ability to be certified for E25. A grant
31.16 award must not exceed 65 percent of the cost
31.17 of the appropriate technology. A grant award
31.18 must not exceed \$200,000 per station. The
31.19 commissioner must cooperate with biofuel
31.20 stakeholders in the implementation of the grant
31.21 program. The commissioner, in cooperation
31.22 with any economic or community development
31.23 financial institution and any other entity with
31.24 which the commissioner contracts, must
31.25 submit a report on the biofuels infrastructure
31.26 financial assistance program by January 15 of
31.27 each year to the chairs and ranking minority
31.28 members of the legislative committees and
31.29 divisions with jurisdiction over agriculture
31.30 policy and finance. The annual report must
31.31 include but not be limited to a summary of the
31.32 following metrics: (i) the number and types
31.33 of projects financed; (ii) the amount of dollars
31.34 leveraged or matched per project; (iii) the
31.35 geographic distribution of financed projects;
31.36 (iv) any market expansion associated with

32.1 upgraded infrastructure; (v) the demographics
32.2 of the areas served; (vi) the costs of the
32.3 program; and (vii) the number of grants to
32.4 minority-owned or female-owned businesses;

32.5 (4) \$1,250,000 the first year is for grants to
32.6 facilitate the start-up, modernization, or
32.7 expansion of meat, poultry, egg, and milk
32.8 processing facilities. A grant award under this
32.9 clause must not exceed \$200,000. Any
32.10 unencumbered balance at the end of the second
32.11 year does not cancel until June 30, 2026, and
32.12 may be used for other purposes under this
32.13 paragraph;

32.14 (5) \$1,150,000 the first year is for providing
32.15 more fruits, vegetables, meat, poultry, grain,
32.16 and dairy for children in school and early
32.17 childhood education settings, including, at the
32.18 commissioner's discretion, providing grants
32.19 to reimburse schools and early childhood
32.20 education and child care providers for
32.21 purchasing equipment and agricultural
32.22 products. Organizations must participate in
32.23 the National School Lunch Program or the
32.24 Child and Adult Care Food Program to be
32.25 eligible. Of the amount appropriated, \$150,000
32.26 is for a statewide coordinator of
32.27 farm-to-institution strategy and programming.
32.28 The coordinator must consult with relevant
32.29 stakeholders and provide technical assistance
32.30 and training for participating farmers and
32.31 eligible grant recipients;

32.32 (6) \$2,000,000 the first year is for urban youth
32.33 agricultural education or urban agriculture
32.34 community development;

33.1 (7) \$1,000,000 the first year is for the good
33.2 food access program under Minnesota
33.3 Statutes, section 17.1017; and

33.4 (8) \$225,000 the first year is to provide grants
33.5 to secondary career and technical education
33.6 programs for the purpose of offering
33.7 instruction in meat cutting and butchery.

33.8 Notwithstanding Minnesota Statutes, section
33.9 16B.98, subdivision 14, the commissioner may
33.10 use up to 6.5 percent of this appropriation for
33.11 administrative costs. This is a onetime
33.12 appropriation. Grants may be used for costs,
33.13 including but not limited to:

33.14 (i) equipment required for a meat cutting
33.15 program;

33.16 (ii) facility renovation to accommodate meat
33.17 cutting; and

33.18 (iii) training faculty to teach the fundamentals
33.19 of meat processing.

33.20 A grant recipient may be awarded a grant of
33.21 up to \$75,000 and may use up to ten percent
33.22 of the grant for faculty training. Priority may
33.23 be given to applicants who are coordinating
33.24 with meat cutting and butchery programs at
33.25 Minnesota State Colleges and Universities
33.26 institutions or with local industry partners.

33.27 By January 15, 2025, the commissioner must
33.28 report to the chairs and ranking minority
33.29 members of the legislative committees with
33.30 jurisdiction over agriculture finance and
33.31 education finance by listing the grants made
33.32 under this paragraph by county and noting the
33.33 number and amount of grant requests not
33.34 fulfilled. The report may include additional

34.1 information as determined by the
34.2 commissioner, including but not limited to
34.3 information regarding the outcomes produced
34.4 by these grants. If additional grants are
34.5 awarded under this paragraph that were not
34.6 covered in the report due by January 15, 2025,
34.7 the commissioner must submit an additional
34.8 report to the chairs and ranking minority
34.9 members of the legislative committees with
34.10 jurisdiction over agriculture finance and
34.11 education finance regarding all grants issued
34.12 under this paragraph by November 1, 2025.

34.13 Notwithstanding Minnesota Statutes, section
34.14 16A.28, any unencumbered balance does not
34.15 cancel at the end of the first year and is
34.16 available for the second year, and
34.17 appropriations encumbered under contract on
34.18 or before June 30, 2025, for agricultural
34.19 growth, research, and innovation grants are
34.20 available until June 30, 2028.

34.21 (d) \$27,457,000 the second year is for the
34.22 agricultural growth, research, and innovation
34.23 program under Minnesota Statutes, section
34.24 41A.12. Except as provided below, the
34.25 commissioner may allocate this appropriation
34.26 among the following areas: facilitating the
34.27 start-up, modernization, improvement, or
34.28 expansion of livestock operations, including
34.29 beginning and transitioning livestock
34.30 operations with preference given to robotic
34.31 dairy-milking equipment; assisting
34.32 value-added agricultural businesses to begin
34.33 or expand, to access new markets, or to
34.34 diversify, including aquaponics systems, with
34.35 preference given to hemp fiber processing

35.1 equipment; facilitating the start-up,
35.2 modernization, or expansion of other
35.3 beginning and transitioning farms, including
35.4 by providing loans under Minnesota Statutes,
35.5 section 41B.056; sustainable agriculture
35.6 on-farm research and demonstration; the
35.7 development or expansion of food hubs and
35.8 other alternative community-based food
35.9 distribution systems; enhancing renewable
35.10 energy infrastructure and use; crop research,
35.11 including basic and applied turf seed research;
35.12 Farm Business Management tuition assistance;
35.13 and good agricultural practices and good
35.14 handling practices certification assistance. The
35.15 commissioner may use up to 6.5 percent of
35.16 this appropriation for costs incurred to
35.17 administer the program.

35.18 Of the amount appropriated for the agricultural
35.19 growth, research, and innovation program
35.20 under Minnesota Statutes, section 41A.12:

35.21 (1) \$1,000,000 the second year is for
35.22 distribution in equal amounts to each of the
35.23 state's county fairs to preserve and promote
35.24 Minnesota agriculture;

35.25 (2) \$5,750,000 the second year is for incentive
35.26 payments under Minnesota Statutes, sections
35.27 41A.16, 41A.17, 41A.18, and 41A.20.

35.28 Notwithstanding Minnesota Statutes, section
35.29 16A.28, this appropriation is available until
35.30 June 30, 2027. If this appropriation exceeds
35.31 the total amount for which all producers are
35.32 eligible in a fiscal year, the balance of the
35.33 appropriation is available for other purposes
35.34 under this paragraph. The base under this

36.1 clause is \$3,000,000 in fiscal year 2026 and
36.2 each year thereafter;

36.3 (3) \$3,375,000 the second year is for grants
36.4 that enable retail petroleum dispensers, fuel
36.5 storage tanks, and other equipment to dispense
36.6 biofuels to the public in accordance with the
36.7 biofuel replacement goals established under
36.8 Minnesota Statutes, section 239.7911. A retail
36.9 petroleum dispenser selling petroleum for use
36.10 in spark ignition engines for vehicle model
36.11 years after 2000 is eligible for grant money
36.12 under this clause if the retail petroleum
36.13 dispenser has no more than ten retail
36.14 petroleum dispensing sites and each site is
36.15 located in Minnesota. The grant money must
36.16 be used to replace or upgrade equipment that
36.17 does not have the ability to be certified for
36.18 E25. A grant award must not exceed 65
36.19 percent of the cost of the appropriate
36.20 technology. A grant award must not exceed
36.21 \$200,000 per station. The commissioner must
36.22 cooperate with biofuel stakeholders in the
36.23 implementation of the grant program. The
36.24 commissioner, in cooperation with any
36.25 economic or community development
36.26 financial institution and any other entity with
36.27 which the commissioner contracts, must
36.28 submit a report on the biofuels infrastructure
36.29 financial assistance program by January 15 of
36.30 each year to the chairs and ranking minority
36.31 members of the legislative committees and
36.32 divisions with jurisdiction over agriculture
36.33 policy and finance. The annual report must
36.34 include but not be limited to a summary of the
36.35 following metrics: (i) the number and types
36.36 of projects financed; (ii) the amount of money

37.1 leveraged or matched per project; (iii) the
37.2 geographic distribution of financed projects;
37.3 (iv) any market expansion associated with
37.4 upgraded infrastructure; (v) the demographics
37.5 of the areas served; (vi) the costs of the
37.6 program; and (vii) the number of grants to
37.7 minority-owned or female-owned businesses.
37.8 The base under this clause is \$3,000,000 for
37.9 fiscal year 2026 and each year thereafter;

37.10 (4) \$1,250,000 the second year is for grants
37.11 to facilitate the start-up, modernization, or
37.12 expansion of meat, poultry, egg, and milk
37.13 processing facilities. A grant award under this
37.14 clause must not exceed \$200,000. Any
37.15 unencumbered balance at the end of the second
37.16 year does not cancel until June 30, 2027, and
37.17 may be used for other purposes under this
37.18 paragraph. The base under this clause is
37.19 \$250,000 in fiscal year 2026 and each year
37.20 thereafter;

37.21 (5) \$1,275,000 the second year is for providing
37.22 more fruits, vegetables, meat, poultry, grain,
37.23 and dairy for children in school and early
37.24 childhood education settings, including, at the
37.25 commissioner's discretion, providing grants
37.26 to reimburse schools and early childhood
37.27 education and child care providers for
37.28 purchasing equipment and agricultural
37.29 products. Organizations must participate in
37.30 the National School Lunch Program or the
37.31 Child and Adult Care Food Program to be
37.32 eligible. Of the amount appropriated, \$150,000
37.33 is for a statewide coordinator of
37.34 farm-to-institution strategy and programming.
37.35 The coordinator must consult with relevant

38.1 stakeholders and provide technical assistance
38.2 and training for participating farmers and
38.3 eligible grant recipients. The base under this
38.4 clause is \$1,294,000 in fiscal year 2026 and
38.5 each year thereafter;

38.6 (6) \$4,000,000 the second year is for Dairy
38.7 Assistance, Investment, Relief Initiative
38.8 (DAIRI) grants and other forms of financial
38.9 assistance to Minnesota dairy farms that enroll
38.10 in coverage under a federal dairy risk
38.11 protection program and produced no more
38.12 than 16,000,000 pounds of milk in 2022. The
38.13 commissioner must make DAIRI payments
38.14 based on the amount of milk produced in
38.15 2022, up to 5,000,000 pounds per participating
38.16 farm, at a rate determined by the commissioner
38.17 within the limits of available funding. Any
38.18 unencumbered balance on June 30, 2026, may
38.19 be used for other purposes under this
38.20 paragraph. The allocation in this clause is
38.21 onetime;

38.22 (7) \$2,000,000 the second year is for urban
38.23 youth agricultural education or urban
38.24 agriculture community development;

38.25 (8) \$1,000,000 the second year is for the good
38.26 food access program under Minnesota
38.27 Statutes, section 17.1017; and

38.28 (9) \$225,000 the second year is for the
38.29 protecting livestock grant program for
38.30 producers to support the installation of
38.31 measures to prevent the transmission of avian
38.32 influenza. For the appropriation in this
38.33 paragraph, a grant applicant must document
38.34 a cost-share of 20 percent. An applicant's
38.35 cost-share amount may be reduced up to

39.1 \$2,000 to cover time and labor costs.
 39.2 Notwithstanding Minnesota Statutes, section
 39.3 16B.98, subdivision 14, the commissioner may
 39.4 use up to 6.5 percent of this appropriation for
 39.5 administrative costs. This appropriation is
 39.6 available until June 30, 2027. This is a onetime
 39.7 appropriation.

39.8 (e) Notwithstanding Minnesota Statutes,
 39.9 section 16A.28, ~~this~~ the appropriation in
 39.10 paragraph (d) does not cancel at the end of the
 39.11 second year and is available until June 30,
 39.12 2027. Appropriations encumbered under
 39.13 contract on or before June 30, 2027, for
 39.14 agricultural growth, research, and innovation
 39.15 grants are available until June 30, 2030.

39.16 ~~(e)~~ (f) The base for the agricultural growth,
 39.17 research, and innovation program is
 39.18 \$17,582,000 in fiscal year 2026 and each year
 39.19 thereafter and includes \$200,000 each year for
 39.20 cooperative development grants.

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

39.22 **ARTICLE 2**

39.23 **BROADBAND**

39.24 Section 1. **BROADBAND DEVELOPMENT APPROPRIATIONS.**

39.25 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 39.26 and for the purposes specified in this article. The appropriations are from the general fund,
 39.27 or another named fund, and are available for the fiscal years indicated for each purpose.
 39.28 The figures "2026" and "2027" used in this article mean that the appropriations listed under
 39.29 them are available for the fiscal year ending June 30, 2026, or June 30, 2027, respectively.
 39.30 "The first year" is fiscal year 2026. "The second year" is fiscal year 2027. "The biennium"
 39.31 is fiscal years 2026 and 2027.

39.32
 39.33
 39.34
 39.35

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2026</u>	<u>2027</u>

40.1 **Sec. 2. DEPARTMENT OF EMPLOYMENT**
 40.2 **AND ECONOMIC DEVELOPMENT** **\$ 1,001,000 \$ 1,001,000**
 40.3 **\$1,001,000 each year is for the Office of**
 40.4 **Broadband Development.**

40.5 **ARTICLE 3**

40.6 **POLICY PROVISIONS**

40.7 Section 1. Minnesota Statutes 2024, section 17.1017, is amended to read:

40.8 **17.1017 ~~GOOD FOOD ACCESS~~ RETAIL IMPROVEMENT AND**
 40.9 **DEVELOPMENT PROGRAM.**

40.10 Subdivision 1. **Definitions.** (a) For purposes of this section, unless the language or
 40.11 context indicates that a different meaning is intended, the following terms have the meanings
 40.12 given them.

40.13 (b) "Account" means the ~~good food access~~ retail improvement and development account
 40.14 established in subdivision 3.

40.15 (c) "Commissioner" means the commissioner of agriculture.

40.16 (d) "Economic or community development financial institution (ECDFI)" means a lender,
 40.17 including but not limited to a community development financial institution (CDFI), an
 40.18 economic development district (EDD), a political subdivision of the state, a microenterprise
 40.19 firm, or a nonprofit community lending organization that has previous experience lending
 40.20 to a food retailer, producer, or another healthy food enterprise ~~in an underserved community~~
 40.21 ~~in a low-income or moderate-income area, as defined in this section; has been in existence~~
 40.22 ~~and operating prior to January 1, 2014;~~ has demonstrated the ability to raise matching capital
 40.23 and in-kind services to leverage appropriated money; has the demonstrated ability to
 40.24 underwrite loans and grants; and has partnered previously with nonprofit healthy food
 40.25 access, public health, or related governmental departments or community organizations.

40.26 (e) "Farmers' market" means an association of three or more persons who assemble at
 40.27 a defined location that is open to the public for the purpose of selling directly to the consumer
 40.28 the products of a farm or garden occupied and cultivated by the person selling the product.

40.29 (f) "Financing" means loans, including low-interest loans, zero-interest loans, forgivable
 40.30 loans, and other types of financial assistance other than grants.

40.31 (g) "Food hub" means a centrally located facility with a business management structure
 40.32 that facilitates the aggregation, storage, processing, distribution, marketing, and sale of

41.1 locally or regionally produced food products, and which may include a small-scale retail
41.2 grocery operation.

41.3 ~~(h) "Good Food Access Program Advisory Committee" means the Good Food Access~~
41.4 ~~Program Advisory Committee under section 17.1018.~~

41.5 (h) "Food Retail Improvement and Development Program Advisory Committee" means
41.6 the Food Retail Improvement and Development Program Advisory Committee under section
41.7 17.1018.

41.8 (i) "Grocery store" means a for-profit, not-for-profit, or cooperative self-service retail
41.9 establishment that sells primarily meat, fish, seafood, fruits, vegetables, dry groceries, and
41.10 dairy products and may also sell household products, sundries, and other products. Grocery
41.11 store includes a supermarket or a large-, mid-, or small-scale retail grocery establishment
41.12 and may include a mobile food market or a delivery service operation.

41.13 (j) "Low-income area" means a census tract as reported in the most recently completed
41.14 decennial census published by the United States Bureau of the Census that has a poverty
41.15 rate of at least 20 percent or in which the median family income does not exceed 80 percent
41.16 of the greater of the statewide or metropolitan median family income.

41.17 (k) "Moderate-income area" means a census tract as reported in the most recently
41.18 completed decennial census published by the United States Bureau of the Census in which
41.19 the median family income is between 81 percent and 95 percent of the median family income
41.20 for that area.

41.21 (l) "Mobile food market" means a self-contained for-profit, not-for-profit, or cooperative
41.22 retail grocery operation located in a movable new or renovated truck, bus, or other vehicle
41.23 that is used to store, prepare, display, and sell primarily meat, fish, seafood, fruits, vegetables,
41.24 dry groceries, and dairy products and may also be used to sell a nominal supply of cooking
41.25 utensils and equipment and other household products and sundries.

41.26 (m) "Program" means the ~~good food access~~ retail improvement and development program
41.27 established in this section.

41.28 (n) "Small food retailer" means a small-scale retail food outlet, other than a grocery store
41.29 as defined in this section. Small food retailer includes, but is not limited to, a corner store,
41.30 convenience store, farmers' market, mobile food market, and a retail food outlet operated
41.31 by an emergency food program or food hub.

41.32 (o) "Technical assistance" means needs-based project assistance provided through the
41.33 program, including sustainability-focused individualized guidance, presentations, workshops,

42.1 trainings, printed materials, mentorship opportunities, peer-to-peer opportunities, or other
 42.2 guidance and resources on relevant topics such as business planning, sales projections, cash
 42.3 flow, succession planning, financing, fundraising, marketing, food preparation
 42.4 demonstrations, and workforce training.

42.5 (p) "~~Underserved community~~" means a ~~census tract that is federally designated as a food~~
 42.6 ~~desert by the United States Department of Agriculture, or a census tract in a low-income or~~
 42.7 ~~moderate-income area that includes a substantial subpopulation such as the elderly or the~~
 42.8 ~~disabled that has low supermarket access, regardless of distance, due to lack of transportation~~
 42.9 geographic area or group of people whose food access needs are not met by existing retail
 42.10 options, including a low-income and moderate-income area, a census tract that is federally
 42.11 designated as a food desert by the United States Department of Agriculture, an area where
 42.12 there is a limited number of grocery stores, or a group of people with particular needs such
 42.13 as the aging population, people with disabilities, or people with special dietary needs or
 42.14 preferences, or as otherwise defined by the commissioner.

42.15 Subd. 2. **Program established.** (a) A ~~good food access~~ retail improvement and
 42.16 development program is established within the Department of Agriculture to increase the
 42.17 availability of and access to affordable, nutritious, and culturally appropriate food, including
 42.18 fresh fruits and vegetables, for underserved communities ~~in low-income and moderate-income~~
 42.19 ~~areas~~ by providing financial support and sustainable public-private projects to open, renovate,
 42.20 or expand the operations of grocery stores and small food retailers; expanding access to
 42.21 credit and reducing barriers to investment in underserved communities ~~in low- and~~
 42.22 ~~moderate-income areas~~; and to provide technical assistance, primarily for small food retailers
 42.23 with demonstrated need, to increase availability and sustainable sales of affordable, nutritious,
 42.24 and culturally appropriate food, including fresh fruits and vegetables, to underserved
 42.25 communities in low-income and moderate-income areas. The commissioner, in cooperation
 42.26 with public and private partners, shall establish and implement the program as provided in
 42.27 this section.

42.28 (b) The ~~good food access~~ retail improvement and development program shall be
 42.29 comprised of state or private grants, loans, or other types of financial and technical assistance
 42.30 for the establishment, construction, expansion of operations, or renovation of grocery stores
 42.31 and small food retailers to increase the availability of and access to affordable fresh produce
 42.32 and other nutritious, culturally appropriate food to underserved communities ~~in low-income~~
 42.33 ~~and moderate-income areas.~~

42.34 Subd. 3. **Good Food access** retail improvement and development account. A ~~good~~
 42.35 ~~food access~~ retail improvement and development account is established in the agricultural

43.1 fund. The account consists of money appropriated by the legislature to the commissioner,
43.2 as provided by law, and any other money donated, allotted, transferred, or otherwise provided
43.3 to the account. Money in the account, including interest, is appropriated to the commissioner
43.4 for the purposes of this section, and shall be used, to the extent practicable, to leverage other
43.5 forms of public and private financing or financial assistance for the projects.

43.6 Subd. 4. **Program administration.** (a) The commissioner shall be the administrator of
43.7 the account for auditing purposes and shall establish program requirements and a competitive
43.8 process for projects applying for financial and technical assistance.

43.9 (b) The commissioner may receive money or other assets from any source, including
43.10 but not limited to philanthropic foundations and financial investors, for deposit into the
43.11 account.

43.12 (c) Through issuance of requests for proposals, the commissioner may contract with one
43.13 or more qualified economic or community development financial institutions to manage
43.14 the financing component of the program and with one or more qualified organizations or
43.15 public agencies with financial or other program-related expertise to manage the provision
43.16 of technical assistance to project grantees.

43.17 (d) Money in the account at the close of each fiscal year shall remain in the account and
43.18 shall not cancel. In each biennium, the commissioner shall determine the appropriate
43.19 proportion of money to be allocated to loans, grants, technical assistance, and any other
43.20 types of financial assistance.

43.21 (e) To encourage public-private, cross-sector collaboration and investment in the account
43.22 and program and to ensure that the program intent is maintained throughout implementation,
43.23 the commissioner shall convene and maintain the ~~Good Food Access~~ Retail Improvement
43.24 and Development Program Advisory Committee.

43.25 (f) The commissioner, in cooperation with the ~~Good Food Access~~ Retail Improvement
43.26 and Development Program Advisory Committee, shall manage the program, establish
43.27 program criteria, facilitate leveraging of additional public and private investment, and
43.28 promote the program statewide.

43.29 (g) The commissioner, in cooperation with the ~~Good Food Access~~ Retail Improvement
43.30 and Development Program Advisory Committee, shall establish annual monitoring and
43.31 accountability mechanisms for all projects receiving financing or other financial or technical
43.32 assistance through this program.

44.1 Subd. 5. **Eligible projects.** (a) The commissioner, in cooperation with the program
 44.2 partners and advisers, shall establish project eligibility guidelines and application processes
 44.3 to be used to review and select project applicants for financing or other financial or technical
 44.4 assistance. All projects must ~~be located in~~ serve an underserved community ~~or must serve~~
 44.5 ~~primarily underserved communities in low-income and moderate-income areas.~~

44.6 (b) Projects eligible for financing include, but are not limited to, new construction,
 44.7 renovations, expansions of operations, and infrastructure upgrades of grocery stores and
 44.8 small food retailers to improve the availability of and access to affordable, nutritious food,
 44.9 including fresh fruits and vegetables, and build capacity in areas of greatest need.

44.10 (c) Projects eligible for other types of financial assistance such as grants or technical
 44.11 assistance are primarily projects throughout the state, including, but not limited to, feasibility
 44.12 studies, new construction, renovations, expansion of operations, and infrastructure upgrades
 44.13 of small food retailers.

44.14 Subd. 6. **Qualifications for receipt of financing and other financial or technical**
 44.15 **assistance.** (a) An applicant for receipt of financing through an economic or community
 44.16 development financial institution, or an applicant for a grant or other financial ~~or technical~~
 44.17 assistance, may be a for-profit or not-for-profit entity, including, but not limited to, a sole
 44.18 proprietorship, limited liability company, corporation, cooperative, nonprofit organization,
 44.19 or nonprofit community development organization. Each applicant must:

44.20 (1) demonstrate community engagement in and support for the project;

44.21 (2) demonstrate the capacity to successfully implement the project;

44.22 (3) demonstrate a viable plan for long-term sustainability, including the ability to increase
 44.23 the availability of and access to affordable, nutritious, and culturally appropriate food,
 44.24 including fresh fruits and vegetables, for underserved communities ~~in low-income and~~
 44.25 ~~moderate-income areas;~~ and

44.26 (4) demonstrate the ability to repay the debt, to the extent that the financing requires
 44.27 repayment.

44.28 (b) Each applicant must also agree to comply with the following conditions for a period
 44.29 of at least five years, except as otherwise specified in this section:

44.30 (1) accept Supplemental Nutrition Assistance Program (SNAP) benefits;

44.31 (2) allocate at least 30 percent of retail space for the sale of affordable, nutritious, and
 44.32 culturally appropriate foods, including fruits and vegetables, low-fat and nonfat dairy,
 44.33 fortified dairy substitute beverages such as soy-based or nut-based dairy substitute beverages,

45.1 whole grain-rich staple foods, meats, poultry, fish, seafood, and other proteins, consistent
 45.2 with nutrition standards in national guidelines described in the current United States
 45.3 Department of Agriculture Dietary Guidelines for Americans; and

45.4 (3) comply with all data collection and reporting requirements established by the
 45.5 commissioner; and.

45.6 ~~(4) promote the hiring, training, and retention of local or regional residents from~~
 45.7 ~~low-income and moderate-income areas that reflect area demographics, including~~
 45.8 ~~communities of color.~~

45.9 (c) A selected project that is a small food retailer is not subject to the allocation agreement
 45.10 under paragraph (b), clause (2), and may use financing, grants, or other financial or technical
 45.11 assistance for refrigeration, displays, or onetime capital expenditures for the promotion and
 45.12 sale of perishable foods, including a combination of affordable, nutritious, and culturally
 45.13 appropriate fresh or frozen dairy, dairy substitute products, produce, meats, poultry, and
 45.14 fish, consistent with nutrition standards in national guidelines described in the current United
 45.15 States Department of Agriculture Dietary Guidelines for Americans.

45.16 Subd. 7. **Additional selection criteria.** In determining which qualified projects to
 45.17 finance, and in determining which qualified projects to provide with grants or other types
 45.18 of financial or technical assistance, the commissioner, in cooperation with any entities with
 45.19 which the commissioner contracts for those purposes and the Good Food Access Retail
 45.20 Improvement and Development Program Advisory Committee, ~~shall~~ may also consider:

45.21 (1) the level of need in the area to be served;

45.22 (2) the degree to which the project requires an investment of public support, or technical
 45.23 assistance where applicable, to move forward, build capacity, create community impact, or
 45.24 be competitive;

45.25 (3) the likelihood that the project will have positive economic and health impacts on the
 45.26 underserved community, including creation and retention of jobs for local or regional
 45.27 residents ~~from low-income and moderate-income areas~~ that reflect area demographics,
 45.28 including Indigenous communities and communities of color;

45.29 (4) the degree to which the project will participate in state and local health department
 45.30 initiatives to educate consumers on nutrition, promote healthy eating and healthy weight,
 45.31 and support locally grown food products through programs such as Minnesota Grown; and

45.32 (5) any other criteria that the commissioner, in cooperation with public and private
 45.33 partners, determines to be consistent with the purposes of this chapter.

46.1 Subd. 8. **Eligible costs.** Financing for project loans, including low-interest, zero-interest,
 46.2 and forgivable loans, grants, and other financial or technical assistance, may be used to
 46.3 support one or more of the following purposes:

46.4 (1) site acquisition and preparation;

46.5 (2) predevelopment costs, including but not limited to feasibility studies, market studies,
 46.6 and appraisals;

46.7 (3) construction and build-out costs;

46.8 (4) equipment and furnishings;

46.9 (5) workforce or retailer training; and

46.10 (6) working capital.

46.11 Subd. 9. **Legislative report.** The commissioner, in cooperation with any economic or
 46.12 community development financial institution and any other entity with which it contracts,
 46.13 shall submit an annual report on the good food access program by January 15 of each year
 46.14 to the chairs and ranking minority members of the house of representatives and senate
 46.15 committees and divisions with jurisdiction over agriculture policy and finance. The annual
 46.16 report shall include, but not be limited to, a summary of the following metrics:

46.17 (1) the number and types of projects financed;

46.18 (2) the amount of dollars leveraged or matched per project;

46.19 (3) the geographic distribution of financed projects;

46.20 (4) the number and types of technical assistance recipients;

46.21 ~~(5) any market or commodity expansion associated with increased access;~~

46.22 ~~(6)~~ (5) the demographics of the areas served;

46.23 ~~(7)~~ (6) the costs of the program;

46.24 ~~(8)~~ (7) the number of SNAP and WIC dollars spent;

46.25 ~~(9)~~ (8) any increase in retail square footage;

46.26 ~~(10)~~ (9) the number of loans or grants to ~~minority-owned or female-owned businesses~~
 46.27 businesses owned by women and Black, Indigenous, or Persons of Color; and

46.28 ~~(11)~~ (10) measurable economic and health outcomes, including, but not limited to,
 46.29 increases in sales and consumption of locally sourced and other fresh fruits and vegetables,

47.1 the number of construction and retail jobs retained or created, and any health initiatives
47.2 associated with the program.

47.3 Sec. 2. Minnesota Statutes 2024, section 17.1018, is amended to read:

47.4 **17.1018 ~~GOOD FOOD ACCESS~~ RETAIL IMPROVEMENT AND**
47.5 **DEVELOPMENT PROGRAM ADVISORY COMMITTEE.**

47.6 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
47.7 given them:

47.8 (1) "program" means the good food access program under section 17.1017; and

47.9 (2) "commissioner" means the commissioner of agriculture.

47.10 Subd. 2. **Creation.** The ~~Good Food Access~~ Retail Improvement and Development
47.11 Program Advisory Committee consists of the following members, appointed by the
47.12 commissioner of agriculture, unless otherwise specified:

47.13 (1) the commissioners of health₂; employment and economic development₂; and ~~human~~
47.14 ~~services~~ children, youth, and families, or their respective designees;

47.15 (2) one person representing the grocery industry;

47.16 (3) two people representing economic or community development, one rural member
47.17 and one urban or suburban member;

47.18 (4) two people representing political subdivisions of the state;

47.19 (5) one person designated by the Council for Minnesotans of African Heritage;

47.20 (6) one person designated by the Minnesota Indian Affairs Council;

47.21 (7) one person designated by the Council on Asian Pacific Minnesotans;

47.22 (8) one person designated by the ~~Chicano-Latino Affairs Council~~ on Latino Affairs;

47.23 (9) one person designated by the Minnesota Farmers Union;

47.24 (10) one person representing public health experts;

47.25 (11) one person representing philanthropic foundations;

47.26 (12) one person representing economic or community development financial institutions;

47.27 (13) one person representing the University of Minnesota Regional Sustainable
47.28 Development Partnerships;

48.1 (14) two people representing organizations engaged in addressing food security, one
 48.2 representative from a statewide hunger relief organization and one from a community-based
 48.3 organization;

48.4 (15) one person representing immigrant farmer-led organizations;

48.5 (16) one person representing small business technical assistance with experience in food
 48.6 retail; and

48.7 (17) up to four additional members with economic development, health equity, financial,
 48.8 or other relevant expertise.

48.9 At least half of the members must reside in or their organizations must serve rural
 48.10 Minnesota. The commissioner may remove members and fill vacancies as provided in
 48.11 section 15.059, subdivision 4.

48.12 Subd. 3. **Duties.** The advisory committee must advise the commissioner of agriculture
 48.13 on managing the program, establishing program criteria, establishing project eligibility
 48.14 guidelines, establishing application processes and additional selection criteria, establishing
 48.15 annual monitoring and accountability mechanisms, facilitating leveraging of additional
 48.16 public and private investments, and promoting the program statewide.

48.17 Subd. 4. **Meetings.** The commissioner must convene the advisory committee at least
 48.18 two times per year to achieve the committee's duties.

48.19 Subd. 5. **Administrative support.** The commissioner of agriculture must provide staffing,
 48.20 meeting space, and administrative services for the advisory committee.

48.21 Subd. 6. **Chair.** The commissioner of agriculture or the commissioner's designee shall
 48.22 serve as chair of the committee.

48.23 Subd. 7. **Compensation.** The public members of the advisory committee serve without
 48.24 compensation or payment of expenses.

48.25 Subd. 8. **Expiration.** The advisory committee does not expire.

48.26 Sec. 3. Minnesota Statutes 2024, section 17.117, subdivision 1, is amended to read:

48.27 Subdivision 1. **Purpose.** The purpose of the agriculture best management practices loan
 48.28 program is to provide low or no interest financing to farmers, agriculture supply businesses,
 48.29 ~~rural~~ landowners, and water-quality cooperatives for the implementation of agriculture and
 48.30 other best management practices that reduce environmental pollution.

49.1 Sec. 4. Minnesota Statutes 2024, section 17.117, subdivision 3, is amended to read:

49.2 Subd. 3. **Appropriations.** Up to ~~\$140,000,000~~ \$280,000,000 of the balance in the clean
49.3 water revolving fund in section 446A.07, as determined by the Public Facilities Authority,
49.4 is appropriated to the commissioner for the establishment of this program. In addition, the
49.5 commissioner may receive appropriations from the legislature and grants or funds from
49.6 other sources for implementation of the program.

49.7 Sec. 5. Minnesota Statutes 2024, section 17.118, subdivision 1, is amended to read:

49.8 Subdivision 1. **Establishment.** The commissioner may award a livestock investment
49.9 grant to ~~a person~~ an eligible applicant who raises livestock in this state equal to ~~ten percent~~
49.10 ~~of the first \$500,000 of qualifying expenditures, provided the person makes qualifying~~
49.11 ~~expenditures of at least \$4,000~~ 25 percent of the first \$200,000 of qualifying expenditures.
49.12 The commissioner may award multiple livestock investment grants to a person over the life
49.13 of the program and shall give preference to applicants who have not previously received a
49.14 grant under this section.

49.15 Sec. 6. Minnesota Statutes 2024, section 17.118, subdivision 2, is amended to read:

49.16 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this
49.17 subdivision have the meanings given ~~them~~.

49.18 (b) "Livestock" means animals raised for the production of fiber, meat, and animal
49.19 by-products for sale or as breeding stock, including but not limited to beef cattle, dairy
49.20 cattle, swine, poultry, goats, mules, farmed Cervidae, Ratitae, bison, sheep, horses,
49.21 aquaculture, and llamas.

49.22 (c) "Qualifying expenditures" means the amount spent for:

49.23 (1) the acquisition, construction, or improvement of buildings or facilities for the
49.24 production of livestock or livestock products;

49.25 (2) the development of pasture for use by livestock including, but not limited to, the
49.26 acquisition, development, or improvement of:

49.27 (i) lanes used by livestock that connect pastures to a central location;

49.28 (ii) watering systems for livestock on pasture including water lines, booster pumps, and
49.29 well installations;

49.30 (iii) livestock stream crossing stabilization; and

49.31 (iv) fences; or

50.1 (3) the acquisition of equipment for livestock housing, confinement, feeding, and waste
50.2 management including, but not limited to, the following:

50.3 (i) freestall barns;

50.4 (ii) watering facilities;

50.5 (iii) feed storage and handling equipment;

50.6 (iv) milking parlors;

50.7 (v) robotic equipment;

50.8 (vi) scales;

50.9 (vii) milk storage and cooling facilities;

50.10 (viii) bulk tanks;

50.11 (ix) computer hardware and software and associated equipment used to monitor the
50.12 productivity and feeding of livestock;

50.13 (x) manure pumping and storage facilities;

50.14 (xi) swine farrowing facilities;

50.15 (xii) swine and cattle finishing barns;

50.16 (xiii) calving facilities;

50.17 (xiv) digesters;

50.18 (xv) equipment used to produce energy;

50.19 (xvi) on-farm processing facilities equipment;

50.20 (xvii) fences, including but not limited to farmed Cervidae perimeter fences required
50.21 under section 35.155, subdivision 4; and

50.22 (xviii) livestock pens and corrals and sorting, restraining, and loading chutes.

50.23 Except for qualifying pasture development expenditures under clause (2), qualifying
50.24 expenditures only include amounts that are allowed to be capitalized and deducted under
50.25 either section 167 or 179 of the Internal Revenue Code in computing federal taxable income.
50.26 Qualifying expenditures do not include an amount paid to refinance existing debt.

50.27 Sec. 7. Minnesota Statutes 2024, section 17.118, subdivision 3, is amended to read:

50.28 Subd. 3. **Eligibility.** To be eligible for a livestock investment grant, ~~a person~~ an applicant
50.29 must:

51.1 (1) be a resident of Minnesota, a unit of Tribal government, or an entity specifically
 51.2 defined in section 500.24, subdivision 2, that is eligible to own farmland and operate a farm
 51.3 in this state under section 500.24;

51.4 (2) be the principal operator of the farm;

51.5 (3) hold a feedlot registration, if required; and

51.6 (4) apply to the commissioner on forms prescribed by the commissioner including a
 51.7 statement of the qualifying expenditures made during the qualifying period along with any
 51.8 proof or other documentation the commissioner may require.

51.9 Sec. 8. Minnesota Statutes 2024, section 17.133, subdivision 1, is amended to read:

51.10 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
 51.11 the meanings given.

51.12 (b) "Eligible farmer" means an individual who at the time that the grant is awarded:

51.13 (1) is a resident of Minnesota who intends to acquire farmland located within the state
 51.14 and provide the majority of the day-to-day physical labor and management of the farm;

51.15 (2) grosses no more than \$250,000 per year from the sale of farm products;

51.16 (3) has not, and whose spouse has not, at any time had a direct or indirect ownership
 51.17 interest in farmland; and

51.18 (4) is not, and whose spouse is not, ~~related by blood or marriage to an owner~~ a family
 51.19 member of the owner of the farmland that the individual intends to acquire. "Family member"
 51.20 has the meaning given in section 267(c)(4) of the Internal Revenue Code.

51.21 (c) "Farm down payment" means an initial, partial payment required by a lender or seller
 51.22 to purchase farmland.

51.23 (d) "Incubator farm" means a farm where:

51.24 (1) individuals are given temporary, exclusive, and affordable access to small parcels
 51.25 of land, infrastructure, and often training, for the purpose of honing skills and launching a
 51.26 farm business; and

51.27 (2) a majority of the individuals farming the small parcels of land grow industrial hemp,
 51.28 cannabis, or one or more of the following specialty crops as defined by the United States
 51.29 Department of Agriculture for purposes of the specialty crop block grant program: fruits
 51.30 and vegetables, tree nuts, dried fruits, medicinal plants, culinary herbs and spices, horticulture
 51.31 crops, floriculture crops, and nursery crops.

52.1 (e) "Limited land access" means farming without ownership of land and:

52.2 (1) the individual or the individual's child rents or leases the land, with the term of each
52.3 rental or lease agreement not exceeding three years in duration, from a person who is not
52.4 related to the individual or the individual's spouse by blood or marriage; or

52.5 (2) the individual rents the land from an incubator farm.

52.6 (f) "Limited market access" means the individual has gross sales of no more than
52.7 \$100,000 per year from the sale of farm products.

52.8 Sec. 9. Minnesota Statutes 2024, section 18B.26, subdivision 8, is amended to read:

52.9 Subd. 8. **PFAS prohibitions.** (a) Beginning January 1, 2026, the commissioner may not
52.10 register a ~~cleaning~~ product in the categories listed in section 116.943, subdivision 5, paragraph
52.11 (a), if the product contains intentionally added PFAS unless the commissioner determines
52.12 that the use of PFAS is a currently unavoidable use.

52.13 (b) Beginning January 1, 2032, the commissioner may not register a pesticide product
52.14 that contains intentionally added PFAS unless the commissioner determines that the use of
52.15 PFAS is a currently unavoidable use.

52.16 Sec. 10. Minnesota Statutes 2024, section 18B.37, subdivision 6, is amended to read:

52.17 Subd. 6. **Access to pesticide application information.** (a) A physician ~~licensed to~~
52.18 ~~practice in Minnesota~~, physician assistant, or nurse practitioner, or a Minnesota licensed
52.19 veterinarian, may submit a request to the commissioner for access to available information
52.20 on the application of pesticides by a commercial or noncommercial pesticide applicator
52.21 related to a course of diagnosis, care, or treatment of a patient under the care of the physician
52.22 or veterinarian. For purposes of this subdivision, the physician, physician assistant, or nurse
52.23 practitioner making the request must be licensed to practice in Minnesota.

52.24 (b) A request for pesticide application information under this subdivision must include
52.25 available details as to the specific location of a known or suspected application that occurred
52.26 on one or more specified dates and times. The request must also include information on
52.27 symptoms displayed by the patient that prompted the physician or veterinarian to suspect
52.28 pesticide exposure. The request must indicate that any information discovered will become
52.29 part of the confidential patient record and will not be released publicly.

52.30 (c) Upon receipt of a request under paragraph (a), the commissioner, in consultation
52.31 with the commissioner of health, shall promptly review the information contained in the

53.1 request and determine if release of information held by the department may be beneficial
53.2 for the medical diagnosis, care, and treatment of the patient.

53.3 (d) The commissioner may release to the requester available information on the pesticide.
53.4 The commissioner shall withhold nonessential information such as total acres treated, the
53.5 specific amount of pesticides applied, and the identity of the applicator or property owner.

53.6 Sec. 11. Minnesota Statutes 2024, section 18C.111, is amended by adding a subdivision
53.7 to read:

53.8 Subd. 6. Fertilizers and fertilizer by-products. The commissioner may coordinate the
53.9 protection of public health and the environment from the unreasonable adverse effects of
53.10 fertilizers and fertilizer by-products among state agencies and local governments and may
53.11 assist other state agencies and local governments in providing such protection.

53.12 Sec. 12. Minnesota Statutes 2024, section 25.391, subdivision 1, is amended to read:

53.13 Subdivision 1. **Exemption.** The provisions of this chapter do not apply to ~~an individual~~
53.14 a person who prepares and sells home-processed pet treats for dogs and cats, provided the
53.15 following conditions are met:

53.16 (1) the person is an individual, a sole proprietorship, a single-member limited liability
53.17 company owned by one individual, or a limited liability company owned by two individuals
53.18 residing at the same residence;

53.19 (2) the person does not hold a commercial feed license under section 25.341;

53.20 (3) the individual person is registered with the commissioner under section 28A.152,
53.21 subdivision 4;

53.22 ~~(2)~~ (4) the pet treats are not potentially hazardous food, as defined in Minnesota Rules,
53.23 part 4626.0020, subpart 62, that is safe for human consumption and for consumption by the
53.24 intended species;

53.25 ~~(3)~~ (5) the pet treats are baked or dehydrated;

53.26 ~~(4)~~ (6) the individual person displays at the point of sale a clearly legible sign or placard
53.27 stating, "These products are homemade and not subject to state inspection."; and

53.28 ~~(5)~~ (7) each individual pet treat package is labeled with the following: (i) the name and
53.29 registration number or address of the individual preparing the pet treat; (ii) the date on which
53.30 the pet treat was prepared; (iii) the ingredients listed; and (iv) the statement "These products
53.31 are homemade and not subject to state inspection."

54.1 Sec. 13. Minnesota Statutes 2024, section 25.391, subdivision 2, is amended to read:

54.2 Subd. 2. **Direct sales to consumers.** ~~An individual~~ A person qualifying for the exemption
54.3 under subdivision 1 may sell the exempt pet treats to consumers in accordance with section
54.4 28A.152, except that pet treats may also be delivered by mail or commercial delivery.

54.5 Sec. 14. Minnesota Statutes 2024, section 32D.01, is amended by adding a subdivision to
54.6 read:

54.7 Subd. 12a. **Milk marketer.** "Milk marketer" means any person who collects or procures
54.8 milk from dairy producers in Minnesota or markets milk on behalf of Minnesota dairy
54.9 producers. Milk marketer does not include:

54.10 (1) a person who only brokers a contract between a milk producer and a milk contractor
54.11 but does not become a party to the contract, take control of the milk, or accept payment on
54.12 behalf of the milk producer;

54.13 (2) a person who only buys or sells milk on a board of trade or commodity exchange;

54.14 (3) a person who collects milk solely from their own farm, for use in their own dairy
54.15 plant; or

54.16 (4) a person who only sells milk direct to the end consumer, from their own farm.

54.17 Sec. 15. **[32D.31] MILK MARKETING LICENSE.**

54.18 Subdivision 1. **License requirement and eligibility.** A current milk marketing license
54.19 is required for any milk marketer who procures more than 700,000 pounds of milk annually
54.20 from Minnesota farms. Before a milk marketing license is issued, the commissioner must
54.21 determine that the applicant meets the relevant licensing requirements.

54.22 Subd. 2. **Application.** An applicant for a milk marketing license must apply on a form
54.23 provided by the commissioner. An applicant must also submit:

54.24 (1) a report of the total milk payroll obligations that the applicant incurred during the
54.25 applicant's last completed fiscal year. If the applicant has not yet operated as a milk marketer
54.26 in Minnesota, the applicant shall estimate the total milk payroll obligations that the applicant
54.27 will incur during the applicant's first complete fiscal year;

54.28 (2) a report of any milk payroll obligations to dairy producers that were unpaid during
54.29 the applicant's last completed fiscal year and the payroll amount; and

54.30 (3) the total amount of hundredweights procured, collected, or marketed from Minnesota
54.31 milk producers during the applicant's last completed fiscal year.

55.1 Subd. 3. **Term of license; transferability.** A milk marketing license issued by the
55.2 commissioner expires on December 31 of each year, must be renewed annually, and is not
55.3 transferable.

55.4 Subd. 4. **Fees and penalties.** (a) The fee for a milk marketing license is:

55.5 (1) \$100 for an initial license; and

55.6 (2) \$250 annually for a license renewal.

55.7 (b) The fee must be paid to the commissioner before the commissioner issues an initial
55.8 or renewal license. If a person has not applied for a milk marketing license renewal before
55.9 January 1, a late fee of \$100 must be imposed. After January 1, 2026, any person who
55.10 requires a milk marketing license and conducts activities subject to licensing within 365
55.11 days prior to obtaining a milk marketing license must pay a penalty of \$250 to receive the
55.12 person's initial license.

55.13 Subd. 5. **License requirements.** An applicant for a milk marketing license must:

55.14 (1) complete monthly procurement payments under section 32D.11, if applicable;

55.15 (2) provide, upon request of the commissioner, a list of dairy producers from whom the
55.16 applicant collects milk;

55.17 (3) provide dairy field service as described in section 32D.02, subdivision 6;

55.18 (4) submit associated farm inspection fees as required under sections 32D.06 and 32D.08;

55.19 (5) provide, upon the request of the commissioner, a financial statement to demonstrate
55.20 that sufficient financial resources are available to satisfy payroll obligations for milk that
55.21 is procured or collected from Minnesota dairy producers; and

55.22 (6) satisfy all contractual payments and agreements made with any Minnesota dairy
55.23 producer that maintains a permit or certification as required under section 32D.05 or 32D.07.
55.24 A person's failure to pay dairy producers in accordance with contracts may result in the
55.25 revocation or suspension of the person's milk marketing license.

55.26 Subd. 6. **Permit requirement.** (a) A person conducting the following activities must
55.27 hold a valid milk marketing permit:

55.28 (1) any activities subject to a milk marketing license; or

55.29 (2) if the person is a Minnesota milk producer, marketing milk on the producer's own
55.30 behalf.

56.1 (b) An applicant must apply for a milk marketing permit on a form provided by the
56.2 commissioner. A milk marketing permit must be issued to an applicant in conjunction with
56.3 the initial license issued and must contain a milk marketing permit number. An applicant
56.4 for a milk marketing permit must not be required to pay a fee to the commissioner when
56.5 applying. A milk marketing permit is valid if the holder of the permit maintains a current
56.6 milk marketing license or continues to market the permit holder's own milk, with no renewals
56.7 required.

56.8 Sec. 16. Minnesota Statutes 2024, section 35.155, subdivision 12, is amended to read:

56.9 Subd. 12. **Importation.** (a) A person must not import live Cervidae into the state from
56.10 a state or province where chronic wasting disease has been detected in the farmed or wild
56.11 cervid population in the last five years unless the animal has tested not detected for chronic
56.12 wasting disease with a validated live-animal test.

56.13 (b) Live Cervidae or Cervidae semen must originate from a herd that has been subject
56.14 to a state-, federal-, or provincial-approved chronic wasting disease herd certification program
56.15 and that has reached a status equivalent to the highest certification.

56.16 (c) Cervidae imported in violation of this section may be seized and destroyed by the
56.17 commissioner of natural resources.

56.18 (d) This subdivision does not apply to the interstate transfer of animals between two
56.19 facilities accredited by the Association of Zoos and Aquariums.

56.20 (e) Notwithstanding this subdivision, the commissioner of natural resources may issue
56.21 a permit allowing the importation of orphaned wild cervid species that are not susceptible
56.22 to chronic wasting disease from another state to an Association of Zoos and Aquariums
56.23 accredited institution in Minnesota following a joint risk-based assessment conducted by
56.24 the commissioner and the institution.

56.25 (f) Notwithstanding this subdivision, the state veterinarian may issue a permit to a zoo
56.26 that is a United States Department of Agriculture licensed exhibitor of regulated animals
56.27 to import live Cervidae from another state if the Cervidae are part of a herd that is:

56.28 (1) in the United States Department of Agriculture Herd Certification Program; or

56.29 (2) subject to similar equivalent disease surveillance at the discretion of the state
56.30 veterinarian.

57.1 Sec. 17. Minnesota Statutes 2024, section 41A.09, subdivision 2a, is amended to read:

57.2 Subd. 2a. **Definitions.** For the purposes of this section, the terms defined in this
57.3 subdivision have the meanings given them.

57.4 (a) "Ethanol" means fermentation ethyl alcohol derived from agricultural products,
57.5 including potatoes, cereal grains, cheese whey, and sugar beets; forest products; or other
57.6 renewable resources, including residue and waste generated from the production, processing,
57.7 and marketing of agricultural products, forest products, and other renewable resources, that:

57.8 (1) meets all of the specifications in ASTM specification ~~D4806-04a~~ D4806-21a; and

57.9 (2) is denatured as specified in Code of Federal Regulations, title 27, parts 20 and 21.

57.10 (b) "Ethanol plant" means a plant at which ethanol is produced.

57.11 (c) "Commissioner" means the commissioner of agriculture.

57.12 (d) "Rural economic infrastructure" means the development of activities that will enhance
57.13 the value of agricultural crop or livestock commodities or by-products or waste from farming
57.14 operations through new and improved value-added conversion processes and technologies,
57.15 the development of more timely and efficient infrastructure delivery systems, and the
57.16 enhancement of marketing opportunities. "Rural economic infrastructure" also means land,
57.17 buildings, structures, fixtures, and improvements located or to be located in Minnesota and
57.18 used or operated primarily for the processing or the support of production of marketable
57.19 products from agricultural commodities or wind energy produced in Minnesota.

57.20 Sec. 18. Minnesota Statutes 2024, section 41A.16, subdivision 7, is amended to read:

57.21 Subd. 7. **Eligibility for participants after April 1, 2023.** (a) A facility eligible for
57.22 payment under this section must source at least 80 percent raw materials from Minnesota.
57.23 If a facility is sited 50 miles or less from the state border, raw materials may be sourced
57.24 from within a 100-mile radius. Raw materials must be from agricultural or forestry sources
57.25 or from solid waste. The facility must be located in Minnesota, must begin production at a
57.26 specific location after April 1, 2023, and before June 30, 2025, and must not begin operating
57.27 above 23,750 MMbtu of quarterly advanced biofuel production before July 1, 2015. Eligible
57.28 facilities include existing companies and facilities that are adding advanced biofuel
57.29 production capacity, or retrofitting existing capacity, as well as new companies and facilities.
57.30 Production of conventional corn ethanol and conventional biodiesel is not eligible. Eligible
57.31 advanced biofuel facilities must produce at least 23,750 MMbtu of biofuel quarterly.

58.1 (b) No payments shall be made for advanced biofuel production that occurs after June
58.2 30, 2035, for those eligible biofuel producers under paragraph (a).

58.3 (c) An eligible producer of advanced biofuel shall not transfer the producer's eligibility
58.4 for payments under this section to an advanced biofuel facility at a different location.

58.5 (d) A producer that ceases production for any reason is ineligible to receive payments
58.6 under this section until the producer resumes production.

58.7 (e) Renewable chemical production for which payment has been received under section
58.8 41A.17, and biomass thermal production for which payment has been received under section
58.9 41A.18, are not eligible for payment under this section.

58.10 (f) Biobutanol is eligible under this section.

58.11 Sec. 19. Minnesota Statutes 2024, section 41A.30, subdivision 1, is amended to read:

58.12 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
58.13 the meanings given.

58.14 (b) "Aircraft" has the meaning given in section 296A.01, subdivision 3.

58.15 (c) "Aviation gasoline" has the meaning given in section 296A.01, subdivision 7.

58.16 (d) "Commissioner" means the commissioner of agriculture.

58.17 (e) "Jet fuel" has the meaning given in section 296A.01, subdivision 8.

58.18 (f) "Qualifying taxpayer" means a taxpayer, as defined in section 290.01, subdivision
58.19 6, that is engaged in the business of:

58.20 (1) producing sustainable aviation fuel; or

58.21 (2) blending sustainable aviation fuel with aviation gasoline or jet fuel.

58.22 (g) "Sustainable aviation fuel" means liquid fuel that:

58.23 (1) is derived from biomass, as defined in section 41A.15, subdivision 2e, or gaseous
58.24 carbon oxides;

58.25 (2) is not derived from palm fatty acid distillates; and

58.26 (3) achieves at least a 50 percent life cycle greenhouse gas emissions reduction in
58.27 comparison with petroleum-based aviation gasoline, aviation turbine fuel, and jet fuel as
58.28 determined by a test that shows:

58.29 (i) that the fuel production pathway achieves at least a 50 percent life cycle greenhouse
58.30 gas emissions reduction in comparison with petroleum-based aviation gasoline, aviation

59.1 turbine fuel, and jet fuel utilizing the most recent version of Argonne National Laboratory's
 59.2 Greenhouse Gases, Regulated Emissions, and Energy Use in Technologies (GREET) model
 59.3 that accounts for reduced emissions throughout the fuel production process; or

59.4 (ii) that the fuel production pathway achieves at least a 50 percent reduction of the
 59.5 aggregate attributional core life cycle emissions and the positive induced land use change
 59.6 values under the life cycle methodology for sustainable aviation fuels adopted by the
 59.7 International Civil Aviation Organization with the agreement of the United States.

59.8 **EFFECTIVE DATE.** This section is effective retroactively for taxable years beginning
 59.9 after December 31, 2023, for sustainable aviation fuel sold after June 30, 2024.

59.10 Sec. 20. Minnesota Statutes 2024, section 41B.039, subdivision 2, is amended to read:

59.11 Subd. 2. **State participation.** The state may participate in a new real estate loan with
 59.12 an eligible lender to a beginning farmer to the extent of 45 percent of the principal amount
 59.13 of the loan ~~or. Individual loans must be no less than \$50,000 and no more than \$500,000;~~
 59.14 ~~whichever is less.~~ The interest rates and repayment terms of the authority's participation
 59.15 interest may be different than the interest rates and repayment terms of the lender's retained
 59.16 portion of the loan.

59.17 Sec. 21. Minnesota Statutes 2024, section 41B.0391, subdivision 1, is amended to read:

59.18 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
 59.19 the meanings given.

59.20 (b) "Agricultural assets" means agricultural land, livestock, facilities, buildings, and
 59.21 machinery used for farming in Minnesota.

59.22 (c) "Beginning farmer" means an individual ~~who~~, a single-member limited liability
 59.23 company owned by one individual, or a limited liability company owned by two individuals
 59.24 who are family members. Each individual must:

59.25 (1) ~~is~~ be a resident of Minnesota;

59.26 (2) ~~is~~ be seeking entry, or ~~has~~ have entered within the last ten years, into farming;

59.27 (3) ~~intends~~ intend to farm land located within the state borders of Minnesota;

59.28 (4) except as provided in subdivision 2, paragraph (f), ~~is not and whose spouse is not~~
 59.29 not be, nor may their spouse be, a family member of the owner of the agricultural assets
 59.30 from whom the beginning farmer is seeking to purchase or rent agricultural assets;

60.1 (5) except as provided in subdivision 2, paragraph (f), ~~is not and whose spouse is not~~
 60.2 not be, nor may their spouse be, a family member of a partner, member, shareholder, or
 60.3 trustee of the owner of agricultural assets from whom the beginning farmer is seeking to
 60.4 purchase or rent agricultural assets; and

60.5 (6) ~~meets~~ meet the following eligibility requirements as determined by the authority:

60.6 (i) ~~has~~ have a net worth that does not exceed the limit provided under section 41B.03,
 60.7 subdivision 3, paragraph (a), clause (2);

60.8 (ii) ~~provides~~ provide the majority of the day-to-day physical labor and management of
 60.9 the farm;

60.10 (iii) ~~has~~ have, by the judgment of the authority, adequate farming experience or
 60.11 demonstrates knowledge in the type of farming for which the beginning farmer seeks
 60.12 assistance from the authority;

60.13 (iv) ~~demonstrates~~ demonstrate to the authority a profit potential by submitting projected
 60.14 earnings statements;

60.15 (v) ~~asserts~~ assert to the satisfaction of the authority that farming will be a significant
 60.16 source of income for the beginning farmer;

60.17 (vi) ~~is~~ be enrolled in or ~~has~~ have completed within ten years of their first year of farming
 60.18 a financial management program approved by the authority or the commissioner of
 60.19 agriculture;

60.20 (vii) ~~agrees~~ agree to notify the authority if the beginning farmer no longer meets the
 60.21 eligibility requirements within the three-year certification period, in which case the beginning
 60.22 farmer is no longer eligible for credits under this section; and

60.23 (viii) ~~has~~ have other qualifications as specified by the authority.

60.24 The authority may waive the requirement in item (vi) if the participant requests a waiver
 60.25 and has a four-year degree in an agricultural program or related field, reasonable agricultural
 60.26 job-related experience, or certification as an adult farm management instructor.

60.27 ~~(d) "Emerging farmer" means an emerging farmer within the meaning of section 17.055,~~
 60.28 ~~subdivision 1.~~

60.29 ~~(e)~~ (d) "Family member" means a family member within the meaning of the Internal
 60.30 Revenue Code, section 267(c)(4).

61.1 ~~(f)~~ (e) "Farm product" means plants and animals useful to humans and includes, but is
 61.2 not limited to, forage and sod crops, oilseeds, grain and feed crops, dairy and dairy products,
 61.3 poultry and poultry products, livestock, fruits, and vegetables.

61.4 ~~(g)~~ (f) "Farming" means the active use, management, and operation of real and personal
 61.5 property for the production of a farm product.

61.6 (g) "Limited land access farmer" means a farmer experiencing limited land access as
 61.7 defined in section 17.133, subdivision 1.

61.8 (h) "Owner of agricultural assets" means an individual, trust, or pass-through entity that
 61.9 is the owner in fee of agricultural land or has legal title to any other agricultural asset. Owner
 61.10 of agricultural assets does not mean an equipment dealer, livestock dealer defined in section
 61.11 17A.03, subdivision 7, or comparable entity that is engaged in the business of selling
 61.12 agricultural assets for profit and that is not engaged in farming as its primary business
 61.13 activity. An owner of agricultural assets approved and certified by the authority under
 61.14 subdivision 4 must notify the authority if the owner no longer meets the definition in this
 61.15 paragraph within the three year certification period and is then no longer eligible for credits
 61.16 under this section.

61.17 (i) "Resident" has the meaning given in section 290.01, subdivision 7.

61.18 (j) "Share rent agreement" means a rental agreement in which the principal consideration
 61.19 given to the owner of agricultural assets is a predetermined portion of the production of
 61.20 farm products produced from the rented agricultural assets and which provides for sharing
 61.21 production costs or risk of loss, or both.

61.22 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
 61.23 31, 2024.

61.24 Sec. 22. Minnesota Statutes 2024, section 41B.0391, subdivision 2, is amended to read:

61.25 Subd. 2. **Tax credit for owners of agricultural assets.** (a) An owner of agricultural
 61.26 assets may take a credit against the tax due under chapter 290 for the sale or rental of
 61.27 agricultural assets to a beginning farmer in the amount allocated by the authority under
 61.28 subdivision 4. An owner of agricultural assets is eligible for allocation of a credit equal to:

61.29 (1) eight percent of the lesser of the sale price or the fair market value of the agricultural
 61.30 asset, up to a maximum of \$50,000;

61.31 (2) ten percent of the gross rental income in each of the first, second, and third years of
 61.32 a rental agreement, up to a maximum of \$7,000 per year; or

62.1 (3) 15 percent of the cash equivalent of the gross rental income in each of the first,
62.2 second, and third years of a share rent agreement, up to a maximum of \$10,000 per year.

62.3 (b) A qualifying rental agreement includes cash rent of agricultural assets or a share rent
62.4 agreement. The agricultural asset must be rented at prevailing community rates as determined
62.5 by the authority.

62.6 (c) The credit may be claimed only after approval and certification by the authority, and
62.7 is limited to the amount stated on the certificate issued under subdivision 4. An owner of
62.8 agricultural assets must apply to the authority for certification ~~and allocation~~ of a credit, in
62.9 a form and manner prescribed by the authority. Applications for credits allowed under
62.10 paragraph (a), clause (1), are due by November 1, 2025, and each year thereafter.
62.11 Applications for credits allowed under paragraph (a), clauses (2) and (3), are due by July
62.12 1, 2025, and each year thereafter.

62.13 (d) An owner of agricultural assets or beginning farmer may terminate a rental agreement,
62.14 including a share rent agreement, for reasonable cause upon approval of the authority. If a
62.15 rental agreement is terminated without the fault of the owner of agricultural assets, the tax
62.16 credits shall not be retroactively disallowed. In determining reasonable cause, the authority
62.17 must look at which party was at fault in the termination of the agreement. If the authority
62.18 determines the owner of agricultural assets did not have reasonable cause, the owner of
62.19 agricultural assets must repay all credits received as a result of the rental agreement to the
62.20 commissioner of revenue. The repayment is additional income tax for the taxable year in
62.21 which the authority makes its decision or when a final adjudication under subdivision 5,
62.22 paragraph (a), is made, whichever is later.

62.23 (e) The credit is limited to the liability for tax as computed under chapter 290 for the
62.24 taxable year. If the amount of the credit determined under this section for any taxable year
62.25 exceeds this limitation, the excess is a beginning farmer incentive credit carryover according
62.26 to section 290.06, subdivision 37.

62.27 (f) For purposes of the credit for the sale of agricultural land only, the family member
62.28 definitional exclusions in subdivision 1, paragraph (c), clauses (4) and (5), do not apply.
62.29 For a sale to a family member to qualify for the credit, the sales price of the agricultural
62.30 land must equal or exceed the assessed value of the land as of the date of the sale. For
62.31 purposes of this paragraph, "sale to a family member" means a sale to a beginning farmer
62.32 in which the beginning farmer or the beginning farmer's spouse is a family member of:

62.33 (1) the owner of the agricultural land; or

62.34 (2) a partner, member, shareholder, or trustee of the owner of the agricultural land.

63.1 (g) For a sale to ~~an emerging~~ a limited land access farmer, the credit rate under paragraph
63.2 (a), clause (1), is twelve percent rather than eight percent.

63.3 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
63.4 31, 2024.

63.5 Sec. 23. Minnesota Statutes 2024, section 41B.0391, subdivision 4, is amended to read:

63.6 Subd. 4. **Authority duties.** (a) The authority shall:

63.7 (1) approve and certify or recertify beginning farmers as eligible for the program under
63.8 this section;

63.9 (2) approve and certify or recertify owners of agricultural assets as eligible for the tax
63.10 credit under subdivision 2 subject to the allocation limits in paragraph (c);

63.11 (3) provide necessary and reasonable assistance and support to beginning farmers for
63.12 qualification and participation in financial management programs approved by the authority;

63.13 (4) refer beginning farmers to agencies and organizations that may provide additional
63.14 pertinent information and assistance; and

63.15 (5) notwithstanding section 41B.211, the Rural Finance Authority must share information
63.16 with the commissioner of revenue to the extent necessary to administer provisions under
63.17 this subdivision and section 290.06, subdivisions 37 and 38. The Rural Finance Authority
63.18 must annually notify the commissioner of revenue of approval and certification or
63.19 recertification of beginning farmers and owners of agricultural assets under this section.
63.20 For credits under subdivision 2, the notification must include the amount of credit approved
63.21 by the authority and stated on the credit certificate.

63.22 (b) The certification of a beginning farmer or an owner of agricultural assets under this
63.23 section is valid for the year of the certification and the two following years, after which
63.24 time the beginning farmer or owner of agricultural assets must apply to the authority for
63.25 recertification.

63.26 (c) For credits for owners of agricultural assets allowed under subdivision 2, the authority
63.27 must not allocate more than \$6,500,000 for taxable years beginning after December 31,
63.28 2022, and before January 1, 2024, and \$4,000,000 for taxable years beginning after December
63.29 31, 2023. The authority must allocate credits on a first-come, first-served basis beginning
63.30 on January 1 of each year, except that recertifications for the second and third years of
63.31 credits under subdivision 2, paragraph (a), clauses (1) and (2), have first priority. Any
63.32 amount authorized but not allocated for taxable years ending before January 1, 2023, is

64.1 canceled and is not allocated for future taxable years. For taxable years beginning after
 64.2 December 31, 2022, any amount authorized but not allocated in any taxable year does not
 64.3 cancel and is added to the allocation for the next taxable year. For each taxable year, 50
 64.4 percent of newly allocated credits must be allocated to emerging farmers. Any portion of a
 64.5 taxable year's newly allocated credits that is reserved for emerging farmers that is not
 64.6 allocated by ~~September 30~~ June 1 of the taxable year is available for allocation to other
 64.7 credit allocations beginning on ~~October 1~~ June 2.

64.8 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
 64.9 31, 2024.

64.10 Sec. 24. Minnesota Statutes 2024, section 41B.0391, subdivision 6, is amended to read:

64.11 Subd. 6. **Report to legislature.** (a) No later than February 1, ~~2024~~, each year the Rural
 64.12 Finance Authority, in consultation with the commissioner of revenue, must provide a report
 64.13 to the chairs and ranking minority members of the legislative committees having jurisdiction
 64.14 over agriculture, economic development, rural development, and taxes, in compliance with
 64.15 sections 3.195 and 3.197, on the beginning farmer tax credits under this section ~~issued in~~
 64.16 ~~tax years beginning after December 31, 2017, and before January 1, 2024.~~

64.17 (b) The report must include background information on beginning farmers in Minnesota
 64.18 and any other information the commissioner and authority find relevant to evaluating the
 64.19 effect of the credits on increasing opportunities for and the number of beginning farmers.

64.20 (c) For credits issued under subdivision 2, paragraph (a), clauses (1) to (3), the report
 64.21 must include:

64.22 (1) the number and amount of credits issued under each clause;

64.23 (2) the geographic distribution of credits issued under each clause;

64.24 (3) the type of agricultural assets for which credits were issued under clause (1);

64.25 (4) the number and geographic distribution of beginning farmers whose purchase or
 64.26 rental of assets resulted in credits for the seller or owner of the asset;

64.27 (5) the number and amount of credits disallowed under subdivision 2, paragraph (d);
 64.28 and

64.29 (6) data on the number of beginning farmers by geographic region ~~in calendar years~~
 64.30 ~~2017 through 2023~~, including:

64.31 (i) the number of beginning farmers by race and ethnicity, as those terms are applied in
 64.32 the 2020 United States Census; and

65.1 (ii) to the extent available, the number of beginning farmers who are ~~emerging~~ limited
 65.2 land access farmers; ~~and~~.

65.3 ~~(7) the number and amount of credit applications that exceeded the allocation available~~
 65.4 ~~in each year.~~

65.5 (d) For credits issued under subdivision 3, the report must include:

65.6 (1) the number and amount of credits issued;

65.7 (2) the geographic distribution of credits;

65.8 (3) a listing and description of each approved financial management program for which
 65.9 credits were issued; and

65.10 (4) a description of the approval procedure for financial management programs not on
 65.11 the list maintained by the authority, as provided in subdivision 3, paragraph (a).

65.12 **EFFECTIVE DATE.** This section is effective for reports due for credits issued for
 65.13 taxable years beginning after December 31, 2025. The changes to paragraph (c), clause (6),
 65.14 item (ii), are effective for reports due for credits issued for taxable years beginning after
 65.15 December 31, 2026.

65.16 Sec. 25. Minnesota Statutes 2024, section 41B.04, subdivision 8, is amended to read:

65.17 Subd. 8. **State participation.** With respect to loans that are eligible for restructuring
 65.18 under sections 41B.01 to 41B.23 and upon acceptance by the authority, the authority shall
 65.19 enter into a participation agreement or other financial arrangement whereby it shall participate
 65.20 in a restructured loan to the extent of 45 percent of the primary principal ~~or~~ Individual loans
 65.21 must be no less than \$50,000 and no more than \$625,000, whichever is less. The authority's
 65.22 portion of the loan must be protected during the authority's participation by the first mortgage
 65.23 held by the eligible lender to the extent of its participation in the loan.

65.24 Sec. 26. Minnesota Statutes 2024, section 41B.042, subdivision 4, is amended to read:

65.25 Subd. 4. **Participation limit; interest.** The authority may participate in new
 65.26 seller-sponsored loans to the extent of 45 percent of the principal amount of the loan ~~or~~
 65.27 Individual loans must be no less than \$50,000 and no more than \$500,000, whichever is
 65.28 less. The interest rates and repayment terms of the authority's participation interest may be
 65.29 different than the interest rates and repayment terms of the seller's retained portion of the
 65.30 loan.

66.1 Sec. 27. Minnesota Statutes 2024, section 41B.043, subdivision 1b, is amended to read:

66.2 Subd. 1b. **Loan participation.** The authority may participate in an agricultural
 66.3 improvement loan with an eligible lender to a farmer who meets the requirements of section
 66.4 41B.03, subdivision 1, clauses (1) and (2), and who is actively engaged in farming.
 66.5 Participation is limited to 45 percent of the principal amount of the loan ~~or. Individual loans~~
 66.6 must be no less than \$50,000 and no more than \$500,000, whichever is less. The interest
 66.7 rates and repayment terms of the authority's participation interest may be different than the
 66.8 interest rates and repayment terms of the lender's retained portion of the loan.

66.9 Sec. 28. Minnesota Statutes 2024, section 41B.045, subdivision 2, is amended to read:

66.10 Subd. 2. **Loan participation.** The authority may participate in a livestock expansion
 66.11 and modernization loan with an eligible lender to a livestock farmer who meets the
 66.12 requirements of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively
 66.13 engaged in a livestock operation. A prospective borrower must have a total net worth,
 66.14 including assets and liabilities of the borrower's spouse and dependents, of less than
 66.15 \$1,700,000 in 2017 and an amount in subsequent years which is adjusted for inflation by
 66.16 multiplying that amount by the cumulative inflation rate as determined by the United States
 66.17 All-Items Consumer Price Index.

66.18 Participation is limited to 45 percent of the principal amount of the loan ~~or. Individual~~
 66.19 loans must be no less than \$50,000 and no more than \$625,000, whichever is less. The
 66.20 interest rates and repayment terms of the authority's participation interest may be different
 66.21 from the interest rates and repayment terms of the lender's retained portion of the loan.

66.22 Sec. 29. Minnesota Statutes 2024, section 41B.047, subdivision 3, is amended to read:

66.23 Subd. 3. **Eligibility.** To be eligible for this program, a borrower must:

66.24 (1) meet the requirements of section 41B.03, subdivision 1;

66.25 (2) certify that the damage or loss was: (i) sustained within a county that was the subject
 66.26 of a state or federal disaster declaration; (ii) due to the confirmed presence of a highly
 66.27 contagious animal disease in Minnesota; (iii) due to an infectious human disease for which
 66.28 the governor has declared a peacetime emergency; or (iv) due to an emergency as determined
 66.29 by the authority;

66.30 (3) demonstrate an ability to repay the loan; ~~and~~

66.31 (4) have received at least 25 percent of annual gross income from farming in the past
 66.32 year; and

67.1 (5) have a total net worth, including assets and liabilities of the borrower's spouse and
 67.2 dependents, of less than \$5,000,000.

67.3 Sec. 30. Minnesota Statutes 2024, section 41B.056, subdivision 1, is amended to read:

67.4 Subdivision 1. **Establishment.** The authority shall establish and implement ~~a pilot~~ an
 67.5 agricultural microloan program to help finance the purchase of agricultural land or the
 67.6 production of specialty crops or eligible livestock. The authority may contract with an
 67.7 intermediary to provide an efficient delivery system for this program.

67.8 Sec. 31. Minnesota Statutes 2024, section 41B.057, subdivision 1, is amended to read:

67.9 Subdivision 1. **Establishment.** The authority shall establish a farm opportunity loan
 67.10 program to provide loans that enable farmers to:

67.11 (1) add value to crops or livestock produced in Minnesota; or

67.12 ~~(2) adopt best management practices that emphasize sufficiency and self-sufficiency;~~

67.13 ~~(3) reduce or improve management of agricultural inputs resulting in environmental~~
 67.14 ~~improvements; or~~

67.15 ~~(4)~~ (2) increase production of on-farm energy.

67.16 Sec. 32. Minnesota Statutes 2024, section 41B.057, subdivision 3, is amended to read:

67.17 Subd. 3. **Loan participation.** The authority may participate in a farm opportunity loan
 67.18 with an eligible lender, as defined in section 41B.02, subdivision 8, to a farmer or a group
 67.19 of farmers on joint projects who are eligible under subdivision 2, paragraph (c), and who
 67.20 are actively engaged in farming. Participation is limited to 45 percent of the principal amount
 67.21 of the loan or \$100,000 per individual, whichever is less. For loans to a group made up of
 67.22 four or more individuals, participation is limited to 45 percent of the principal amount of
 67.23 the loan or \$250,000, whichever is less. The interest rate on the loans must not exceed six
 67.24 percent. A borrower must have a total net worth, including assets and liabilities of the
 67.25 borrower's spouse and dependents, of less than \$1,700,000 in 2017 and an amount in
 67.26 subsequent years that is adjusted for inflation by multiplying that amount by the cumulative
 67.27 inflation rate as determined by the United States All-Items Consumer Price Index.

67.28 Sec. 33. Minnesota Statutes 2024, section 223.17, subdivision 3, is amended to read:

67.29 Subd. 3. **Grain buyers and storage account; fees.** (a) The commissioner shall set the
 67.30 fees for inspections under sections 223.15 to 223.22 at levels necessary to pay the expenses

68.1 of administering and enforcing sections 223.15 to 223.22. The fee for any license issued or
 68.2 renewed after June 30, 2005, shall be set according to the following schedule: 2025, is \$500
 68.3 for each licensed location.

68.4 ~~(1) \$140 plus \$110 for each additional location for grain buyers whose gross annual~~
 68.5 ~~purchases are less than \$100,000;~~

68.6 ~~(2) \$275 plus \$110 for each additional location for grain buyers whose gross annual~~
 68.7 ~~purchases are at least \$100,000, but not more than \$750,000;~~

68.8 ~~(3) \$415 plus \$220 for each additional location for grain buyers whose gross annual~~
 68.9 ~~purchases are more than \$750,000 but not more than \$1,500,000;~~

68.10 ~~(4) \$550 plus \$220 for each additional location for grain buyers whose gross annual~~
 68.11 ~~purchases are more than \$1,500,000 but not more than \$3,000,000; and~~

68.12 ~~(5) \$700 plus \$220 for each additional location for grain buyers whose gross annual~~
 68.13 ~~purchases are more than \$3,000,000.~~

68.14 (b) In addition to the license fee required under paragraph (a), a grain buyer must pay
 68.15 to the commissioner an annual examination fee for each licensed location, as follows:

68.16	Bushel Capacity	Examination
68.17		Fee
68.18	Examinations without a grain measure	\$ 100
68.19	Less than 150,001	\$ 300
68.20	150,001 to 250,000	\$ 425
68.21	250,001 to 500,000	\$ 545
68.22	500,001 to 750,000	\$ 700
68.23	750,001 to 1,000,000	\$ 865
68.24	1,000,001 to 1,200,000	\$ 1,040
68.25	1,200,001 to 1,500,000	\$ 1,205
68.26	1,500,001 to 2,000,000	\$ 1,380
68.27	More than 2,000,000	\$ 1,555

68.28 (1) examination fees must be calculated based on bushel capacity of each licensed
 68.29 location with a charge of \$0.0035 per bushel of capacity;

68.30 (2) examination fees must not be less than \$350 and must not exceed \$4,000; and

68.31 (3) a licensed location with no grain bin capacity must be charged a \$350 examination
 68.32 fee.

69.1 (c) The fee for any supplemental examination required by the commissioner under section
69.2 223.23 is ~~\$55~~ \$110 per hour per examiner.

69.3 (d) A licensed grain buyer meeting the annual examination requirements under section
69.4 223.23 is exempt from the fees under paragraph (b) if the annual examination is conducted
69.5 by the Agricultural Marketing Service of the United State Department of Agriculture.

69.6 (e) A penalty amount not to exceed ten percent of the fees due may be imposed by the
69.7 commissioner for each month for which the fees are delinquent.

69.8 (f) There is created the grain buyers and storage account in the agricultural fund. Money
69.9 collected pursuant to sections 223.15 to 223.23 shall be paid into the state treasury and
69.10 credited to the grain buyers and storage account. Money in the account, including interest,
69.11 is appropriated to the commissioner for the administration and enforcement of sections
69.12 223.15 to 223.23.

69.13 **EFFECTIVE DATE.** This section is effective July 1, 2025.

69.14 Sec. 34. Minnesota Statutes 2024, section 232.22, subdivision 3, is amended to read:

69.15 Subd. 3. **Fees; grain buyers and storage account.** (a) There is created in the agricultural
69.16 fund an account known as the grain buyers and storage account. The commissioner shall
69.17 set the fees for examinations, certifications, and licenses under sections 232.20 to 232.24
69.18 at levels necessary to pay the costs of administering and enforcing sections 232.20 to 232.24.
69.19 All money collected pursuant to sections 232.20 to 232.24 shall be paid by the commissioner
69.20 into the state treasury and credited to the grain buyers and storage account. Money in the
69.21 account, including interest, is appropriated to the commissioner for the administration and
69.22 enforcement of sections 232.20 to 232.24.

69.23 (b) All money collected pursuant to chapter 231 shall be paid by the commissioner into
69.24 the grain buyers and storage account. Money in the account is appropriated to the
69.25 commissioner for the administration and enforcement of chapter 231.

69.26 (c) The fees for a license to store grain are as follows:

69.27 (1) for a license to store grain, ~~\$110~~ \$300 for each home rule charter or statutory city or
69.28 town in which a public grain warehouse is operated; and

69.29 ~~(2) in addition to the license fee required under clause (1), a person with a license to~~
69.30 ~~store grain in a public grain warehouse is subject to an examination fee for each licensed~~
69.31 ~~location, as follows:~~

	Bushel Capacity	Examination
		Fee
70.3	Less than 150,001	\$ 300
70.4	150,001 to 250,000	\$ 425
70.5	250,001 to 500,000	\$ 545
70.6	500,001 to 750,000	\$ 700
70.7	750,001 to 1,000,000	\$ 865
70.8	1,000,001 to 1,200,000	\$ 1,040
70.9	1,200,001 to 1,500,000	\$ 1,205
70.10	1,500,001 to 2,000,000	\$ 1,380
70.11	More than 2,000,000	\$ 1,555

70.12 ~~(3)~~ (2) the fee for supplemental examinations required by the commissioner under section
70.13 232.24 is ~~\$55~~ \$110 per hour per examiner.

70.14 (d) A penalty amount not to exceed ten percent of the fees due may be imposed by the
70.15 commissioner for each month for which the fees are delinquent.

70.16 **EFFECTIVE DATE.** This section is effective July 1, 2025.

70.17 Sec. 35. Minnesota Statutes 2024, section 239.761, subdivision 3, is amended to read:

70.18 Subd. 3. **Gasoline.** (a) Gasoline that is not blended with biofuel must not be contaminated
70.19 with water or other impurities and must comply with ASTM specification ~~D4814-11b~~
70.20 D4814-24a. Gasoline that is not blended with biofuel must also comply with the volatility
70.21 requirements in Code of Federal Regulations, title 40, part 1090.

70.22 (b) After gasoline is sold, transferred, or otherwise removed from a refinery or terminal,
70.23 a person responsible for the product:

70.24 (1) may blend the gasoline with agriculturally derived ethanol as provided in subdivision
70.25 4;

70.26 (2) shall not blend the gasoline with any oxygenate other than biofuel;

70.27 (3) shall not blend the gasoline with other petroleum products that are not gasoline or
70.28 biofuel;

70.29 (4) shall not blend the gasoline with products commonly and commercially known as
70.30 casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural
70.31 gasoline; and

70.32 (5) may blend the gasoline with a detergent additive, an antiknock additive, or an additive
70.33 designed to replace tetra-ethyl lead, that is registered by the EPA.

71.1 Sec. 36. Minnesota Statutes 2024, section 239.761, subdivision 4, is amended to read:

71.2 Subd. 4. **Gasoline blended with ethanol; general.** (a) Gasoline may be blended with
71.3 agriculturally derived, denatured ethanol that complies with the requirements of subdivision
71.4 5.

71.5 (b) A gasoline-ethanol blend must:

71.6 (1) comply with the volatility requirements in Code of Federal Regulations, title 40, part
71.7 1090;

71.8 (2) comply with ASTM specification ~~D4814-11b~~ D4814-24a, or the gasoline base stock
71.9 from which a gasoline-ethanol blend was produced must comply with ASTM specification
71.10 ~~D4814-11b~~ D4814-24a; and

71.11 (3) not be blended with casinghead gasoline, absorption gasoline, condensation gasoline,
71.12 drip gasoline, or natural gasoline after the gasoline-ethanol blend has been sold, transferred,
71.13 or otherwise removed from a refinery or terminal.

71.14 Sec. 37. Minnesota Statutes 2024, section 239.761, subdivision 5, is amended to read:

71.15 Subd. 5. **Denatured ethanol.** Denatured ethanol that is to be blended with gasoline must
71.16 be agriculturally derived and must comply with ASTM specification ~~D4806-11a~~ D4806-21a.
71.17 This includes the requirement that ethanol may be denatured only as specified in Code of
71.18 Federal Regulations, title 27, parts 20 and 21.

71.19 Sec. 38. Minnesota Statutes 2024, section 239.761, subdivision 6, is amended to read:

71.20 Subd. 6. **Gasoline blended with nonethanol oxygenate.** (a) A person responsible for
71.21 the product shall comply with the following requirements:

71.22 (1) after July 1, 2000, gasoline containing in excess of one-third of one percent, in total,
71.23 of nonethanol oxygenates listed in paragraph (b) must not be sold or offered for sale at any
71.24 time in this state; and

71.25 (2) after July 1, 2005, gasoline containing any of the nonethanol oxygenates listed in
71.26 paragraph (b) must not be sold or offered for sale in this state.

71.27 (b) The oxygenates prohibited under paragraph (a) are:

71.28 (1) methyl tertiary butyl ether, as defined in section 296A.01, subdivision 34;

71.29 (2) ethyl tertiary butyl ether, as defined in section 296A.01, subdivision 18; or

71.30 (3) tertiary amyl methyl ether.

72.1 (c) Gasoline that is blended with a nonethanol oxygenate must comply with ASTM
72.2 specification ~~D4814-11b~~ D4814-24a. Nonethanol oxygenates must not be blended into
72.3 gasoline after the gasoline has been sold, transferred, or otherwise removed from a refinery
72.4 or terminal.

72.5 Sec. 39. Minnesota Statutes 2024, section 296A.01, subdivision 20, is amended to read:

72.6 Subd. 20. **Ethanol, denatured.** "Ethanol, denatured" means ethanol that is to be blended
72.7 with gasoline, has been agriculturally derived, and complies with ASTM specification
72.8 ~~D4806-11a~~ D4806-21a. This includes the requirement that ethanol may be denatured only
72.9 as specified in Code of Federal Regulations, title 27, parts 20 and 21.

72.10 Sec. 40. Minnesota Statutes 2024, section 296A.01, subdivision 23, is amended to read:

72.11 Subd. 23. **Gasoline.** (a) "Gasoline" means:

72.12 (1) all products commonly or commercially known or sold as gasoline regardless of
72.13 their classification or uses, except casinghead gasoline, absorption gasoline, condensation
72.14 gasoline, drip gasoline, or natural gasoline that under the requirements of section 239.761,
72.15 subdivision 3, must not be blended with gasoline that has been sold, transferred, or otherwise
72.16 removed from a refinery or terminal; and

72.17 (2) any liquid prepared, advertised, offered for sale or sold for use as, or commonly and
72.18 commercially used as, a fuel in spark-ignition, internal combustion engines, and that when
72.19 tested by the Weights and Measures Division meets the specifications in ASTM specification
72.20 ~~D4814-11b~~ D4814-24a.

72.21 (b) Gasoline that is not blended with ethanol must not be contaminated with water or
72.22 other impurities and must comply with both ASTM specification ~~D4814-11b~~ D4814-24a
72.23 and the volatility requirements in Code of Federal Regulations, title 40, part 1090.

72.24 (c) After gasoline is sold, transferred, or otherwise removed from a refinery or terminal,
72.25 a person responsible for the product:

72.26 (1) may blend the gasoline with agriculturally derived ethanol, as provided in subdivision
72.27 24;

72.28 (2) must not blend the gasoline with any oxygenate other than denatured, agriculturally
72.29 derived ethanol;

72.30 (3) must not blend the gasoline with other petroleum products that are not gasoline or
72.31 denatured, agriculturally derived ethanol;

73.1 (4) must not blend the gasoline with products commonly and commercially known as
 73.2 casinghead gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural
 73.3 gasoline; and

73.4 (5) may blend the gasoline with a detergent additive, an antiknock additive, or an additive
 73.5 designed to replace tetra-ethyl lead, that is registered by the EPA.

73.6 Sec. 41. Minnesota Statutes 2024, section 296A.01, subdivision 24, is amended to read:

73.7 Subd. 24. **Gasoline blended with nonethanol oxygenate.** "Gasoline blended with
 73.8 nonethanol oxygenate" means gasoline blended with ETBE, MTBE, or other alcohol or
 73.9 ether, except denatured ethanol, that is approved as an oxygenate by the EPA, and that
 73.10 complies with ASTM specification ~~D4814-11b~~ D4814-24a. Oxygenates, other than denatured
 73.11 ethanol, must not be blended into gasoline after the gasoline has been sold, transferred, or
 73.12 otherwise removed from a refinery or terminal.

73.13 Sec. 42. **[343.256] ELECTIVE DECLAWING PROHIBITED.**

73.14 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms in this subdivision
 73.15 have the meanings given.

73.16 (b) "Cat" means an animal of the taxonomic family *Felidae*.

73.17 (c) "Declawing" means an onychectomy or any other surgical procedure to amputate or
 73.18 modify a portion of a cat's paw in order to remove the cat's claws. Declawing does not
 73.19 include the trimming of nonviable claw husk or placing nonpermanent nail caps.

73.20 (d) "Procedure performed solely for a therapeutic purpose" means a medically necessary
 73.21 procedure to address an existing or recurring infection, disease, injury, or abnormal condition
 73.22 in the claws, nail bed, or toe bone that jeopardizes the cat's health. Procedure performed
 73.23 solely for a therapeutic purpose does not include a procedure performed for a cosmetic or
 73.24 aesthetic purpose or to make a cat more convenient to keep or handle.

73.25 (e) "Tendonectomy" means a procedure in which the tendons to a cat's limbs, paws, or
 73.26 toes are cut or modified so that the normal functioning of the claws is impaired.

73.27 Subd. 2. **Prohibited acts.** Except as provided in subdivision 3, a person must not perform
 73.28 surgical claw removal, declawing, or a tendonectomy on any cat or otherwise alter a cat's
 73.29 toes, claws, or paws in a manner that prevents or impairs the normal function of the cat's
 73.30 toes, claws, or paws.

74.1 Subd. 3. **Therapeutic purpose.** The prohibition in subdivision 2 does not apply to a
 74.2 procedure performed solely for a therapeutic purpose.

74.3 **Sec. 43. LOCAL FOOD PURCHASING ASSISTANCE GRANT PROGRAM.**

74.4 (a) The commissioner of agriculture may award grants to eligible applicants to purchase
 74.5 and distribute food at no cost to Minnesotans experiencing food insecurity. When awarding
 74.6 grants, the commissioner of agriculture must give preference to applicants that:

74.7 (1) source 100 percent of food from Minnesota;

74.8 (2) source at least 70 percent of food from farmers who are experiencing limited land
 74.9 access or limited market access as defined in Minnesota Statutes, section 17.133, subdivision
 74.10 1; and

74.11 (3) demonstrate strong connections to individuals whose needs are not met through the
 74.12 traditional emergency food system.

74.13 (b) Eligible applicants include but are not limited to individuals, nonprofit organizations,
 74.14 for-profit businesses, Tribal governments, government entities, agricultural cooperatives,
 74.15 economic development organizations, and educational institutions.

74.16 (c) Grantees may use up to 15 percent of each grant awarded under this section for
 74.17 administrative and transportation expenses.

74.18 **Sec. 44. REPEALER.**

74.19 (a) Minnesota Statutes 2024, section 239.77, subdivision 5, is repealed.

74.20 (b) Minnesota Statutes 2024, sections 35.68; and 35.830, are repealed.

74.21 **Sec. 45. EFFECTIVE DATE.**

74.22 Except as otherwise provided, this article is effective August 1, 2025.

74.23 **ARTICLE 4**

74.24 **LIVESTOCK MARKET AGENCY AND DEALER LICENSING PROVISIONS**

74.25 Section 1. Minnesota Statutes 2024, section 17A.03, subdivision 8, is amended to read:

74.26 Subd. 8. **Livestock dealer agent.** "Livestock dealer agent" means any individual who
 74.27 is engaged by a livestock dealer to act as the dealer's representative.

75.1 Sec. 2. Minnesota Statutes 2024, section 17A.03, subdivision 10, is amended to read:

75.2 Subd. 10. **Meat packing plants companies, packers, and slaughtering houses.** "Meat
 75.3 packing plants companies," "packers," and "slaughtering houses" ~~means~~ mean places of
 75.4 business ~~where livestock purchased or acquired is slaughtered~~ that have the meaning given
 75.5 to "packers" as defined in section 31B.02, subdivision 8.

75.6 Sec. 3. Minnesota Statutes 2024, section 17A.03, subdivision 11, is amended to read:

75.7 Subd. 11. **Buying station.** "Buying station" means any stockyard or concentration point,
 75.8 other than a public stockyard, at which livestock is bought and sold or assembled for shipment
 75.9 to a meat packing plant company or a public stockyard, or graded or weighed for the purpose
 75.10 of establishing a basis for sale or reshipment.

75.11 Sec. 4. Minnesota Statutes 2024, section 17A.03, is amended by adding a subdivision to
 75.12 read:

75.13 Subd. 16. **Meat packing company agent.** "Meat packing company agent" means an
 75.14 individual who is engaged by a meat packing company to act as the company's representative.

75.15 Sec. 5. Minnesota Statutes 2024, section 17A.04, subdivision 1, is amended to read:

75.16 Subdivision 1. **Licensing provisions.** (a) Licenses shall be issued to livestock market
 75.17 agencies and public stockyards annually and shall expire on December 31 each year,
 75.18 renewable annually thereafter. A separate license must be obtained for each separate
 75.19 geographical location even though operated under the same management or same person,
 75.20 partnership, firm, corporation, or livestock market. The license issued to a livestock market
 75.21 agency ~~and~~ or public stockyard shall be conspicuously posted at the licensee's place of
 75.22 business.

75.23 (b) Licenses shall be required for livestock dealers ~~and their agents,~~ livestock dealer
 75.24 agents, meat packing companies, and meat packing company agents for the period beginning
 75.25 July 1 each year and ending June 30. A license issued under this subdivision is renewable
 75.26 annually thereafter. The license issued to a livestock dealer ~~or the agent of a,~~ livestock dealer
 75.27 agent, meat packing company, or meat packing company agent shall be carried by the person
 75.28 ~~so~~ who is licensed. ~~The~~ A livestock dealer or meat packing company shall be responsible
 75.29 for the acts of the ~~dealer's agents~~ livestock dealer agent or meat packing company agent.
 75.30 Licensed livestock market agencies, public stockyards, and livestock dealers shall be
 75.31 responsible for the faithful performance of duty of the public livestock weighers at their
 75.32 places of business. The license issued to a livestock market agency, public stockyard ~~or,~~

76.1 meat packing company, meat packing company agent, livestock dealer, or ~~agent of a livestock~~
 76.2 dealer agent is not transferable. The operation of livestock market agencies, livestock dealers,
 76.3 agents, and ~~packers~~ meat packing companies at a public stockyard are exempt from sections
 76.4 17A.01 to 17A.09 and 17A.12 to 17A.17.

76.5 Sec. 6. Minnesota Statutes 2024, section 17A.04, subdivision 2, is amended to read:

76.6 Subd. 2. **Application.** Any person desiring to carry on the business of a livestock market
 76.7 agency or livestock dealer, or both, or a public stockyard, livestock dealer agent, meat
 76.8 packing company, or meat packing company agent shall make application to the
 76.9 commissioner on a form or forms provided by the commissioner.

76.10 Sec. 7. Minnesota Statutes 2024, section 17A.04, subdivision 4, is amended to read:

76.11 Subd. 4. **Surety bonds required.** Each livestock market agency and livestock dealer
 76.12 applying for a license ~~under Laws 1974, chapter 347~~ shall file with the commissioner a
 76.13 valid and effective bond issued by a surety company licensed to do business in this state,
 76.14 or meeting the requirements of section 17A.05, in the form and amount set forth in section
 76.15 17A.05. No bond shall be required of a public stockyard or any agent of a bonded livestock
 76.16 dealer. The commissioner may at any time raise or lower bond requirements if it appears
 76.17 that a modification of such bond requirements is justified and will protect the public. The
 76.18 bonds of livestock market agencies and dealers whose residence or principal place of business
 76.19 is within the state of Minnesota shall name the commissioner as the trustee. ~~Any~~ A license
 76.20 ~~issued under Laws 1974, chapter 347~~ shall automatically become void upon the termination
 76.21 of the surety bond covering the licensed operations.

76.22 Sec. 8. Minnesota Statutes 2024, section 17A.04, subdivision 6, is amended to read:

76.23 Subd. 6. **Refusal to license.** The commissioner shall refuse to issue or renew a livestock
 76.24 market agency, meat packing company, or livestock dealer license if the applicant has not
 76.25 filed a surety bond in the form and amount required under this section and section 17A.05;
 76.26 the commissioner may refuse to issue or renew a license if the applicant: (1) has not
 76.27 satisfactorily demonstrated by a current balance sheet and financial statement that the
 76.28 applicant's assets exceed liabilities; (2) has been found by the department to have failed to
 76.29 pay, without reasonable cause, obligations incurred in connection with livestock transactions;
 76.30 (3) has failed to maintain and operate livestock or monorail scales in a manner to ensure
 76.31 accurate and correct weights; or (4) has failed to comply with other statutes, rules, or
 76.32 regulations enforced by the commissioner, the Board of Animal Health, the Division of

77.1 Weights and Measures of the Department of Commerce, or the federal Packers and
77.2 Stockyards Administration.

77.3 Sec. 9. Minnesota Statutes 2024, section 17A.04, subdivision 7, is amended to read:

77.4 Subd. 7. **Revocation of license.** Whenever the commissioner finds that any livestock
77.5 market agency, meat packing company, or livestock dealer has violated the provisions of
77.6 this chapter, or has failed to comply with other laws, rules, or regulations enforced by the
77.7 Board of Animal Health, the Division of Weights and Measures of the Department of
77.8 Commerce, or the federal Packers and Stockyards Administration, the commissioner may,
77.9 by order, pursuant to the provisions of chapter 14, and this subdivision, revoke the license
77.10 of the offender. ~~Before any such license shall be revoked, the licensee shall be furnished~~
77.11 ~~with a statement of the complaints made against the licensee, and a hearing shall be had~~
77.12 ~~before the commissioner upon at least ten days' notice to the licensee to determine whether~~
77.13 ~~such license shall be revoked, which notice may be served either by certified mail addressed~~
77.14 ~~to the address of the licensee as shown in the license application or in the manner provided~~
77.15 ~~by law for the service of a summons. At the time and place fixed for hearing, the~~
77.16 ~~commissioner or any official, employee or agent of the department authorized by the~~
77.17 ~~commissioner, shall receive evidence, administer oaths, examine witnesses, hear the~~
77.18 ~~testimony and thereafter file an order either dismissing the proceedings or revoking the~~
77.19 ~~license.~~

77.20 Sec. 10. Minnesota Statutes 2024, section 17A.04, subdivision 8, is amended to read:

77.21 Subd. 8. **Suspension of license.** Whenever the commissioner finds that the licensee has
77.22 violated provisions of this chapter, or has failed to comply with other laws, rules, or
77.23 regulations enforced by the Board of Animal Health, the Division of Weights and Measures
77.24 of the Department of Commerce, or the federal Packers and Stockyards Administration,
77.25 and that the continued activity of a licensee may cause irreparable injury or loss to persons
77.26 engaged in business with the licensee, the commissioner may, without hearing, suspend the
77.27 license of the licensee, provided that when a license is so suspended, the commissioner shall
77.28 immediately initiate procedures to afford the licensee a hearing pursuant to subdivision 7
77.29 ~~except that the ten days' notice required in subdivision 7 may be waived by the licensee.~~

77.30 Sec. 11. Minnesota Statutes 2024, section 17A.06, subdivision 2, is amended to read:

77.31 Subd. 2. **Hearing on claims.** In case of default by the licensee, the commissioner shall
77.32 have the power to have the matter heard as a contested case pursuant to procedures outlined
77.33 in chapter 14. ~~No hearing shall be required if all affected parties to a bond claim proceeding~~

78.1 ~~waive their right to a hearing and agree to accept the commissioner's determination as to~~
 78.2 ~~the validity of the claim and the allocation of the proceeds of the bond. The commissioner~~
 78.3 must first determine whether a claim is valid. If the commissioner determines that a claim
 78.4 is valid, the commissioner must notify the licensee of the determination and that the licensee
 78.5 has 15 days to either pay the claim or appeal the determination. If the licensee does not
 78.6 respond within 15 days, the determination must be considered a final order by the
 78.7 commissioner. If the commissioner determines that a claim is not valid, the commissioner
 78.8 must notify the claimant of the determination and that the claimant has 15 days to appeal
 78.9 the determination. If the claimant does not respond within 15 days, the determination must
 78.10 be considered a final order by the commissioner.

78.11 Sec. 12. Minnesota Statutes 2024, section 17A.06, subdivision 3, is amended to read:

78.12 Subd. 3. **Public notice.** ~~Prior to a hearing~~ After the commissioner determines that a
 78.13 claim is valid, the commissioner shall publish a notice setting forth the default of the licensee
 78.14 and requiring all claimants to file proof of claim with the commissioner within 45 days of
 78.15 the date such notice is published or be barred from participating in the proceeds of the bond.
 78.16 Such publication shall be made in a newspaper published in the county in which the licensee's
 78.17 principal place of business is located. The commissioner shall also fulfill any notice
 78.18 requirements prescribed by chapter 14 and rules of the Office of Administrative Hearings.
 78.19 No claim shall be allowed unless it is filed with the commissioner within one year of the
 78.20 date of the transaction. If a livestock market agency, meat packing company, or livestock
 78.21 dealer has on file a Packers and Stockyards Act bond and is registered with the Packers and
 78.22 Stockyards Administration, the terms of the bond or that federal agency's regulations will
 78.23 control.

78.24 Sec. 13. Minnesota Statutes 2024, section 17A.07, is amended to read:

78.25 **17A.07 PROHIBITED CONDUCT.**

78.26 It shall be unlawful for any person to: (1) carry on the business of a livestock market
 78.27 agency, livestock dealer, livestock dealer agent, meat packing company, meat packing
 78.28 company agent, or public stockyard without a valid and effective license issued by the
 78.29 commissioner under the provisions of section 17A.04; (2) carry on the business of a livestock
 78.30 market agency, meat packing company, or livestock dealer without filing and maintaining
 78.31 a valid and effective surety bond in conformity with sections 17A.04 and 17A.05; (3) carry
 78.32 on the business of a livestock market agency, meat packing company, or livestock dealer
 78.33 if the person cannot pay debts as they become due or ceases to pay debts in the ordinary

79.1 course of business as they become due; (4) use or allow to be used any livestock scale or
 79.2 monorail scale which has not been certified and approved for official use or has been found
 79.3 to be inaccurate; (5) fail to maintain and operate livestock or monorail scales in a manner
 79.4 to ensure accurate and correct weights; (6) weigh livestock or carcasses at other than true
 79.5 and correct weights or issue accounts and records on the basis of inaccurate or incorrect
 79.6 weights; (7) engage in or use any unfair or deceptive practice or device in connection with
 79.7 marketing of livestock; (8) willfully make or cause to be made any false entry or statement
 79.8 of fact in any application, financial statement or report filed with the department under this
 79.9 chapter.

79.10 Sec. 14. Minnesota Statutes 2024, section 17A.08, is amended to read:

79.11 **17A.08 RECORD KEEPING.**

79.12 Every person shall make and retain such accounts, records, and memoranda necessary
 79.13 to fully and correctly disclose all transactions involved in the person's business, including
 79.14 the true ownership of such business by stockholding or otherwise. Whenever the
 79.15 commissioner finds that the accounts, records, and memoranda of any such person do not
 79.16 fully and correctly disclose all transactions involved in the person's business, the
 79.17 commissioner may ~~prescribe~~ take enforcement actions in addition to prescribing the manner
 79.18 or form and length of time for retention which such accounts, records, and memoranda shall
 79.19 be kept. The commissioner shall at all reasonable times have access to, for the purpose of
 79.20 examination, and the right to copy any documentary evidence of any person being
 79.21 investigated or proceeded against.

79.22 Sec. 15. Minnesota Statutes 2024, section 17A.15, is amended to read:

79.23 **17A.15 POWERS AND DUTIES OF COMMISSIONER.**

79.24 The commissioner shall enforce the provisions of ~~Laws 1974, chapter 347~~ this chapter
 79.25 and shall promulgate, in the manner provided by law, such rules as the commissioner deems
 79.26 necessary or desirable, and may cooperate with any department of state or government, to
 79.27 carry out the provisions of sections 17A.01 to 17A.15. The commissioner or a duly authorized
 79.28 agent shall have the power to issue subpoenas, administer oaths and affirmations, examine
 79.29 witnesses, receive evidence, and shall have the power to require by subpoena the attendance
 79.30 and testimony of witnesses and the production of all such documentary evidence relating
 79.31 to any matter under investigation or administrative proceeding.

80.1 Sec. 16. **EFFECTIVE DATE.**

80.2 This article is effective August 1, 2025.

80.3

ARTICLE 5

80.4

SEED POTATO PROVISIONS

80.5 Section 1. Minnesota Statutes 2024, section 18J.01, is amended to read:

80.6 **18J.01 DEFINITIONS.**

80.7 (a) The definitions in this section; chapters 18G, 18H, 18K, 27, 223, 231, and 232; and
80.8 sections 18G.02, 18H.02, 18K.02, 27.01, 223.16, 231.01, and 232.21 21.111 to 21.125 and
80.9 21.80 to 21.92 apply to this chapter.

80.10 (b) For purposes of this chapter, "associated rules" means rules adopted under this
80.11 chapter, chapter 18G, 18H, 18K, 27, 223, 231, or 232, or sections ~~21.80~~ 21.111 to 21.92
80.12 21.125.

80.13 Sec. 2. Minnesota Statutes 2024, section 18J.02, is amended to read:

80.14 **18J.02 DUTIES OF COMMISSIONER.**

80.15 The commissioner shall administer and enforce this chapter, chapters 18G, 18H, 18K,
80.16 27, 223, 231, and 232; sections 21.111 to 21.125, and 21.80 to 21.92; and associated rules.

80.17 Sec. 3. Minnesota Statutes 2024, section 18J.03, is amended to read:

80.18 **18J.03 CIVIL LIABILITY.**

80.19 A person regulated by this chapter, chapter 18G, 18H, 18K, 27, 223, 231, or 232, or
80.20 sections 21.111 to 21.125 or 21.80 to 21.92, is civilly liable for any violation of one of those
80.21 statutes or associated rules by the person's employee or agent.

80.22 Sec. 4. Minnesota Statutes 2024, section 18J.04, subdivision 1, is amended to read:

80.23 Subdivision 1. **Access and entry.** The commissioner, upon presentation of official
80.24 department credentials, must be granted immediate access at reasonable times to sites where
80.25 a person manufactures, distributes, uses, handles, disposes of, stores, or transports seeds,
80.26 plants, grain, household goods, general merchandise, produce, or other living or nonliving
80.27 products or other objects regulated under chapter 18G, 18H, 18K, 27, 223, 231, or 232;
80.28 sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules.

81.1 Sec. 5. Minnesota Statutes 2024, section 18J.04, subdivision 2, is amended to read:

81.2 Subd. 2. **Purpose of entry.** (a) The commissioner may enter sites for:

81.3 (1) inspection of inventory and equipment for the manufacture, storage, handling,
81.4 distribution, disposal, or any other process regulated under chapter 18G, 18H, 18K, 27, 223,
81.5 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules;

81.6 (2) sampling of sites, seeds, plants, products, grain, household goods, general
81.7 merchandise, produce, or other living or nonliving objects that are manufactured, stored,
81.8 distributed, handled, or disposed of at those sites and regulated under chapter 18G, 18H,
81.9 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules;

81.10 (3) inspection of records related to the manufacture, distribution, storage, handling, or
81.11 disposal of seeds, plants, products, grain, household goods, general merchandise, produce,
81.12 or other living or nonliving objects regulated under chapter 18G, 18H, 18K, 27, 223, 231,
81.13 or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules;

81.14 (4) investigating compliance with chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections
81.15 21.111 to 21.125 or 21.80 to 21.92; or associated rules; or

81.16 (5) other purposes necessary to implement chapter 18G, 18H, 18K, 27, 223, 231, or 232;
81.17 sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules.

81.18 (b) The commissioner may enter any public or private premises during or after regular
81.19 business hours without notice of inspection when a suspected violation of chapter 18G,
81.20 18H, 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated
81.21 rules may threaten public health or the environment.

81.22 Sec. 6. Minnesota Statutes 2024, section 18J.04, subdivision 3, is amended to read:

81.23 Subd. 3. **Notice of inspection samples and analyses.** (a) The commissioner shall provide
81.24 the owner, operator, or agent in charge with a receipt describing any samples obtained. If
81.25 requested, the commissioner shall split any samples obtained and provide them to the owner,
81.26 operator, or agent in charge. If an analysis is made of the samples, a copy of the results of
81.27 the analysis must be furnished to the owner, operator, or agent in charge within 30 days
81.28 after an analysis has been performed. If an analysis is not performed, the commissioner
81.29 must notify the owner, operator, or agent in charge within 30 days of the decision not to
81.30 perform the analysis.

81.31 (b) The sampling and analysis must be done according to methods provided for under
81.32 applicable provisions of chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.111 to

82.1 21.125 or 21.80 to 21.92; or associated rules. In cases not covered by those sections and
82.2 methods or in cases where methods are available in which improved applicability has been
82.3 demonstrated the commissioner may adopt appropriate methods from other sources.

82.4 Sec. 7. Minnesota Statutes 2024, section 18J.04, subdivision 4, is amended to read:

82.5 Subd. 4. **Inspection requests by others.** (a) A person who believes that a violation of
82.6 chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92;
82.7 or associated rules has occurred may request an inspection by giving notice to the
82.8 commissioner of the violation. The notice must be in writing, state with reasonable
82.9 particularity the grounds for the notice, and be signed by the person making the request.

82.10 (b) If after receiving a notice of violation the commissioner reasonably believes that a
82.11 violation has occurred, the commissioner shall make a special inspection in accordance with
82.12 the provisions of this section as soon as practicable, to determine if a violation has occurred.

82.13 (c) An inspection conducted pursuant to a notice under this subdivision may cover an
82.14 entire site and is not limited to the portion of the site specified in the notice. If the
82.15 commissioner determines that reasonable grounds to believe that a violation occurred do
82.16 not exist, the commissioner must notify the person making the request in writing of the
82.17 determination.

82.18 Sec. 8. Minnesota Statutes 2024, section 18J.05, subdivision 1, is amended to read:

82.19 Subdivision 1. **Enforcement required.** (a) A violation of chapter 18G, 18H, 18K, 27,
82.20 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or an associated rule is a
82.21 violation of this chapter.

82.22 (b) Upon the request of the commissioner, county attorneys, sheriffs, and other officers
82.23 having authority in the enforcement of the general criminal laws must take action to the
82.24 extent of their authority necessary or proper for the enforcement of chapter 18G, 18H, 18K,
82.25 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules or
82.26 valid orders, standards, stipulations, and agreements of the commissioner.

82.27 Sec. 9. Minnesota Statutes 2024, section 18J.05, subdivision 2, is amended to read:

82.28 Subd. 2. **Commissioner's discretion.** If minor violations of chapter 18G, 18H, 18K,
82.29 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules occur
82.30 or the commissioner believes the public interest will be best served by a suitable notice of
82.31 warning in writing, this section does not require the commissioner to:

- 83.1 (1) report the violation for prosecution;
- 83.2 (2) institute seizure proceedings; or
- 83.3 (3) issue a withdrawal from distribution, stop-sale, or other order.

83.4 Sec. 10. Minnesota Statutes 2024, section 18J.05, subdivision 6, is amended to read:

83.5 Subd. 6. **Agent for service of process.** All persons licensed, permitted, registered, or
 83.6 certified under chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or
 83.7 21.80 to 21.92; or associated rules must appoint the commissioner as the agent upon whom
 83.8 all legal process may be served and service upon the commissioner is deemed to be service
 83.9 on the licensee, permittee, registrant, or certified person.

83.10 Sec. 11. Minnesota Statutes 2024, section 18J.06, is amended to read:

83.11 **18J.06 FALSE STATEMENT OR RECORD.**

83.12 A person must not knowingly make or offer a false statement, record, or other information
 83.13 as part of:

83.14 (1) an application for registration, license, certification, or permit under chapter 18G,
 83.15 18H, 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated
 83.16 rules;

83.17 (2) records or reports required under chapter 18G, 18H, 18K, 27, 223, 231, or 232;
 83.18 sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules; or

83.19 (3) an investigation of a violation of chapter 18G, 18H, 18K, 27, 223, 231, or 232;
 83.20 sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules.

83.21 Sec. 12. Minnesota Statutes 2024, section 18J.07, subdivision 3, is amended to read:

83.22 Subd. 3. **Cancellation of registration, permit, license, certification.** The commissioner
 83.23 may cancel or revoke a registration, permit, license, or certification provided for under
 83.24 chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92;
 83.25 or associated rules or refuse to register, permit, license, or certify under provisions of chapter
 83.26 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or
 83.27 associated rules if the registrant, permittee, licensee, or certified person has used fraudulent
 83.28 or deceptive practices in the evasion or attempted evasion of a provision of chapter 18G,
 83.29 18H, 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated
 83.30 rules.

84.1 Sec. 13. Minnesota Statutes 2024, section 18J.07, subdivision 4, is amended to read:

84.2 Subd. 4. **Service of order or notice.** (a) If a person is not available for service of an
 84.3 order, the commissioner may attach the order to the facility, site, seed or seed container,
 84.4 plant or other living or nonliving object regulated under chapter 18G, 18H, 18K, 27, 223,
 84.5 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules and notify the
 84.6 owner, custodian, other responsible party, or registrant.

84.7 (b) The seed, seed container, plant, or other living or nonliving object regulated under
 84.8 chapter 18G, 18H, 18K, 27, 223, 231, or 232; sections 21.111 to 21.125 or 21.80 to 21.92;
 84.9 or associated rules may not be sold, used, tampered with, or removed until released under
 84.10 conditions specified by the commissioner, by an administrative law judge, or by a court.

84.11 Sec. 14. Minnesota Statutes 2024, section 18J.07, subdivision 5, is amended to read:

84.12 Subd. 5. **Unsatisfied judgments.** (a) An applicant for a license, permit, registration, or
 84.13 certification under provisions of this chapter, chapter 18G, 18H, 18K, 27, 223, 231, or 232;
 84.14 sections 21.111 to 21.125 or 21.80 to 21.92; or associated rules may not allow a final
 84.15 judgment against the applicant for damages arising from a violation of those statutes or
 84.16 rules to remain unsatisfied for a period of more than 30 days.

84.17 (b) Failure to satisfy, within 30 days, a final judgment resulting from a violation of this
 84.18 chapter results in automatic suspension of the license, permit, registration, or certification.

84.19 Sec. 15. Minnesota Statutes 2024, section 18J.09, is amended to read:

84.20 **18J.09 CREDITING OF PENALTIES, FEES, AND COSTS.**

84.21 Penalties, cost reimbursements, fees, and other money collected under this chapter must
 84.22 be deposited into the state treasury and credited to the appropriate nursery and phytosanitary
 84.23 account under section 18H.17, industrial hemp account under section 18K.07, or seed potato
 84.24 inspection account under section 21.115, seed inspection account under section 21.92, or
 84.25 grain buyers and storage account under sections 223.17 and 232.22.

84.26 Sec. 16. Minnesota Statutes 2024, section 21.111, is amended to read:

84.27 **21.111 DEFINITIONS.**

84.28 Subdivision 1. **Scope.** When used in sections 21.111 to ~~21.122~~ 21.125 the terms defined
 84.29 in this section shall have the meanings ascribed to them.

84.30 Subd. 2. **Inspected.** "Inspected" means that the potato plants are examined in the field
 84.31 and that the harvested potatoes produced by the potato plants are examined by or under the

85.1 ~~authority of the commissioner. For seed potatoes produced in a lab, inspected means that~~
85.2 ~~the lab's records, including records related to the lab's procedures and protocols, as well as~~
85.3 ~~the seed potatoes, have been examined under the authority of the commissioner.~~

85.4 Subd. 3. **Certified.** "Certified" means that the potatoes were inspected while growing
85.5 in the field and, when possible, again after being harvested, and were thereafter duly certified
85.6 by or under the authority of the commissioner, as provided in sections 21.111 to ~~21.122~~,
85.7 ~~and as provided by rules adopted and published by the commissioner~~ 21.125. For seed
85.8 potatoes produced in a lab, certified means that:

85.9 (1) the seed potato lab facilities and the lab's procedures and protocols have been
85.10 examined under the authority of the commissioner; and

85.11 (2) the seed potatoes have been inspected after they have been harvested, removed, or
85.12 released from the lab, and were duly certified by or under the authority of the commissioner,
85.13 as provided in sections 21.111 to ~~21.122~~ 21.125.

85.14 ~~Subd. 3a. **Interstate cooperation.** In order to best use state resources, the commissioner~~
85.15 ~~may enter into agreements with other seed potato certification entities to carry out the~~
85.16 ~~purposes of sections 21.111 to 21.122. Any agreement may provide for field inspections,~~
85.17 ~~shipping point inspections, winter tests, and other certification functions to be carried out~~
85.18 ~~by personnel employed by either entity according to methods determined by the certification~~
85.19 ~~entities of the respective areas. The commissioner may extend seed potato certification~~
85.20 ~~services to states where growers wish to grow certified seed potatoes and the state does not~~
85.21 ~~have a seed potato certification program. Any agreement must be reported to the chairs of~~
85.22 ~~the legislative committees responsible for the budget or policy of the seed potato inspection~~
85.23 ~~program and to the commissioner of management and budget.~~

85.24 Subd. 3b. **Certified seed potatoes.** "Certified seed potatoes" means potatoes that have
85.25 been produced, graded, sacked or placed in bulk, inspected, and certified in accordance with
85.26 this chapter.

85.27 Subd. 3c. **Class.** "Class" means the seed quality level related to compliance with
85.28 tolerances for diseases and varietal purity.

85.29 Subd. 3d. **Clone.** "Clone" means a unit of seed potatoes that is the progeny of one plant,
85.30 which has been tested to become eligible to produce Generation 1 class seed potatoes.

85.31 Subd. 3e. **Commissioner.** "Commissioner" means the commissioner of agriculture or
85.32 the commissioner's designee.

85.33 Subd. 3f. **Crop.** "Crop" means all lots produced on a farm in one year.

86.1 Subd. 3g. **Department.** "Department" means the Department of Agriculture.

86.2 Subd. 3h. **Explant.** "Explant" means an in vitro potato plant or a plantlet that is produced
86.3 by rooting an excised tip of a tuber sprout or an axillary bud from a growing plant and that
86.4 serves as a parent for a whole clone or accession of micropropagated plants or plantlets.

86.5 Subd. 3i. **Farm.** "Farm" means a potato-growing enterprise. Farm includes all land,
86.6 equipment, storage facilities, and laborers used to produce potatoes.

86.7 Subd. 3j. **Field.** "Field" means a plot of land on a farm where potatoes are grown.

86.8 Subd. 3k. **Inspected.** (a) For plants growing in a field, "inspected" means that the
86.9 commissioner has examined the plants in the field where the plants are grown and has
86.10 visually assessed the plants for disease and factors impacting quality.

86.11 (b) For harvested potatoes, inspected means that the commissioner has observed the
86.12 tubers and, when requested, the commissioner has evaluated the tubers for quality and
86.13 conditions described in section 21.125.

86.14 (c) For seed potatoes produced by a laboratory, inspected means that the commissioner
86.15 has examined the seed potatoes and the laboratory's records, including records related to
86.16 the laboratory's procedures and protocols.

86.17 Subd. 3l. **Lot.** "Lot" means a group of seed potatoes of one variety, planted in one
86.18 continuous plot, grown on the same farm, and physically separated from other lots while
86.19 being grown and stored.

86.20 Subd. 3m. **Material in maintenance.** "Material in maintenance" means propagative
86.21 material, plantlets, or tubers that are maintained, not multiplied, under controlled laboratory
86.22 conditions.

86.23 Subd. 3n. **Roguing.** "Roguing" is the process of removing infected plants from a field
86.24 of certified seed potatoes.

86.25 Subd. 3o. **Stand.** "Stand" is the live plant population in a certified seed potato lot.

86.26 Subd. 5. **Seed potatoes.** "Seed potatoes" means potatoes used, sold, offered or exposed
86.27 for sale, or held with intent to sell or as a sample representing any lot or stock of potatoes
86.28 offered or exposed for sale or held with intent to sell within this state, for the purpose of
86.29 planting.

86.30 Subd. 6. **Person.** "Person" includes an individual, partnership, corporation, company,
86.31 society, association, and firms.

87.1 Subd. 7. **Physically separated.** "Physically separated" means separated by at least the
 87.2 width of one row and markings such as flags at every corner of the lot.

87.3 Subd. 8. **Rejected.** "Rejected" means that a field or lot fails to meet the certification
 87.4 standards in this chapter.

87.5 Subd. 9. **Tuber units.** "Tuber units" means the separate pieces of one tuber that are
 87.6 planted consecutively in two or more hills in a row.

87.7 Subd. 10. **Winter testing.** "Winter testing" means growing out and visually inspecting
 87.8 a representative sample of tubers from each seed lot for stand, vigor, varietal purity, and
 87.9 disease.

87.10 Sec. 17. Minnesota Statutes 2024, section 21.112, is amended by adding a subdivision to
 87.11 read:

87.12 Subd. 1a. **Interstate cooperation.** In order to best use state resources, the commissioner
 87.13 may enter into agreements with other seed potato certification entities to carry out the
 87.14 purposes of sections 21.111 to 21.125. An agreement under this subdivision may provide
 87.15 for field inspections, shipping point inspections, winter testing, and other certification
 87.16 functions to be carried out by personnel employed by either the commissioner or other seed
 87.17 potato certification entities according to methods determined by the seed potato certification
 87.18 entities. The commissioner may extend seed potato certification services to a state where
 87.19 growers wish to grow certified seed potatoes and where the state does not have a seed potato
 87.20 certification program. Any agreement under this subdivision must be reported to the chairs
 87.21 and ranking minority members of the legislative committees responsible for the budget or
 87.22 policy of the seed potato inspection program and to the commissioner of management and
 87.23 budget.

87.24 Sec. 18. Minnesota Statutes 2024, section 21.113, is amended to read:

87.25 **21.113 SHIPPING POINT CERTIFICATES ~~OF INSPECTION~~; CERTIFICATES**
 87.26 **OF ORIGIN; AND BULK CERTIFICATES.**

87.27 Subdivision 1. **Shipping point inspections.** (a) The commissioner shall issue shipping
 87.28 point certificates of inspection only when seed potatoes have been inspected while growing
 87.29 in the field and again after being harvested.

87.30 (b) For seed potatoes produced in a lab or greenhouse, the commissioner shall issue
 87.31 certificates of inspection only after:

88.1 (1) the seed potato ~~lab~~ growth facility and the ~~lab's~~ growth facility's records have been
88.2 inspected; and

88.3 (2) the seed potatoes have been inspected after they have been harvested, removed, or
88.4 released from the lab or greenhouse.

88.5 (c) Certificates of inspection under this section shall show the varietal purity and the
88.6 freedom from disease and physical injury of such potatoes and any other information as
88.7 may be prescribed by ~~rules adopted and published under~~ sections 21.111 to ~~21.122~~ 21.125.

88.8 Subd. 2. Other certificates. (a) The use of a certificate of origin requires the approval
88.9 of the seller and the purchaser and must only be used for intrastate shipments between
88.10 certified seed potato producers. The certificate of origin must contain information considered
88.11 necessary by the commissioner and must at a minimum identify the producer, receiver,
88.12 variety, classification, quantity, date of shipment, and lot of the seed potatoes. The limitation
88.13 of warranty as described in paragraph (c) must not include any representation of the condition
88.14 of the potatoes at the time of shipment. A certificate of origin must only be used for intrastate
88.15 shipment if a shipping point inspection is not available. Use of a certificate of origin must
88.16 be approved by the commissioner prior to shipment.

88.17 (b) A bulk certificate must include the date of issuance, class, grade, lot number, and
88.18 approximate weight of the load.

88.19 (c) A certification does not represent a warranty of any kind, express or implied, including
88.20 merchantability, as to the quality of the crop produced from the certified seed potatoes. A
88.21 certification must only represent that the seed potatoes were produced, graded, sacked or
88.22 placed in bulk, and inspected in accordance with this chapter. A certification under this
88.23 subdivision must not include any representation of the condition of the potatoes at the time
88.24 of shipment.

88.25 Sec. 19. Minnesota Statutes 2024, section 21.115, is amended to read:

88.26 **21.115 FEES; SEED POTATO INSPECTION ACCOUNT.**

88.27 The commissioner shall fix the fees for all inspections and certifications in such amounts
88.28 as from time to time may be found necessary to pay the expenses of carrying out and
88.29 enforcing the purposes of sections 21.111 to ~~21.122~~ 21.125, with a reasonable reserve, and
88.30 shall require the same to be paid before such inspections or certifications are made. All
88.31 moneys collected as fees or as penalties for violations of any of the provisions of such
88.32 sections shall be paid into the agricultural fund and credited to the seed potato inspection
88.33 account of the commissioner, which account is hereby created and appropriated for carrying

89.1 out the purposes of sections 21.111 to ~~21.122~~ 21.125. Interest, if any, received on deposits
 89.2 of these moneys shall be credited to the account, and there shall be paid into this fund any
 89.3 sum provided by the legislature for the purpose of carrying out the provisions of such
 89.4 sections.

89.5 Sec. 20. Minnesota Statutes 2024, section 21.117, is amended to read:

89.6 **21.117 APPLICATIONS FOR INSPECTIONS; WITHDRAWALS;**
 89.7 **AMENDMENTS.**

89.8 (a) Any person may make application to the commissioner for inspection or certification
 89.9 of seed potatoes growing or to be grown. Upon receiving such application and the required
 89.10 fee and such other information as may be required, the commissioner shall cause such
 89.11 potatoes to be inspected or certified in accordance with the provisions of sections 21.111
 89.12 to ~~21.122~~ and the rules adopted and published thereunder 21.125.

89.13 (b) If a grower wishes to withdraw ~~a field or lab~~ an application after having made a
 89.14 timely application for inspection and such withdrawal is requested before the field or lab
 89.15 inspection has been made, the fee paid shall be refunded to said grower. A grower must
 89.16 submit a withdrawal request in writing and include a reason for withdrawal. A grower must
 89.17 remove withdrawn acres from production before the first field inspection.

89.18 (c) If a grower wishes to amend an application after submitting a timely application for
 89.19 inspection, the grower must submit the request in writing, including a reason for the
 89.20 amendment.

89.21 Sec. 21. Minnesota Statutes 2024, section 21.119, is amended to read:

89.22 **21.119 USE OF CERTAIN TERMS FORBIDDEN; EXCEPTIONS.**

89.23 It shall be unlawful to use or employ the term "certified" or the term "inspected," or any
 89.24 term or terms conveying a meaning substantially equivalent to the meaning of either of
 89.25 these terms, either orally or in writing, printing, marking, or otherwise in reference to or in
 89.26 connection with, or in advertising or characterizing or labeling seed potatoes or the containers
 89.27 thereof, unless such potatoes shall have been duly inspected and certified pursuant to the
 89.28 provisions of sections 21.111 to ~~21.122~~ 21.125.

90.1 Sec. 22. Minnesota Statutes 2024, section 21.1195, is amended to read:

90.2 **21.1195 MINIMUM STANDARDS FOR PLANTING.**

90.3 (a) Seed Potatoes may not be planted in the state in lots of ten or more acres unless the
 90.4 seed meets the minimum disease standards prescribed by the commissioner. ~~Seed~~ Potatoes
 90.5 may meet the standards by being certified in accordance with this chapter and rules adopted
 90.6 by the commissioner, or under the certification program of another state or province which,
 90.7 in the judgment of the commissioner, provides equivalent assurances of seed potato quality.
 90.8 ~~Seed~~ Potatoes may be planted without certification if they have had at least field inspection
 90.9 as required for certified seed potatoes, have passed the field inspection standards of disease
 90.10 tolerance, and are free from ring rot. ~~A person that plants seed potatoes in violation of this~~
 90.11 ~~section is subject to a civil penalty of \$20 per acre for each acre or part of an acre planted~~
 90.12 ~~in violation of this section.~~ Failure to maintain complete and accurate records in accordance
 90.13 with this section ~~or rules adopted by the commissioner is an additional violation resulting~~
 90.14 ~~in a separate civil penalty of \$200 for each failure~~ is a violation and subject to enforcement
 90.15 under chapter 18J.

90.16 (b) If there is not available to be planted in this state, in any year, a sufficient volume
 90.17 of potato seed meeting certified seed potato disease standards, in any or all varieties, the
 90.18 commissioner may, upon application by one or more growers, permit seed that does not
 90.19 comply with this section to be planted for that growing season if the seed does not pose a
 90.20 serious disease threat.

90.21 (c) Each grower shall keep records of each lot of ~~seed~~ potatoes planted. For each growing
 90.22 season, the records must include, by field, the variety, planting location, and source of the
 90.23 seed potatoes. Each grower shall register fields and file records as prescribed by the
 90.24 commissioner. All records must be made available for inspection by the commissioner or
 90.25 the commissioner's agents during normal business hours.

90.26 (d) In addition to the enforcement powers and penalties in this section, the commissioner
 90.27 may issue a subpoena to a grower in order to compel delivery of records which are required
 90.28 under this section. These subpoenas are enforceable by any court of competent jurisdiction.

90.29 Sec. 23. Minnesota Statutes 2024, section 21.1196, subdivision 2, is amended to read:

90.30 Subd. 2. **Restriction.** ~~(a) The seed potato certification requirements under sections 21.111~~
 90.31 ~~to 21.122 apply to potatoes grown in plots of ten acres or more in the restricted seed potato~~
 90.32 ~~growing area. Qualifying potatoes grown in the restricted seed potato growing area must~~
 90.33 ~~be certified as seed potatoes.~~ A grower who seeks to plant potatoes in the restricted seed

91.1 potato growing area and who does not intend to have the potatoes certified as seed potatoes
 91.2 must meet the following requirements:

91.3 (1) seed potatoes planted in the restricted seed potato growing area must have been
 91.4 certified before planting. For seed potatoes to be certified, the seed potatoes must meet the
 91.5 standards of this chapter or the standards of a certification program of another state or
 91.6 province that, in the judgment of the commissioner, provides equivalent assurances of seed
 91.7 potato quality;

91.8 (2) certification documentation for all lots planted on a farm must be filed with the
 91.9 Department of Agriculture;

91.10 (3) planted lots must meet tolerances for certified class seed potatoes; and

91.11 (4) the potato plants must be inspected by the commissioner during a site visit.

91.12 (b) The commissioner may enter and inspect plots subject to paragraph (a) during the
 91.13 growing season.

91.14 (c) Potatoes grown in the restricted seed potato growing area that have not met the
 91.15 requirements for certification must not be labeled, marketed, or sold as certified seed potatoes.

91.16 (d) If, in any year, a sufficient volume of potato seed that meets certification standards
 91.17 related to disease, in any or all varieties, is not available to be planted in Minnesota, the
 91.18 commissioner may, upon application by one or more growers, permit potato seed that does
 91.19 not comply with this section to be planted for that growing season if the seed does not pose
 91.20 a serious threat of disease to the public.

91.21 Sec. 24. **[21.123] SEED POTATO CERTIFICATION.**

91.22 Subdivision 1. Eligibility. In order to produce certified seed potatoes, a grower must
 91.23 comply with the following requirements:

91.24 (1) a grower must ensure that potatoes meet the tolerances prescribed by this chapter
 91.25 and the potatoes have been inspected by the commissioner while growing in a field;

91.26 (2) a grower must ensure that all potatoes planted on the grower's farm have been entered
 91.27 for certification by the commissioner;

91.28 (3) a grower must ensure that each lot is grown while physically separated from other
 91.29 lots. Markers must be visible to an inspector from anywhere in the area of separation;

91.30 (4) a grower must submit an application for certification before June 16 each year on
 91.31 forms provided by the commissioner. The commissioner must charge a ten percent late

92.1 registration fee to a grower who submitted an application postmarked after June 15 and
92.2 before July 1. The commissioner may extend the deadline due to special circumstances,
92.3 such as a natural disaster, that make it impractical or impossible for planting to be completed
92.4 by the deadline and that affect an area or large number of growers. A grower must make a
92.5 request for an extension in writing before June 16;

92.6 (5) an application for certification must include a North American Health Certificate
92.7 and a shipping point certificate, bulk seed certificate, or certificate of origin. The
92.8 commissioner must not accept an incomplete application for certification;

92.9 (6) an application for recertification must demonstrate that the seed potatoes being
92.10 entered for recertification originated from a class system in Minnesota or another state or
92.11 province under the supervision of another certifying agency; and

92.12 (7) a grower must comply with sections 21.111 to 21.125. A grower's violation of sections
92.13 21.111 to 21.125 is cause for the commissioner to reject the grower's field or lot. A grower
92.14 must not sell or label potatoes as certified seed potatoes when the potatoes were grown in
92.15 a rejected field or lot.

92.16 Subd. 2. **Certification process.** (a) As part of the certification process, the commissioner
92.17 must visually inspect sample plants and tubers from each field and lot belonging to the
92.18 grower, except that the commissioner is not required to visually inspect sample plants and
92.19 tubers when certifying prenuclear class potatoes.

92.20 (b) For seed potato varieties that do not exhibit visible symptoms of a specific pathogen,
92.21 the commissioner must subject the seed potatoes to laboratory tests to determine the level
92.22 of a pathogen in a seed lot. Testing under this paragraph may occur during the growing
92.23 season, the storage season, or winter testing.

92.24 (c) The commissioner must not accept an application for certification from a grower in
92.25 a community or county without sufficient acreage for total inspection fee charges to cover
92.26 the cost of wages and expenses of the commissioner to complete an inspection. The
92.27 commissioner must make a determination of sufficient acreage under this paragraph before
92.28 conducting an inspection as part of the certification process.

92.29 (d) The commissioner must not inspect a field for certification unless both the planted
92.30 seed potato variety and the particular planted lot have been authorized by the commissioner.
92.31 When considering the authorization of a particular seed potato variety for planting as certified
92.32 seed potatoes, the commissioner must consider scientific evidence and the expert opinions
92.33 of inspectors.

93.1 (e) The following classes of seed potatoes are eligible for planting as certified seed
93.2 potatoes: Prenuclear (PN), Generation 1 (G1), Generation 2 (G2), Generation 3 (G3),
93.3 Generation 4 (G4), Generation 5 (G5), and experimental class seed potatoes. The
93.4 commissioner may authorize the planting of Certified (C) class or Generation 6 (G6) class
93.5 seed potatoes if the commissioner determines that the seeds do not pose a serious threat of
93.6 disease to the public.

93.7 Subd. 3. **Bacterial ring rot or potato spindle tuber viroid.** If the commissioner finds
93.8 the presence of bacterial ring rot or potato spindle tuber viroid in a field or lot, the
93.9 commissioner must reject the entire field or lot. If the commissioner discovers a single plant
93.10 in a field or a tuber in storage that is infected with bacterial ring rot or potato spindle tuber
93.11 viroid, the commissioner must reject the entire field or lot where the plant was grown. If
93.12 the commissioner has not found bacterial ring rot or potato spindle tuber viroid in a field
93.13 or lot, the field or lot is not necessarily free from either disease.

93.14 Subd. 4. **Winter testing.** (a) In order to detect certain virus diseases, the commissioner
93.15 must conduct winter testing of a sample from each class seeking eligibility for recertification,
93.16 except PN, G1, and experimental classes. The commissioner must grow out and visually
93.17 inspect a representative sample of tubers from each seed lot for stand, vigor, varietal purity,
93.18 and disease. If, during a visual inspection, a plant shows signs of potato virus Y or potato
93.19 leafroll virus, or if the plant is of a variety that does not express visual symptoms of infection,
93.20 the commissioner must ensure that a sample of the plant is lab tested for potato virus Y and
93.21 potato leafroll virus. The commissioner must determine whether a field or lot contains the
93.22 threshold amount of disease permitted under section 21.124, subdivision 9. The commissioner
93.23 must include any lot that passes winter testing in the approved list of certified seed lots
93.24 eligible for recertification.

93.25 (b) If the commissioner determines that a winter test of a lot or field has a serious
93.26 malfunction, the commissioner must base classification of the lot or field on summer field
93.27 readings from the previous year or lab testing.

93.28 (c) Instead of winter testing a sample of winter grow out, the commissioner may accept
93.29 comprehensive lab testing if the commissioner determines that special circumstances exist,
93.30 such as a natural disaster, that would make submission of samples for inclusion in winter
93.31 testing impractical or impossible.

93.32 (d) The commissioner must reject a field or lot if the commissioner determines that a
93.33 large number of plants are missing from the field or lot due to disease.

94.1 (e) The commissioner must reject a field or lot if the commissioner determines that the
94.2 field or lot contains a large number of weak plants.

94.3 (f) The commissioner may reject a field or lot if the field or lot contains a large number
94.4 of plants that have a mixture of variety.

94.5 Subd. 5. **Seed potato certification classes.** Seed potato certification classes must be
94.6 differentiated by the potatoes' compliance with disease tolerances, varietal purity, and seed
94.7 origin. Seed potato certification classes are: Prenuclear, Generation 1, Generation 2,
94.8 Generation 3, Generation 4, Generation 5, Generation 6, and Certified.

94.9 Subd. 6. **Experimental status.** (a) Lots from a breeder's seed that have not been tested
94.10 and have not been determined to be virus-free are considered experimental. The commissioner
94.11 must designate seedlings or numbered selections in experimental status as a class and
94.12 determine requirements of that class.

94.13 (b) To obtain experimental status under this subdivision, an applicant must submit a
94.14 written statement from the seedlings' or numbered selections' breeder, originator, or
94.15 originator's designee verifying that the applicant has full and unrestricted rights to introduce
94.16 the seedlings or numbered selections into the commercial market and that the applicant may
94.17 apply to enter the seedlings or numbered selections into the certification system. The written
94.18 statement must accompany the certification application submitted by the applicant.

94.19 (c) After reviewing the applicant's written statement and certification application, the
94.20 commissioner may designate seedlings or numbered selections described in the application
94.21 as having experimental status.

94.22 (d) After an applicant is notified by the commissioner that the seedlings or numbered
94.23 selections have experimental status, the applicant must ensure that the seedlings or numbered
94.24 selections are tagged with the word "EXPERIMENTAL."

94.25 Subd. 7. **Protected varieties.** If an applicant seeks to enter a seed potato variety protected
94.26 under the Plant Variety Protection Act Amendments of 1994 into the certification system,
94.27 the applicant must submit a written statement from the breeder, originator, or originator's
94.28 designee that the applicant has full and unrestricted rights to introduce the protected variety
94.29 into the certification system. The applicant must ensure that the written statement
94.30 accompanies the certification application for any protected seed potato variety.

94.31 Subd. 8. **Certification factors; field inspection.** (a) The commissioner must consider
94.32 the following factors when conducting a field inspection pursuant to a certification
94.33 application:

95.1 (1) the commissioner must reject a field or lot if a large number of plants are missing
95.2 due to disease;

95.3 (2) the commissioner must reject a field or lot if the field or lot contains a large number
95.4 of weak plants;

95.5 (3) the commissioner must inspect a field or lot for bacterial ring rot. The commissioner
95.6 must reject a field or lot if the commissioner finds the presence of bacterial ring rot. If
95.7 bacterial ring rot is present in a field or lot, the remaining crop is not eligible for certification
95.8 planting;

95.9 (4) the commissioner must reject a field or lot if the field or lot contains potatoes with
95.10 a level of disease higher than the acceptable tolerance for the disease for the potatoes' seed
95.11 potato certification class according to section 21.124, subdivision 9;

95.12 (5) the commissioner must reject a field or lot if the field or lot contains a percentage
95.13 of diseased plants that exceeds the acceptable percentage of disease listed in section 21.124
95.14 for the seed potato certification class;

95.15 (6) the commissioner must reject a field or lot if any of the following are present in the
95.16 field or lot to such an extent that the commissioner is unable to complete a satisfactory
95.17 inspection for diseases: early or late blight, blackleg or wilt of any kind, weeds, plant injury
95.18 from insects, or chemical damage; and

95.19 (7) the commissioner must reject a field or lot if any other conditions are present to such
95.20 an extent that the commissioner is unable to make a satisfactory inspection for diseases.

95.21 (b) The commissioner must determine that a field is ineligible for certification if cull
95.22 piles are in such close vicinity to the field that it is likely that the field is contaminated.

95.23 (c) The commissioner must make at least two field inspections of a field during the
95.24 growing season. The commissioner must conduct a final inspection of a field for bacterial
95.25 ring rot during the time of year that symptoms of bacterial ring rot are most likely to be
95.26 observed. If the commissioner is unable to conduct a final inspection under this paragraph
95.27 due to management practices of the grower or for a reason that is out of the grower's control,
95.28 such as a natural disaster, the grower must ensure that laboratory testing is conducted to
95.29 maintain eligibility for certification. An additional inspection or additional laboratory testing
95.30 may be necessary to meet phytosanitary requirements in established markets in another state
95.31 or in a Canadian province.

95.32 Subd. 9. Roguing. If any of the diseases listed in section 21.124, subdivision 1, are
95.33 present in a field in amounts greater than the maximum disease tolerance level, the grower

96.1 must rogue the field and remove the infected plants before the final inspection by the
96.2 commissioner. If a grower has completed roguing a field after tubers have formed, the
96.3 grower must remove and destroy all tubers from rogued plants.

96.4 Subd. 10. **Storage.** (a) A grower must ensure that a lot is stored under conditions that
96.5 prevent disease contamination. A grower must not store a lot in any warehouse where other
96.6 potatoes are stored, unless the grower labels the lot according to paragraph (b).

96.7 (b) If more than one grower stores lots in the same warehouse, each grower must identify
96.8 the grower's lots by labeling the bin containing the lot with the grower's name, the grower's
96.9 address, the variety of potatoes in the bin, and the number of potatoes in the bin.

96.10 (c) If a grower plans to store a lot in a public warehouse or storage unit that is not directly
96.11 under the grower's control, the grower must send a complete record of storage to the
96.12 commissioner prior to storing the lot. The record must include the address and location of
96.13 the public warehouse or storage unit, the variety of potatoes in each bin, and the number of
96.14 potatoes in each bin. If a warehouse receipt for the lot is available, the grower must submit
96.15 a copy of the warehouse receipt to the commissioner. If more than one grower stores lots
96.16 in the same public warehouse or storage unit, the grower must label each lot according to
96.17 paragraph (b).

96.18 (d) A grower must not use the same equipment for grading and handling lots of certified
96.19 seed potatoes and other potatoes. If a grower has used the same equipment for grading and
96.20 handling certified seed potatoes and other potatoes, the commissioner must reject the grower's
96.21 lots.

96.22 (e) A firm that handles lots under contract must label each bin containing a lot with the
96.23 name of the grower whose lots are being stored. A firm handling lots under contract must
96.24 properly label and handle bins containing lots. A certification tag or bulk certificate must
96.25 not be issued unless all bins are properly labeled according to this paragraph.

96.26 (f) By November 1 of each crop year, a grower must submit to the commissioner a
96.27 completed storage and yield report for each lot on a form prescribed by the commissioner.
96.28 The commissioner may extend the deadline after November 1 due to special circumstances,
96.29 such as a natural disaster, that would make it impractical or impossible for a grower to
96.30 complete harvesting and storage by November 1 and that affect an area or a large number
96.31 of growers. A grower must submit a written request for an extension to the commissioner
96.32 before November 1 of the crop year for which the extension is sought.

96.33 Subd. 11. **Tags; bulk certificates.** (a) Once the commissioner has informed a grower
96.34 that the grower's potatoes meet the certification requirements in sections 21.111 to 21.125,

97.1 a grower may tag the potatoes using an approved tag indicating the grade of potatoes as
97.2 blue-tag-certified seed potato grade, yellow-tag-certified seed potato grade, or
97.3 white-tag-certified seed potato grade. A grower's name, the city where the farm is located,
97.4 the potato variety, and the crop year must be printed on a tag under this subdivision.

97.5 (b) When fastening a tag to a potato sack, a grower must fasten the tag to the sack to
97.6 form a seal at the time that the lot is prepared for shipment.

97.7 (c) A bulk certificate must include the date that the certificate was issued, class, grade,
97.8 lot number, and approximate weight of the lot.

97.9 (d) If a grower wishes to tag the grower's own potatoes, the grower must order the tags
97.10 for the grower's own potatoes.

97.11 (e) A grower may print a tag for potatoes if the grower has provided proof of each lot
97.12 to the commissioner for review before using the tag. A tag printed by a grower must contain
97.13 the following statement: "The quality and condition of each lot is only confirmed through
97.14 a shipping point inspection certificate. This tag, without an accompanying shipping point
97.15 inspection certificate, is not proof that the potatoes contained within have been duly
97.16 inspected."

97.17 Subd. 12. **Certified seed potato grades.** Certified seed potatoes must be classified by
97.18 certified seed potato grades based on the number of physical defects of tubers. A grower
97.19 must only use a certified seed potato grade for potatoes after a shipping point inspection of
97.20 the potatoes has been completed. The following three grades of certified seed potatoes must
97.21 be used for Minnesota-certified seed potatoes:

97.22 (1) the blue-tag-certified seed potato grade is the first grade of certified seed potatoes.
97.23 The blue-tag-certified seed potato grade is stricter than other grades. The blue-tag-certified
97.24 seed potato grade does not allow as many physical defects of tubers as other grades. A
97.25 grower may use the blue-tag-certified seed potato grade for intrastate and interstate shipments
97.26 of certified seed potatoes.

97.27 (2) the yellow-tag-certified seed potato grade is the second grade of certified seed
97.28 potatoes. The yellow-tag-certified seed potato grade allows more physical defects of tubers
97.29 than the blue-tag-certified seed potato grade. A grower may use the yellow-tag-certified
97.30 seed potato grade for intrastate and interstate shipments of certified seed potatoes; and

97.31 (3) the white-tag-certified seed potato grade is the third grade of certified seed potatoes.
97.32 The number of physical defects that the white-tag-certified seed potato grade allows is
97.33 determined by an agreement between the purchaser and seller of the certified seed potatoes.

98.1 A grower may use the white-tag-certified seed potato grade for intrastate and interstate
 98.2 shipments of certified seed potatoes.

98.3 Subd. 13. **Grading.** (a) A grower must ensure that a lot is inspected at the shipping point
 98.4 if the lot requires a grade statement.

98.5 (b) If an inspection at the shipping point is impossible, a grower must request a grading
 98.6 inspection in transit.

98.7 (c) A grower must ensure that a bagged lot or shipment offered for sale and tagged with
 98.8 approved certification tags is contained in new even-weight sacks.

98.9 (d) A grower must ensure that a bulk shipment is identified with a bulk certificate.

98.10 (e) A grower must ensure that a bagged lot and bulk lot or shipment meets grade standards
 98.11 in section 21.125.

98.12 (f) A grower must recondition a lot or shipment that fails to meet the grade standards in
 98.13 section 21.125.

98.14 (1) If a lot or shipment fails to meet grade standards and is contained in sacks, a grower
 98.15 must remove approved certification tags from the lot or shipment before the lot or shipment
 98.16 may proceed to its destination.

98.17 (2) If a shipment is in bulk and fails to meet grade standards in section 21.125, a bulk
 98.18 certificate must not be issued.

98.19 (g) If a lot or shipment fails to meet grade standards, the shipper must bear the costs of
 98.20 reconditioning potatoes to meet the grade standards in section 21.125.

98.21 Sec. 25. **[21.124] REQUIREMENTS FOR PRODUCTION OF DIFFERENT**
 98.22 **CLASSES OF CERTIFIED SEED POTATOES.**

98.23 Subdivision 1. **Prenuclear class certified seed potatoes.** (a) A lot grown as and intended
 98.24 to be prenuclear class certified seed potatoes must be grown from plants tested and shown
 98.25 to be free from the following pathogens:

98.26 (1) *Clavibacter michiganensis* ssp. *sepedonicus* (ring rot);

98.27 (2) *Pectobacterium atrosepticum* ssp. *Atrosepticum*, *carotovora* (blackleg);

98.28 (3) potato virus X;

98.29 (4) potato virus S;

98.30 (5) potato virus A;

99.1 (6) potato virus M;

99.2 (7) potato virus Y;

99.3 (8) potato spindle tuber viroid; and

99.4 (9) potato leafroll virus.

99.5 (b) When growing prenuclear class seed potatoes, a grower must ensure that each explant
 99.6 or tuber is tested for organisms for which testing is required by the state or province of
 99.7 destination. A grower must ensure that material in maintenance is tested during the year of
 99.8 producing prenuclear class seed potatoes.

99.9 (c) A grower must produce prenuclear class seed potatoes in a greenhouse or screenhouse
 99.10 under sanitary conditions, free from insects and weeds that can harbor or transmit potato
 99.11 diseases or other conditions that would allow possible disease contamination. A grower
 99.12 must ensure that a facility used for growing prenuclear seed potatoes is sufficiently insulated
 99.13 from insects by screens and double doors. The commissioner may inspect any facility or
 99.14 equipment used for growing, handling, and storing prenuclear class seed potatoes to verify
 99.15 that the facility or equipment complies with this paragraph.

99.16 (d) A grower must ensure that one percent of each lot or ten plants or tubers from each
 99.17 lot, whichever is greater, is tested during the growing season to verify that the crop is free
 99.18 from potato virus X, potato virus Y, potato leafroll virus, *C. michiganensis*, and *P.*
 99.19 *atrosepticum*.

99.20 (e) Prenuclear tubers may originate from greenhouse tubers for one year only if the
 99.21 greenhouse tubers have remained at the same growing operation and have remained isolated
 99.22 from field-grown tubers.

99.23 (f) Prenuclear class certified seed potatoes must not contain more than the allowable
 99.24 tolerances for disease and varietal mixture in subdivision 9.

99.25 Subd. 2. **Generation 1 class certified seed potatoes.** (a) Generation 1 class seed potatoes
 99.26 must meet the following requirements:

99.27 (1) the seed source must be either prenuclear tubers, clones, or plantlets; and

99.28 (2) tubers or plantlets must be planted in identifiable family units.

99.29 (b) Lots in Generation 1 class may be exempt from winter testing requirements if leaves
 99.30 collected during the growing season are laboratory tested and shown to be within the
 99.31 allowable tolerance of potato virus X, potato virus Y, and other pathogens identified by the
 99.32 commissioner.

100.1 (c) Each lot must be stored in an individual identifiable unit.

100.2 (d) Generation 1 seed potatoes must not contain more than the allowable tolerances for
 100.3 disease and varietal mixture for seed potatoes in subdivision 9.

100.4 Subd. 3. **Generation 2 class certified seed potatoes.** Generation 2 class seed potatoes
 100.5 must originate from Generation 1 class seed potatoes. Generation 2 class seed potatoes must
 100.6 not contain more than the allowable tolerances of disease and varietal mixture in subdivision
 100.7 9.

100.8 Subd. 4. **Generation 3 class certified seed potatoes.** Generation 3 class seed potatoes
 100.9 must originate from Generation 2 class seed potatoes. Generation 3 class seed potatoes must
 100.10 not contain more than the allowable tolerances of disease and varietal mixture in subdivision
 100.11 9.

100.12 Subd. 5. **Generation 4 class certified seed potatoes.** Generation 4 class seed potatoes
 100.13 must originate from Generation 3 class seed potatoes. Generation 4 class seed potatoes must
 100.14 not contain more than the allowable tolerances for disease and varietal mixture in subdivision
 100.15 9.

100.16 Subd. 6. **Generation 5 class certified seed potatoes.** Generation 5 class seed potatoes
 100.17 must originate from Generation 4 class seed potatoes. Generation 5 class seed potatoes must
 100.18 not contain more than the allowable tolerances for disease and varietal mixture in subdivision
 100.19 9.

100.20 Subd. 7. **Generation 6 class certified seed potatoes.** Generation 6 class seed potatoes
 100.21 must originate from Generation 5 class seed potatoes. Generation 6 class seed potatoes must
 100.22 not contain more than the allowable tolerances for disease and varietal mixture in subdivision
 100.23 9.

100.24 Subd. 8. **Certified class certified seed potatoes.** Certified class seed potatoes must
 100.25 originate from generation classes of seed potatoes. Certified class seed potatoes must not
 100.26 contain more than the allowable tolerances for disease and varietal mixture in subdivision
 100.27 9.

100.28 Subd. 9. **Allowable tolerances for diseases and varietal mixture by generation**
 100.29 **class.** The numbers represent the percentage of potatoes that may be affected out of an
 100.30 individual lot.

100.31 PN G1 G2 G3 G4 G5 G6 C
 100.32 Tolerances:

101.1	<u>Severe Mosaic from</u>								
101.2	<u>potato virus Y, A, M,</u>								
101.3	<u>X, and/or S</u>	<u>0</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>1</u>
101.4	<u>Leafroll</u>	<u>0</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>1</u>
101.5	<u>Total</u>	<u>0</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>1</u>
101.6	<u>Other viruses</u>	<u>0</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
101.7	<u>Mycoplasmas (haywire,</u>								
101.8	<u>witches broom, yellow</u>								
101.9	<u>dwarf)</u>	<u>0</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
101.10	<u>Total</u>	<u>0</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
101.11	<u>Blackleg</u>	<u>0</u>	<u>0</u>	<u>0.2</u>	<u>0.5</u>	<u>1</u>	<u>exc.</u>	<u>exc.</u>	<u>exc.</u>
101.12	<u>Varietal mixture</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0.1</u>	<u>0.1</u>	<u>0.1</u>	<u>0.2</u>	<u>0.2</u>
101.13	<u>Ring Rot and Spindle</u>								
101.14	<u>Tuber</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
101.15	<u>Winter Test:</u>								
101.16	<u>Virus or expressing</u>								
101.17	<u>symptoms of chemical</u>								
101.18	<u>damage</u>	<u>-</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>

101.19 **Sec. 26. [21.125] MINNESOTA CERTIFIED SEED POTATO GRADES AND**
 101.20 **TOLERANCES.**

101.21 Subdivision 1. Certified seed potato grading. Potatoes must meet the requirements of
 101.22 sections 21.111 to 21.125 to be graded as certified seed potatoes.

101.23 Subd. 2. Definitions. (a) For the purposes of this section, the following terms have the
 101.24 meanings given.

101.25 (b) "Damage" means any defect or combination of defects that materially affects the
 101.26 appearance of the individual potato, or that cannot be removed without a loss of more than
 101.27 five percent of the total weight of the potato, including the peel covering the defective area.

101.28 (c) "Diameter" means the greatest dimension at right angles to the longitudinal axis.
 101.29 Diameter means the long axis.

101.30 (d) "Dry rot" means decaying tissue that is dry.

101.31 (e) "Fairly clean" means that the individual potato is reasonably free from dirt, staining,
 101.32 or other foreign matter.

101.33 (f) "Fairly well-shaped" means that the individual potato is not materially pointed,
 101.34 dumbbell-shaped, or otherwise ill-formed.

101.35 (g) "Mature" means that the outer skin does not loosen or feather readily during the
 101.36 ordinary methods of handling.

102.1 (h) "Serious damage" means any defect or combination of defects that seriously affects
102.2 the appearance of the individual potato or that cannot be removed without a loss of more
102.3 than ten percent of the total weight of the potato, including the peel covering the defective
102.4 area.

102.5 (i) "Slightly dirty" means the appearance is not materially affected by dirt, staining, or
102.6 other foreign matter.

102.7 (j) "Soft rot" or "wet breakdown" means any soft, mushy, or leaky condition of potato
102.8 tissues.

102.9 (k) "Well-shaped" means the normal shape for a variety.

102.10 Subd. 3. **Damage.** The commissioner must find that one or more of the following defects
102.11 constitutes damage:

102.12 (1) a russet scab that materially detracts from the appearance of a potato;

102.13 (2) second growth or growth cracks that materially affect the appearance of an individual
102.14 potato;

102.15 (3) air cracks when removal of the air cracks causes a loss of more than five percent of
102.16 the total weight of a potato;

102.17 (4) a potato that is more than moderately shriveled, spongy, or flabby;

102.18 (5) an individual potato that has sprouts over one inch in length;

102.19 (6) a surface scab, powdery scab, or pitted scab that covers more than five percent of
102.20 the surface of a potato or a surface scab, powdery scab, or pitted scab that, when removed,
102.21 causes a potato to lose more than five percent of the potato's total weight, including peel
102.22 covering a defective area of the potato; or

102.23 (7) more than 50 percent of a potato's surface contains scattered, lightly caked soil or
102.24 more than 15 percent of a potato's surface is badly caked with soil.

102.25 Subd. 4. **Serious damage.** The commissioner must find that one or more of the following
102.26 defects constitutes serious damage:

102.27 (1) a russet scab that seriously detracts from the appearance of a potato;

102.28 (2) the appearance of a potato is seriously affected by caked or smeared dirt or other
102.29 foreign matter;

103.1 (3) both ends of a potato are cut or clipped, more than an estimated one-fourth of a potato
103.2 is cut away from one end, or a remaining portion of a clipped potato weighs less than six
103.3 ounces;

103.4 (4) one or more cuts that seriously affect the appearance of a potato or that cannot be
103.5 removed without the loss of more than ten percent of a potato's total weight, including peel
103.6 covering the defective area;

103.7 (5) a potato that is excessively shriveled, spongy, or flabby;

103.8 (6) a surface scab, powdery scab, or pitted scab that covers more than 25 percent of the
103.9 surface of a potato or a surface scab, powdery scab, or pitted scab that, when removed,
103.10 causes a loss of more than ten percent of a potato's total weight, including peel covering the
103.11 defective area; or

103.12 (7) wireworm or air cracks that, when removed, cause a loss of more than ten percent
103.13 of a potato's total weight.

103.14 Subd. 5. **Application of tolerance.** If the average of an entire lot is within the disease
103.15 tolerances specified for the grade in section 21.124, subdivision 9, an individual container
103.16 in the lot may contain no more than double the disease tolerance specified in section 21.124,
103.17 subdivision 9, except that sprouts, at least one defective specimen with a defect other than
103.18 bacterial ring rot, and one off size specimen is permitted. This subdivision does not apply
103.19 to bulk conveyances.

103.20 Subd. 6. **Condition after transit.** Deterioration that developed in transit must affect the
103.21 condition of potatoes. Deterioration that developed in transit must not affect the grade of
103.22 potatoes.

103.23 Subd. 7. **Minnesota blue-tag-certified seed potato grade.** (a) To be graded as Minnesota
103.24 blue-tag-certified seed potatoes, potatoes must meet the following requirements:

103.25 (1) at the time of the shipping point inspection, potatoes must be of one variety;
103.26 unwashed; fairly well-shaped; free from bacterial ring rot, late blight, freezing, black heart,
103.27 and soft rot or wet breakdown; free from damage caused by soil or other foreign matter,
103.28 second growth, air cracks, cuts, shriveling, sprouts, pitted scabs, surface scabs, powdery
103.29 scabs, russet scabs, dry rot, other diseases, insects or worms, mechanical or other means,
103.30 or flattened or depressed areas with underlying flesh discoloration; and free from serious
103.31 damage caused by hollow heart, wireworm, growth cracks, or internal discoloration other
103.32 than hollow heart. Sunburn and silver scurf must not be considered factors that affect the

- 104.1 grading of potatoes. This clause does not apply to hollow heart if the potatoes are labeled
104.2 "hollow heart exempt" on the affixed tag or accompanying certificate; and
- 104.3 (2) for round or intermediate shaped varieties, the maximum potato size is 12 ounces
104.4 (340.2 grams) and, unless otherwise specified, the minimum size must not be less than 1-1/2
104.5 inches (38.1 millimeters) in diameter. For long varieties, the maximum size is 14 ounces
104.6 (396.9 grams) and, unless otherwise specified, the minimum size must not be less than 1-1/2
104.7 inches (38.1 millimeters) in diameter. For all varieties, the minimum diameter for size "B"
104.8 must not be less than 1-1/2 inches (38.1 millimeters) and the maximum size must not be
104.9 more than 2-1/4 inches (57.1 millimeters) in diameter. The department may grade potatoes
104.10 that do not meet the maximum and minimum size specifications as Minnesota
104.11 blue-tag-certified seed potatoes if the buyer agrees to accept potatoes of alternate size
104.12 specifications from the grower and the specifications are listed on the affixed tag or
104.13 accompanying bulk certificate issued by the department.
- 104.14 (b) To allow for variations incident to proper grading and handling, the following lot
104.15 tolerances are permitted:
- 104.16 (1) for defects:
- 104.17 (i) up to ten percent of a lot may be seriously damaged by hollow heart, unless labeled
104.18 "hollow heart exempt" on the affixed tag or accompanying certificate;
- 104.19 (ii) up to five percent of a lot may be seriously damaged by internal discoloration due
104.20 to causes other than hollow heart;
- 104.21 (iii) up to ten percent of a lot may be damaged by soil or other foreign matter;
- 104.22 (iv) up to 20 percent of a lot may be damaged by sprouts;
- 104.23 (v) up to ten percent of a lot may be seriously damaged by wireworm;
- 104.24 (vi) for potatoes that fail to meet the remaining requirements of the potatoes' grade, a
104.25 lot may contain up to a total of six percent of the following defects combined and must not
104.26 contain more than the following percentage of defects:
- 104.27 (A) soft rot, frozen, or wet breakdown, 0.5 percent;
- 104.28 (B) damage by surface scab, powdery scab, or pitted scab, 2.0 percent;
- 104.29 (C) damage by dry rot, 2.0 percent, of which not more than 1.0 percent is late blight
104.30 tuber rot;
- 104.31 (D) bacterial ring rot, 0.0 percent; and

- 105.1 (E) late blight tuber rot, 1.0 percent; and
- 105.2 (vii) the presence of the following does not affect seed quality and must not be scored
- 105.3 against the potatoes' grade:
- 105.4 (A) brown discoloration following skinning;
- 105.5 (B) dried stems;
- 105.6 (C) flattened or depressed areas showing no underlying flesh discoloration;
- 105.7 (D) greening;
- 105.8 (E) sunburn;
- 105.9 (F) skin checks; and
- 105.10 (G) silver scurf; and
- 105.11 (2) for off size:
- 105.12 (i) up to five percent of potatoes may fail to meet the required or specified minimum
- 105.13 size; and
- 105.14 (ii) up to ten percent of potatoes may fail to meet the required maximum size.
- 105.15 Subd. 8. **Minnesota yellow-tag-certified seed potato grade.** (a) To be graded as
- 105.16 Minnesota yellow-tag-certified seed potatoes, potatoes must meet the following requirements:
- 105.17 (1) at the time of the shipping point inspection, the potatoes must be of one variety;
- 105.18 unwashed; fairly well-shaped; free from bacterial ring rot, late blight, freezing, black heart,
- 105.19 and soft rot or wet breakdown; free from damage caused by second growth, air cracks, cuts,
- 105.20 shriveling, pitted scabs, surface scabs, powdery scabs, dry rot, other diseases, insects or
- 105.21 worms, or mechanical means or other means; and free from serious damage caused by soil
- 105.22 or other foreign matter, hollow heart, wireworm, growth cracks, russet scabs, or internal
- 105.23 discoloration other than hollow heart. Sunburn and silver scurf must not be considered
- 105.24 factors that affect the grading of potatoes. This clause does not apply to hollow heart if
- 105.25 labeled "hollow heart exempt" on the affixed tag or accompanying certificate; and
- 105.26 (2) for all varieties, the maximum potato size is 14 ounces (396.9 grams) and the
- 105.27 minimum size is 1-1/2 inch (38.1 millimeter) in diameter. For all varieties, the minimum
- 105.28 diameter for size "B" must not be less than 1-1/2 inches (38.1 millimeters) and the maximum
- 105.29 diameter must not be more than 2-1/4 inches (57.1 millimeters). The department may grade
- 105.30 potatoes that do not meet the maximum and minimum size specifications as Minnesota
- 105.31 yellow-tag-certified seed potatoes if the buyer agrees to accept potatoes with alternate size

106.1 specifications from the grower and the size specifications are listed on the affixed tag or
106.2 accompanying bulk certificate issued by the department.

106.3 (b) To allow for variations incident to proper grading and handling, the following lot
106.4 tolerances are permitted:

106.5 (1) for defects:

106.6 (i) up to 20 percent of potatoes may be seriously damaged by hollow heart, unless labeled
106.7 "hollow heart exempt" on the affixed tag or accompanying certificate;

106.8 (ii) up to five percent of potatoes may be seriously damaged by internal discoloration
106.9 due to a cause other than hollow heart;

106.10 (iii) up to ten percent of potatoes may be seriously damaged by soil or other foreign
106.11 matter;

106.12 (iv) up to ten percent of potatoes may be seriously damaged by wireworm;

106.13 (v) up to 20 percent of a lot may have defects if the potatoes fail to meet the remaining
106.14 requirements of the grade. Of the 20 percent of defects allowed, a lot may contain a total
106.15 of six percent of the following defects combined and must not contain more than the
106.16 following percentage of defects:

106.17 (A) soft rot, frozen, or wet breakdown, 0.5 percent;

106.18 (B) damage by surface scab, powdery scab, or pitted scab, 5.0 percent;

106.19 (C) damage by dry rot, 2.0 percent, of which not more than 1.0 percent is late blight
106.20 tuber rot;

106.21 (D) bacterial ring rot, 0.0 percent; and

106.22 (E) late blight tuber rot, 1.0 percent; and

106.23 (vi) the presence of the following does not affect seed quality and must not be scored
106.24 against the grade:

106.25 (A) brown discoloration following skinning;

106.26 (B) dried stems;

106.27 (C) flattened or depressed areas showing no underlying flesh discoloration;

106.28 (D) greening;

106.29 (E) sunburn;

106.30 (F) skin checks;

107.1 (G) silver scurf; and

107.2 (H) sprouts; and

107.3 (2) for off size:

107.4 (i) five percent for potatoes that fail to meet the required or specified minimum size;

107.5 and

107.6 (ii) ten percent for potatoes that fail to meet the required maximum size.

107.7 (c) The potatoes must be fairly well-shaped, with an exception for long varieties when

107.8 specified as "except for shape." When specified as "except for shape," the tubers may be

107.9 misshapen.

107.10 Subd. 9. Minnesota white-tag-certified seed potato grade. Minnesota white-tag-certified

107.11 seed potato grade consists of certified seed potatoes that are graded according to agreement

107.12 between the seller and the purchaser as to size and defects, except that not more than one-half

107.13 percent of soft rot, frozen, or wet breakdown and two percent dry rot, of which not more

107.14 than one percent late blight tuber rot is allowed.

107.15 Sec. 27. Minnesota Statutes 2024, section 21.891, subdivision 2, is amended to read:

107.16 Subd. 2. **Seed fee permits.** (a) A labeler who wishes to sell seed in Minnesota must

107.17 comply with section 21.89, subdivisions 1 and 2, and the procedures in this subdivision.

107.18 Each labeler who wishes to sell seed in Minnesota must apply to the commissioner to obtain

107.19 a permit. The application must contain the name and address of the applicant, the application

107.20 date, and the name and title of the applicant's contact person. Permit fees are based on the

107.21 initial sale of seed in Minnesota.

107.22 (b) The application for a seed permit covered by section 21.89, subdivision 2, clause

107.23 (1), must be accompanied by an application fee of \$75.

107.24 (c) The application for a seed permit covered by section 21.89, subdivision 2, clause

107.25 (2), must be accompanied by an application fee based on the level of annual gross sales as

107.26 follows:

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

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

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

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

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

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

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

108.3 (d) The application for a seed permit covered by section 21.89, subdivision 2, clause

108.4 (3), must be accompanied by an application fee of \$75. Labelers holding seed fee permits

108.5 covered under this paragraph need not apply for a new permit or pay the application fee.

108.6 Under this permit category, the fees for the following kinds of agricultural seed sold either

108.7 in bulk or containers are:

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

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

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

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

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

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

108.14 (7) soybeans, 7.5 cents per 140,000 seed unit;

108.15 (8) for any agricultural seed not listed in clauses (1) to (7), the fee for the crop most

108.16 closely resembling it in normal planting rate applies; and

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

108.18 (e) If, for reasons beyond the control and knowledge of the labeler, seed is shipped into

108.19 Minnesota by a person other than the labeler, the responsibility for the seed fees are

108.20 transferred to the shipper. An application for a transfer of this responsibility must be made

108.21 to the commissioner. Upon approval by the commissioner of the transfer, the shipper is

108.22 responsible for payment of the seed permit fees.

108.23 (f) Seed permit fees may be included in the cost of the seed either as a hidden cost or as

108.24 a line item cost on each invoice for seed sold. To identify the fee on an invoice, the words

108.25 "Minnesota seed permit fees" must be used.

108.26 (g) All seed fee permit holders must file semiannual reports with the commissioner,

108.27 even if no seed was sold during the reporting period. Each semiannual report must be

108.28 submitted within 30 days of the end of each reporting period. The reporting periods ~~are~~

108.29 ~~October 1 to March 31 and April 1 to September 30 of each year or July 1 to December 31~~

108.30 ~~and January 1 to June 30 of each year~~ must be determined by the commissioner and

109.1 communicated annually to permit holders. Permit holders may change their reporting periods
109.2 with the approval of the commissioner.

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

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

109.13 Sec. 28. **REPEALER.**

109.14 (a) Minnesota Statutes 2024, sections 21.116; 21.118; 21.1196, subdivision 3; 21.121;
109.15 and 21.122, are repealed.

109.16 (b) Minnesota Rules, parts 1510.2300; 1510.2305; 1510.2310; 1510.2315; 1510.2320;
109.17 1510.2325; 1510.2330; 1510.2335; 1510.2340; 1510.2345; 1510.2350; and 1510.2355,
109.18 subparts 1, 2, 3a, 4, 5, 6, and 7, are repealed.

109.19 Sec. 29. **EFFECTIVE DATE.**

109.20 This article is effective August 1, 2025.

109.21 **ARTICLE 6**

109.22 **FOOD HANDLER LICENSING PROVISIONS**

109.23 Section 1. Minnesota Statutes 2024, section 28A.03, subdivision 7, is amended to read:

109.24 Subd. 7. **Principal mode of business.** "Principal mode of business" means that type of
109.25 business described under paragraph (a), or (b), (c) or (d) in section 28A.05 within which
109.26 category the greatest amount of the applicant's food business lies.

109.27 Sec. 2. Minnesota Statutes 2024, section 28A.03, is amended by adding a subdivision to
109.28 read:

109.29 Subd. 12. **Risk category.** "Risk category" means a classification of the level of food
109.30 safety risk associated with food handling, processing, preparation, and storage based upon

110.1 an assessment by regulatory food safety professionals of the potential likelihood and severity
 110.2 of harm.

110.3 Sec. 3. Minnesota Statutes 2024, section 28A.03, is amended by adding a subdivision to
 110.4 read:

110.5 Subd. 13. **Gross sales or service.** "Gross sales or service" means a calculation in dollars
 110.6 of the total value of food sales or service at the location before taxes or deductions that
 110.7 includes the value of food items held for distribution to other places of business or donated.

110.8 Sec. 4. Minnesota Statutes 2024, section 28A.04, is amended to read:

110.9 **28A.04 LICENSE REQUIRED; CUSTOM PROCESSING PERMIT**
 110.10 **APPLICATIONS; RENEWALS.**

110.11 Subdivision 1. **Application; date of issuance.** (a) Except as provided under section
 110.12 28A.152, no person shall engage in the business of manufacturing, processing, selling,
 110.13 handling, or storing food without having first obtained from the commissioner a license for
 110.14 doing such business. Applications for such license shall be made to the commissioner in
 110.15 such manner and time as required and upon such forms as provided by the commissioner
 110.16 and shall contain the name and address of the applicant, address or description of each place
 110.17 of business, and the nature of the business to be conducted at each place, and such other
 110.18 pertinent information as the commissioner may require.

110.19 (b) An applicant for a license must submit a nonrefundable application fee of \$50 with
 110.20 each license application. The fee under this paragraph does not apply to annual license
 110.21 renewals. The fee under this paragraph is not required for applications to operate solely as
 110.22 a special event food stand or custom exempt food handler.

110.23 ~~(b)~~ (c) ~~A retail or wholesale~~ food handler license shall be issued for the period ~~July~~
 110.24 January 1 to June 30 following December 31 and shall be renewed thereafter by the licensee
 110.25 on or before ~~July~~ January 1 of each year, except that:

110.26 (1) retail and wholesale food handler licenses issued for the period of July 1, 2025, to
 110.27 June 30, 2026, must be renewed on or before July 1, 2026, for the period of July 1, 2026,
 110.28 to December 31, 2026. The renewal fee for the period of July 1, 2026, to December 31,
 110.29 2026, is one-half of the fee for a food handler specified in section 28A.08, subdivision 3;

110.30 ~~(+)~~ (2) licenses for all mobile food concession units and retail mobile units must be
 110.31 issued for the period April 1 to March 31, and must be renewed thereafter by the licensee
 110.32 on or before April 1 of each year; ~~and.~~

111.1 ~~(2)~~ A license issued for a temporary food concession stand must have a license issuance
 111.2 and renewal date consistent with appropriate statutory provisions; and

111.3 (3) a license for a food handler operating only at the State Fair must be issued for the
 111.4 period of July 1 to June 30 and must be renewed thereafter by the licensee on or before July
 111.5 1 of each year.

111.6 (d) A penalty for late renewal under paragraph (b) must be assessed in accordance with
 111.7 section 28A.08.

111.8 ~~(e)~~ (e) A custom exempt food handler license shall be issued for the period July 1 to
 111.9 June 30 ~~following~~ and ~~shall~~ must be renewed thereafter by the licensee on or before July 1
 111.10 each year. The custom exempt food handler license is for businesses that only conduct
 111.11 custom exempt operations and mark all products as "Not For Sale." Food handlers that
 111.12 conduct retail exempt operations or other operations other than custom exempt processing
 111.13 or slaughter are not eligible for this license.

111.14 ~~(d) A license for a food broker or for a food processor or manufacturer shall be issued~~
 111.15 ~~for the period January 1 to December 31 following and shall be renewed thereafter by the~~
 111.16 ~~licensee on or before January 1 of each year, except that a license for a wholesale food~~
 111.17 ~~processor or manufacturer operating only at the state fair shall be issued for the period July~~
 111.18 ~~1 to June 30 following and shall be renewed thereafter by the licensee on or before July 1~~
 111.19 ~~of each year. A penalty for a late renewal shall be assessed in accordance with section~~
 111.20 ~~28A.08.~~

111.21 ~~(e)~~ (f) On a quarterly basis during the licensing period, the commissioner must prorate
 111.22 the fee for an initial license issued under this chapter, except that a person applying for a
 111.23 new license up to 14 calendar days before the effective date of the new license period under
 111.24 paragraph (b) must be issued a license for the 14 days and the next license year as a single
 111.25 license and pay a single license fee as if the 14 days were part of the upcoming license
 111.26 period.

111.27 Subd. 2. **Custom processing or Minnesota Meat and Poultry Inspection Act permit.** In
 111.28 addition to the license requirements set forth in subdivision 1, every custom exempt processor
 111.29 or establishment operating under the Minnesota Meat and Poultry Inspection Act as defined
 111.30 in section 31A.31, shall obtain a custom processing permit or Minnesota Meat and Poultry
 111.31 Grant of Inspection permit. Application for a permit shall be made on forms provided by
 111.32 the commissioner. The commissioner shall cause the ~~custom~~ processor's place of business
 111.33 to be inspected and if the commissioner finds that the applicant's place of business complies
 111.34 with state standards relating to meat processing plants, a ~~custom processing~~ permit under

112.1 this subdivision shall be issued to the applicant. ~~No~~ An additional fee ~~shall~~ of up to \$500
 112.2 may be charged for a custom processing permit under this subdivision.

112.3 Sec. 5. Minnesota Statutes 2024, section 28A.05, is amended to read:

112.4 **28A.05 CLASSIFICATION FOOD HANDLER CLASSES.**

112.5 All persons required to have a license under section 28A.04 shall be classified into one
 112.6 of the following classes of food handlers, according to their principal mode of business.

112.7 (a) ~~Retail~~ Food handlers are persons who:

112.8 (1) sell or process and sell food directly to the ultimate consumer or who custom process
 112.9 meat or poultry. The term includes a person who sells food directly to the ultimate consumer
 112.10 through the use of vending machines, and a person who sells food for consumption on site
 112.11 or off site if the sale is conducted on the premises that are part of a grocery or convenience
 112.12 store operation;

112.13 ~~(b) Wholesale food handlers are persons who~~ (2) sell to ~~others~~ other business entities or
 112.14 establishments for resale; including a person who handles food in job lots ~~(jobbers)~~ is
 112.15 ~~included in this classification~~; or

112.16 ~~(c) Wholesale food processors or manufacturers are persons who~~ (3) process or
 112.17 manufacture raw materials and other food ingredients into food items, ~~or who reprocess~~
 112.18 ~~food items, or who package food for sale to others~~ other business entities or establishments
 112.19 ~~for resale, or who commercially slaughter animals or poultry.~~ Included herein are persons
 112.20 who can, extract, ferment, distill, pickle, bake, freeze, dry, smoke, grind, mix, stuff, pack,
 112.21 bottle, recondition, or otherwise treat or preserve food for sale to ~~others~~ other business
 112.22 entities or establishments for resale, cold storage warehouse operators as defined in section
 112.23 28.01, subdivision 3, salvage food processors as defined in section 31.495, subdivision 1,
 112.24 and dairy plants as defined in section 32D.01, subdivision 6.

112.25 ~~(d)~~ (b) Custom exempt food handlers are persons who only conduct custom exempt
 112.26 processing as defined in section 31A.02, subdivision 5. A retail or wholesale transaction
 112.27 may not take place in a facility operated by a person with a custom exempt food handler
 112.28 license.

112.29 ~~(e) A food broker is a person who buys and sells food and who negotiates between a~~
 112.30 ~~buyer and a seller of food, but who at no time has custody of the food being bought and~~
 112.31 ~~sold.~~

113.1 Sec. 6. Minnesota Statutes 2024, section 28A.06, is amended to read:

113.2 **28A.06 EXTENT OF LICENSE.**

113.3 No person, except as described in section 27.03, shall be required to hold more than one
 113.4 license in order to engage in any aspect of food handling ~~described in section 28A.05~~
 113.5 ~~provided, except that:~~

113.6 (1) each issued license shall be valid for no more than one place of business, except that;

113.7 (2) a license for a mobile unit or a retail food vehicle, portable structure, or cart is valid
 113.8 statewide and is required to be issued only once each year unless the licensee fails to display
 113.9 the license as required by section 28A.07 or it is a seasonal permanent food stand, seasonal
 113.10 temporary food stand, food cart, or special event food stand as defined in section 157.15,
 113.11 in which case the duration of the license is restricted by the limitations found in the definitions
 113.12 in section 157.15; and

113.13 (3) the commissioner may authorize a food handler reporting \$50,000 or less gross
 113.14 annual food sales to conduct business activities under the food handler's license at up to
 113.15 two additional locations if:

113.16 (i) the food handler has reported each location and activity to the commissioner; and

113.17 (ii) the commissioner has approved each location and activity before the food handler
 113.18 conducts business activities at each location.

113.19 Sec. 7. Minnesota Statutes 2024, section 28A.07, is amended to read:

113.20 **28A.07 ISSUANCE OF LICENSE.**

113.21 Prior to the issuance or renewal of any license herein, the commissioner may cause
 113.22 appropriate inspections to be made to determine under applicable statutory and promulgated
 113.23 rule requirements, the applicant's risk category and fitness to engage in the mode(s) of
 113.24 business activities described in that person's license application. A valid and properly
 113.25 displayed license shall be sufficient to allow the licensee to engage in the manner of food
 113.26 handling so described in the licensee's application, provided that the commissioner may
 113.27 withhold authorization to engage in any aspects of business for which the applicant is not
 113.28 deemed fit under this section. A licensee may, at any time, apply to change such application
 113.29 which shall then be considered by the commissioner in the same manner as a new or renewal
 113.30 application hereunder.

114.1 Sec. 8. Minnesota Statutes 2024, section 28A.0753, subdivision 3, is amended to read:

114.2 Subd. 3. **Food ~~manufacturer, processor, or distributor~~ handlers who manufacture,**
 114.3 **process, or distribute; licensing, preemption by state.** When a food ~~manufacturer,~~
 114.4 ~~processor, or distributor~~ handler described in section 28A.05, subdivision 1, paragraph (a),
 114.5 clauses (2) and (3), is licensed by the commissioner of agriculture, the food ~~manufacturer,~~
 114.6 ~~processor or distributor~~ handler is exempt from the licensing requirements of any municipal
 114.7 corporation or subdivision of state government, except for licensing requirements which
 114.8 may be imposed by the municipal corporation or subdivision of state government in which
 114.9 the ~~manufacturer, processor, or distributor~~ food handler locates a plant. All delivery
 114.10 equipment used by such a food ~~manufacturer, processor or distributor~~ handler is included
 114.11 within the meaning of this section, whether owned or operated, independently contracted,
 114.12 or contracted with a common carrier approved by the commissioner of agriculture. This
 114.13 delivery equipment is exempt from licensing by any municipal corporation or subdivision
 114.14 of state government except for those requirements which may be imposed by the municipal
 114.15 corporation or subdivision of state government in which the equipment is principally located.
 114.16 Delivery equipment approved by the commissioner of agriculture shall carry, at all times,
 114.17 a certificate of approval for the purposes for which the equipment is utilized. Nothing in
 114.18 this section is intended to permit the enactment of an ordinance regulating an activity where
 114.19 the state has preempted the field.

114.20 Sec. 9. Minnesota Statutes 2024, section 28A.08, is amended to read:

114.21 **28A.08 LICENSE FEES; PENALTIES.**

114.22 Subdivision 1. **General.** (a) License fees, penalties for late renewal of licenses, and
 114.23 penalties for not obtaining a license before conducting business in food handling that are
 114.24 set in this section apply to the sections named except as provided under section 28A.09.
 114.25 Except as specified herein, bonds and assessments based on number of units operated or
 114.26 volume handled or processed which are provided for in said laws shall not be affected, nor
 114.27 shall any penalties for late payment of said assessments, nor shall inspection fees, be affected
 114.28 by this chapter. The penalties may be waived by the commissioner. Fees for all new licenses
 114.29 must be based on the anticipated future gross annual food sales. If a firm is found to be
 114.30 operating for multiple years without paying license fees, the state may collect the appropriate
 114.31 fees and penalties for each year of operation.

114.32 (b) The commissioner may adjust the fees in subdivision 3 every five years to the inflation
 114.33 level established in the United States Bureau of Labor and Statistics Consumer Price Index,
 114.34 using July 2025 as the base month and year.

115.1 Subd. 3. Fees effective ~~July 1, 2003~~ August 1, 2025.

		Penalties			
Type of food handler		<u>Risk</u>	License	Late	No
		<u>Category</u>	Fee	Renewal	License
			Effective		
			July 1,		
			2003		
115.8	1. Retail food handler or Custom exempt food				
115.9	handler				
115.10	(a) Having gross sales of only prepackaged				
115.11	nonperishable food of less than \$15,000				
115.12	for the immediately previous license or				
115.13	fiscal year and filing a statement with the				
115.14	commissioner		\$ 50	\$ 17	\$ 33
115.15	(b) (a) Having under \$15,000 gross sales				
115.16	or service including food preparation or				
115.17	having \$15,000 to \$50,000 or less gross				
115.18	sales or service for the immediately		\$ 77	\$ 25	\$ 51
115.19	previous license or fiscal year		\$135	\$45	\$90
115.20	(c) (b) Having \$50,001 to \$250,000				
115.21	\$125,000 gross sales or service for the		\$155	\$ 51	\$102
115.22	immediately previous license or fiscal year		\$200	\$67	\$133
115.23	(d) (c) Having \$250,001 to \$1,000,000				
115.24	\$500,000 gross sales or service				
115.25	for the immediately previous license or		\$276	\$ 91	\$182
115.26	fiscal year		\$370	\$123	\$247
115.27	(e) (d) Having \$1,000,001 to \$5,000,000				
115.28	\$1,000,000 gross sales or				
115.29	service for the immediately previous		\$799	\$264	\$527
115.30	license or fiscal year		\$475	\$158	\$317
115.31	(f) (e) Having \$5,000,001 to \$10,000,000				
115.32	\$5,000,000 gross sales or				
115.33	service for the immediately previous		\$1,162	\$383	\$767
115.34	license or fiscal year		\$1,350	\$450	\$900
115.35	(f) Having \$5,000,001 to \$10,000,000 gross				
115.36	sales or service for the immediately				
115.37	previous license or fiscal year		\$1,750	\$583	\$1,167
115.38	(g) Having \$10,000,001 to \$15,000,000				
115.39	gross sales or service for the immediately		\$1,376	\$454	\$908
115.40	previous license or fiscal year		\$2,150	\$717	\$1,433
115.41	(h) Having \$15,000,001 to \$20,000,000				
115.42	gross sales or service for the immediately		\$1,607	\$530	\$1,061
115.43	previous license or fiscal year		\$2,550	\$849	\$1,700
115.44	(i) Having \$20,000,001 to \$25,000,000				
115.45	gross sales or service for the immediately		\$1,847	\$610	\$1,219
115.46	previous license or fiscal year		\$2,950	\$984	\$1,967
115.47	(j) Having over \$25,000,001 gross sales or				
115.48	service for the immediately previous		\$2,001	\$660	\$1,321
115.49	license or fiscal year		\$3,350	\$1,117	\$2,233

116.1	2. Wholesale Food handler			
116.2	(a) Having gross sales of only prepackaged			
116.3	<u>nonperishable food of less than \$30,000</u>			
116.4	<u>for the immediately previous license or</u>			
116.5	<u>fiscal year and filing a statement with the</u>			
116.6	<u>commissioner</u>		\$90	\$30
				\$60
116.7			\$57	\$19
				\$38
116.8	(a) (b) Having gross sales or service of less	High	\$285	\$95
116.9	than \$25,000 \$50,000 for the immediately	Medium	\$195	\$65
116.10	previous license or fiscal year	Low	\$135	\$45
				\$90
116.11	(b) (c) Having \$25,001 \$50,001 to		\$284	\$94
116.12	\$250,000 \$125,000 gross sales or service	High	\$350	\$117
116.13	for the immediately previous license or	Medium	\$260	\$87
116.14	fiscal year	Low	\$200	\$67
				\$133
116.15	(e) (d) Having \$250,001 \$125,001 to			
116.16	\$1,000,000 \$250,000 gross sales or service		\$444	\$147
116.17	from a mobile unit without a separate food	High	\$415	\$138
116.18	facility for the immediately previous	Medium	\$350	\$117
116.19	license or fiscal year	Low	\$265	\$88
				\$177
116.20	(d) (e) Having \$250,001 to \$1,000,000		\$590	\$195
116.21	\$500,000 gross sales or service not covered	High	\$520	\$173
116.22	under paragraph (e) for the immediately	Medium	\$430	\$143
116.23	previous license or fiscal year	Low	\$370	\$123
				\$247
116.24	(e) (f) Having \$1,000,001 \$500,001 to		\$769	\$254
116.25	\$5,000,000 \$1,000,000 gross sales or	High	\$625	\$208
116.26	service for the immediately previous	Medium	\$535	\$178
116.27	license or fiscal year	Low	\$475	\$158
				\$317
116.28	(f) (g) Having \$5,000,001 \$1,000,001 to		\$920	\$304
116.29	\$10,000,000 \$5,000,000 gross sales or	High	\$1,500	\$500
116.30	service for the immediately previous	Medium	\$1,425	\$475
116.31	license or fiscal year	Low	\$1,350	\$450
				\$900
116.32	(h) Having \$5,000,001 to \$10,000,000	High	\$1,900	\$633
116.33	<u>gross sales or service for the immediately</u>	Medium	\$1,825	\$608
116.34	<u>previous license or fiscal year</u>	Low	\$1,750	\$583
				\$1,267
116.35			\$990	\$327
				\$653
116.36	(g) (i) Having \$10,000,001 to \$15,000,000	High	\$2,300	\$767
116.37	gross sales or service for the immediately	Medium	\$2,225	\$742
116.38	previous license or fiscal year	Low	\$2,150	\$717
				\$1,433
116.39			\$1,156	\$381
				\$763
116.40	(h) (j) Having \$15,000,001 to \$20,000,000	High	\$2,700	\$900
116.41	gross sales or service for the immediately	Medium	\$2,625	\$875
116.42	previous license or fiscal year	Low	\$2,550	\$849
				\$1,700
116.43			\$1,329	\$439
				\$877
116.44	(i) (k) Having \$20,000,001 to \$25,000,000	High	\$3,100	\$1,033
116.45	gross sales or service for the immediately	Medium	\$3,025	\$1,008
116.46	previous license or fiscal year	Low	\$2,950	\$984
				\$1,967
116.47			\$1,502	\$496
				\$994
116.48	(j) (l) Having over \$25,000,001 or more to	High	\$3,500	\$1,167
116.49	\$50,000,000 gross sales or service for the	Medium	\$3,425	\$1,142
116.50	immediately previous license or fiscal year	Low	\$3,350	\$1,117
				\$2,333
				\$2,283
				\$2,233

117.1	<u>(m) Having \$50,000,001 to \$100,000,000 gross sales or service for the immediately previous license or fiscal year</u>	High	\$4,000	\$1,334	\$2,667
117.2		Medium	\$3,925	\$1,309	\$2,617
117.3		Low	\$3,850	\$1,284	\$2,567
117.4	<u>(n) Having \$100,000,001 or more gross sales or service for the immediately previous license or fiscal year</u>	High	\$4,500	\$1,500	\$3,000
117.5		Medium	\$4,425	\$1,475	\$2,950
117.6		Low	\$4,350	\$1,450	\$2,900
117.7	3. Food broker <u>Food handler operating under authority of this chapter solely as a special event food stand as defined in Minnesota Statutes, section 157.15</u>		\$150	\$50	\$99
117.8			\$75	\$25	\$50
117.9					
117.10					
117.11	4. Wholesale food processor or manufacturer				
117.12					
117.13					
117.14	<u>(a) Having gross sales or service of less than \$125,000 for the immediately previous license or fiscal year</u>		\$169	\$56	\$112
117.15	<u>(b) Having \$125,001 to \$250,000 gross sales or service for the immediately previous license or fiscal year</u>		\$392	\$129	\$259
117.16					
117.17					
117.18	<u>(c) Having \$250,001 to \$1,000,000 gross sales or service for the immediately previous license or fiscal year</u>		\$590	\$195	\$389
117.19					
117.20					
117.21	<u>(d) Having \$1,000,001 to \$5,000,000 gross sales or service for the immediately previous license or fiscal year</u>		\$769	\$254	\$508
117.22					
117.23					
117.24	<u>(e) Having \$5,000,001 to \$10,000,000 gross sales or service for the immediately previous license or fiscal year</u>		\$920	\$304	\$607
117.25					
117.26					
117.27	<u>(f) Having \$10,000,001 to \$15,000,000 gross sales or service for the immediately previous license or fiscal year</u>		\$1,377	\$454	\$909
117.28					
117.29					
117.30	<u>(g) Having \$15,000,001 to \$20,000,000 gross sales or service for the immediately previous license or fiscal year</u>		\$1,608	\$531	\$1,061
117.31					
117.32					
117.33	<u>(h) Having \$20,000,001 to \$25,000,000 gross sales or service for the immediately previous license or fiscal year</u>		\$1,849	\$610	\$1,220
117.34					
117.35					
117.36	<u>(i) Having \$25,000,001 to \$50,000,000 gross sales or service for the immediately previous license or fiscal year</u>		\$2,090	\$690	\$1,379
117.37					
117.38					
117.39	<u>(j) Having \$50,000,001 to \$100,000,000 gross sales or service for the immediately previous license or fiscal year</u>		\$2,330	\$769	\$1,538
117.40					
117.41					
117.42	<u>(k) Having \$100,000,000 or more gross sales or service for the immediately previous license or fiscal year</u>		\$2,571	\$848	\$1,697
117.43					
117.44					
117.45	5. Wholesale food processor of Meat or poultry products <u>processing solely under supervision of the U.S. Department of Agriculture</u>				
117.46					
117.47					
117.48					

118.1	(a) Having gross sales or service of less			
118.2	than \$125,000 for the immediately previous	\$112	\$37	\$74
118.3	license or fiscal year	<u>\$190</u>	<u>\$63</u>	<u>\$127</u>
118.4	(b) Having \$125,001 to \$250,000 gross			
118.5	sales or service for the immediately	\$214	\$71	\$141
118.6	previous license or fiscal year	<u>\$365</u>	<u>\$122</u>	<u>\$243</u>
118.7	(c) Having \$250,001 to \$1,000,000			
118.8	<u>\$500,000</u> gross sales or service for the	\$333	\$110	\$220
118.9	immediately previous license or fiscal year	<u>\$450</u>	<u>\$150</u>	<u>\$300</u>
118.10	(d) Having <u>\$500,001 to \$1,000,000 gross</u>			
118.11	<u>sales or service for the immediately</u>			
118.12	<u>previous license or fiscal year</u>	<u>\$565</u>	<u>\$188</u>	<u>\$377</u>
118.13	(d) (e) Having \$1,000,001 to \$5,000,000			
118.14	gross sales or service for the immediately	\$425	\$140	\$281
118.15	previous license or fiscal year	<u>\$725</u>	<u>\$241</u>	<u>\$483</u>
118.16	(e) (f) Having \$5,000,001 to \$10,000,000			
118.17	gross sales or service for the immediately	\$521	\$172	\$344
118.18	previous license or fiscal year	<u>\$885</u>	<u>\$295</u>	<u>\$590</u>
118.19	(f) (g) Having \$10,000,001 to \$15,000,000			
118.20	gross sales or service for the immediately	\$765	\$252	\$505
118.21	previous license or fiscal year	<u>\$1,305</u>	<u>\$435</u>	<u>\$807</u>
118.22	(g) (h) Having \$15,000,001 to \$20,000,000			
118.23	gross sales or service for the immediately	\$893	\$295	\$589
118.24	previous license or fiscal year	<u>\$1,515</u>	<u>\$505</u>	<u>\$1,010</u>
118.25	(h) (i) Having \$20,000,001 to \$25,000,000			
118.26	gross sales or service for the immediately	\$1,027	\$339	\$678
118.27	previous license or fiscal year	<u>\$1,745</u>	<u>\$582</u>	<u>\$1,163</u>
118.28	(i) (j) Having \$25,000,001 to \$50,000,000			
118.29	gross sales or service for the immediately	\$1,161	\$383	\$766
118.30	previous license or fiscal year	<u>\$1,975</u>	<u>\$658</u>	<u>\$1,317</u>
118.31	(j) (k) Having \$50,000,001 to \$100,000,000			
118.32	gross sales or service for the immediately	\$1,295	\$427	\$855
118.33	previous license or fiscal year	<u>\$2,215</u>	<u>\$738</u>	<u>\$1,477</u>
118.34	(k) (l) Having \$100,000,001 or more gross			
118.35	sales or service for the immediately	\$1,428	\$471	\$942
118.36	previous license or fiscal year	<u>\$2,465</u>	<u>\$822</u>	<u>\$1,643</u>
118.37	6. Wholesale food processor or manufacturer			
118.38	operating only at the State Fair	\$125	\$40	\$50
118.39	7. Wholesale food manufacturer having the			
118.40	permission of the commissioner to use the			
118.41	name Minnesota Farmstead cheese	\$30	\$10	\$15
118.42	8. Wholesale food manufacturer processing			
118.43	less than 700,000 pounds per year of raw			
118.44	milk	\$30	\$10	\$15
118.45	9. A milk marketing organization without			
118.46	facilities for processing or manufacturing			
118.47	that purchases milk from milk producers			
118.48	for delivery to a licensed wholesale food			
118.49	processor or manufacturer	\$50	\$15	\$25

119.1 Subd. 4. **Food handler license account; appropriation.** A food handler license account
119.2 is established in the agricultural fund. Fees paid under subdivision 3 and section 28A.04
119.3 must be deposited in this account. Money in the account, including interest, is appropriated
119.4 to the commissioner for expenses relating to ~~licensing and inspecting~~ regulating food handlers
119.5 under chapters 28 to 34A or rules adopted under one of those chapters.

119.6 Sec. 10. Minnesota Statutes 2024, section 28A.081, subdivision 1, is amended to read:

119.7 Subdivision 1. **Fee.** A fee of \$125 for each certificate shall be charged to any person
119.8 who requests a certificate issued by the Minnesota Department of Agriculture to facilitate
119.9 the movement of Minnesota processed and manufactured foods destined for export from
119.10 the state of Minnesota. Certificates include, but are not limited to, a certificate of free sale,
119.11 certificate of export, certificate of sanitation, sanitary certificate, certificate of origin and/or
119.12 free sale, certificate of health and/or free sale, sanitation, and purity, certificate of free trade,
119.13 certificate of free sale, sanitation, purity, and origin, certificate of health, sanitation, purity,
119.14 and free sale, and letter of plant certification.

119.15 The commissioner ~~shall~~ must receive payment with the request or bill the requesting
119.16 person within seven days after issuing a certificate to the person. The requesting person
119.17 must submit payment for a certificate at the time of receiving the request or within ten days
119.18 of the billing date. If a certificate fee payment is not received within 15 days of the billing
119.19 date, the commissioner may not issue any future certificates to the requesting person until
119.20 previous fees due are paid in full. Fees paid under this section must be deposited in the food
119.21 certificate account established under subdivision 2 or another account in the agricultural
119.22 fund if the expenses for the certificate will be paid from that other account.

119.23 Sec. 11. Minnesota Statutes 2024, section 28A.085, subdivision 1, is amended to read:

119.24 Subdivision 1. **Violations; prohibited acts.** The commissioner may charge a reinspection
119.25 fee for each reinspection of a food handler or custom exempt food handler that:

119.26 (1) is found with a major violation of requirements in chapter 28, 29, 30, 31, 31A, 32D,
119.27 33, or 34, or rules adopted under one of those chapters; or

119.28 (2) fails to correct equipment and facility deficiencies as required in rules adopted under
119.29 chapter 28, 29, 30, 31, 31A, 32D, or 34.

119.30 The first reinspection of a firm with gross food sales under \$1,000,000 must be assessed
119.31 at ~~\$150~~ \$250. The fee for a firm with gross food sales over \$1,000,000 is ~~\$200~~ \$300. The
119.32 fee for a subsequent reinspection of a firm for the same violation is 50 percent of their

120.1 current license fee or ~~\$300~~ \$500, whichever is greater. The establishment must be issued
 120.2 written notice of violations with a reasonable date for compliance listed on the notice. An
 120.3 initial inspection relating to a complaint is not a reinspection.

120.4 Sec. 12. Minnesota Statutes 2024, section 28A.14, is amended to read:

120.5 **28A.14 TRANSFER OF BUSINESS.**

120.6 (a) Except as provided in paragraph (b), a transfer of a business or a discontinuance of
 120.7 its operation by the licensee at the address covered by the license voids the license and the
 120.8 license certificate shall be surrendered to the commissioner immediately by anyone in
 120.9 possession of the same.

120.10 (b) If a licensee discontinues operating at an additional location authorized under section
 120.11 28A.06, the license is not void if the licensee has provided written notification to the
 120.12 commissioner.

120.13 Sec. 13. Minnesota Statutes 2024, section 28A.151, subdivision 2, is amended to read:

120.14 Subd. 2. **Food sampling and demonstration.** (a) Food used in sampling and
 120.15 demonstration must be obtained from sources that comply with Minnesota Food Law.

120.16 (b) Raw animal, raw poultry, and raw fish products must not be served as samples.

120.17 (c) Food product sampling or food product demonstrations, ~~including that contain~~ cooked
 120.18 animal, poultry, or fish products, must be prepared on site at the event.

120.19 (d) Animal or poultry products used for food product sampling or food product
 120.20 demonstrations must ~~be~~ originate from animals slaughtered under continuous inspection,
 120.21 either by the USDA or through Minnesota's "Equal-to" inspection program.

120.22 (e) The licensing provisions of sections 28A.01 to 28A.16 shall not apply to persons
 120.23 engaged in food product sampling or food product demonstrations.

120.24 Sec. 14. Minnesota Statutes 2024, section 28A.152, subdivision 1, is amended to read:

120.25 Subdivision 1. **Licensing provisions applicability.** (a) Except as provided in paragraph
 120.26 (d), the licensing provisions of sections 28A.01 to 28A.16 do not apply to the following:

120.27 (1) ~~an individual~~ a person who prepares and sells food that is not potentially hazardous
 120.28 food, as defined in Minnesota Rules, part 4626.0020, subpart 62, if the following
 120.29 requirements are met:

121.1 (i) the prepared food offered for sale under this clause is labeled to accurately reflect
 121.2 the name and the registration number or address of the ~~individual~~ person preparing and
 121.3 selling the food, the date on which the food was prepared, the ingredients and any possible
 121.4 allergens, and the statement "These products are homemade and not subject to state
 121.5 inspection."; and

121.6 (ii) the ~~individual~~ person displays at the point of sale a clearly legible sign or placard
 121.7 stating: "These products are homemade and not subject to state inspection."; and

121.8 (2) ~~an individual~~ a person who prepares and sells home-processed and home-canned
 121.9 food products if the following requirements are met:

121.10 (i) the products are pickles, vegetables, or fruits having an equilibrium pH value of 4.6
 121.11 or lower or a water activity value of .85 or less;

121.12 (ii) the products are home-processed and home-canned in Minnesota;

121.13 (iii) the ~~individual~~ person displays at the point of sale a clearly legible sign or placard
 121.14 stating: "These products are homemade and not subject to state inspection."; and

121.15 (iv) each container of the product sold or offered for sale under this clause is accurately
 121.16 labeled to provide the name and the registration number or address of the individual who
 121.17 processed and canned the goods, the date on which the goods were processed and canned,
 121.18 ingredients and any possible allergens, and the statement "These products are homemade
 121.19 and not subject to state inspection."

121.20 (b) ~~An individual~~ A person who qualifies for an exemption under paragraph (a), clause
 121.21 (2), is also exempt from the provisions of sections 31.31 and 31.392.

121.22 (c) ~~An individual who qualifies~~ To qualify for an exemption under paragraph (a) ~~may~~
 121.23 ~~organize the individual's cottage food business as a business entity recognized by state law,~~
 121.24 a person must be an individual, a sole proprietorship, a single-member limited liability
 121.25 company owned by one individual, or a limited liability company owned by two individuals
 121.26 residing at the same residence.

121.27 (d) A person cannot qualify for an exemption under paragraph (a) if the person holds a
 121.28 food handler license required under section 28A.04.

121.29 Sec. 15. Minnesota Statutes 2024, section 28A.152, subdivision 2, is amended to read:

121.30 Subd. 2. **Direct sales to consumers.** (a) ~~An individual~~ A person qualifying for an
 121.31 exemption under subdivision 1 may sell the exempt food:

121.32 (1) directly to the ultimate consumer at a community event or farmers' market;

122.1 (2) directly from the ~~individual's~~ person's home to the ultimate consumer, to the extent
 122.2 allowed by local ordinance; or

122.3 (3) through donation to a community event with the purpose of fundraising for an
 122.4 individual, or fundraising for an educational, charitable, or religious organization.

122.5 (b) If An exempt food product ~~will~~ may be delivered to the ultimate consumer upon sale
 122.6 of the food product; by the individual person who prepared the food product ~~must be the~~
 122.7 ~~person who delivers the food product to the ultimate consumer,~~ or by mail or commercial
 122.8 delivery.

122.9 (c) Food products exempt under subdivision 1, paragraph (a), clause (2), may not be
 122.10 sold outside of Minnesota.

122.11 (d) Food products exempt under subdivision 1 may be sold over the Internet ~~but must~~
 122.12 ~~be delivered directly to the ultimate consumer by the individual who prepared the food~~
 122.13 ~~product.~~ The statement "These products are homemade and not subject to state inspection."
 122.14 must be displayed on the website that offers the exempt foods for purchase.

122.15 Sec. 16. Minnesota Statutes 2024, section 28A.152, subdivision 3, is amended to read:

122.16 Subd. 3. **Limitation on sales.** ~~An individual~~ A person selling exempt foods under this
 122.17 section is limited to total sales with gross receipts of \$78,000 or less in a calendar year.

122.18 Sec. 17. Minnesota Statutes 2024, section 28A.152, subdivision 4, is amended to read:

122.19 Subd. 4. **Registration.** ~~An individual~~ A person who prepares and sells exempt food
 122.20 under subdivision 1 must register annually with the commissioner. The commissioner shall
 122.21 register ~~an individual~~ a person within 30 days of submitting a complete registration to the
 122.22 commissioner. A registration shall be deemed accepted after 30 days following ~~an individual's~~
 122.23 a person's complete registration to the commissioner. The annual registration fee is ~~\$50~~
 122.24 \$30. ~~An individual with \$5,000 or less in annual gross receipts from the sale of exempt food~~
 122.25 ~~under this section is not required to pay the registration fee. By January 1, 2022, the~~
 122.26 ~~commissioner shall adjust the gross receipts amount of this fee exemption based on the~~
 122.27 ~~consumer price index using 2002 as the index year for the \$5,000 gross receipts exemption.~~

122.28 Sec. 18. Minnesota Statutes 2024, section 28A.152, subdivision 5, is amended to read:

122.29 Subd. 5. **Training.** ~~(a) An individual~~ A person who sells exempt food under this section
 122.30 and is required to pay the registration fee in subdivision 4 must complete a safe food handling
 122.31 training course that is approved by the commissioner before registering under subdivision

123.1 4. The training shall not exceed eight hours and must be completed every three years while
123.2 the ~~individual~~ person is registered under subdivision 4.

123.3 ~~(b) An individual who sells exempt food under this section and is exempt from paying~~
123.4 ~~the registration fee in subdivision 4 must satisfactorily complete an online course and exam~~
123.5 ~~as approved by the commissioner before registering under subdivision 4. The commissioner~~
123.6 ~~shall offer the online course and exam under this paragraph at no cost to the individual.~~

123.7 Sec. 19. Minnesota Statutes 2024, section 28A.152, is amended by adding a subdivision
123.8 to read:

123.9 Subd. 8. **Adjustments.** The commissioner must adjust the limitation on sales in
123.10 subdivision 3 every two years to the inflation level established in the United States Bureau
123.11 of Labor and Statistics Consumer Price Index, using July 2025 as the base month and year.

123.12 Sec. 20. Minnesota Statutes 2024, section 28A.17, is amended to read:

123.13 **28A.17 LICENSE RENEWAL.**

123.14 Licenses for food ~~processors or manufacturers or food brokers~~ handlers shall be renewed
123.15 ~~annually on January 1. Licenses for retail and wholesale food handlers shall be renewed~~
123.16 ~~annually on July 1. Licenses for mobile food concessions and for retail mobile units shall~~
123.17 ~~be renewed annually on April 1~~ prior to the end of the licensing period. Approval of license
123.18 renewal is contingent upon conditions described in section 28A.07 and payment of license
123.19 fees identified in section 28A.08.

123.20 Sec. 21. **EFFECTIVE DATE.**

123.21 This article is effective August 1, 2025.

APPENDIX
Article locations for S2458-2

ARTICLE 1	APPROPRIATIONS.....	Page.Ln 2.2
ARTICLE 2	BROADBAND.....	Page.Ln 39.22
ARTICLE 3	POLICY PROVISIONS.....	Page.Ln 40.5
	LIVESTOCK MARKET AGENCY AND DEALER LICENSING	
ARTICLE 4	PROVISIONS.....	Page.Ln 74.23
ARTICLE 5	SEED POTATO PROVISIONS.....	Page.Ln 80.3
ARTICLE 6	FOOD HANDLER LICENSING PROVISIONS.....	Page.Ln 109.21

21.116 EXPENSES.

All necessary expenses incurred in carrying out the provisions of sections 21.111 to 21.122 and the compensation of officers, inspectors, and employees appointed, designated, or employed by the commissioner, as provided in such sections, together with their necessary traveling expenses, together with the traveling expenses of the members of the advisory seed potato certification committee, and other expenses necessary in attending committee meetings, shall be paid from, and only from, the seed potato inspection account, on order of the commissioner and commissioner of management and budget.

21.118 RULES.

It shall be the duty of the commissioner to promulgate reasonable rules for carrying out the purposes and enforcing the provisions of sections 21.111 to 21.122.

21.1196 RESTRICTED SEED POTATO GROWING AREA.

Subd. 3. **Penalty.** A potato grower who violates subdivision 2, paragraph (a), is subject to a penalty of \$100 per acre of potatoes grown and not certified.

21.121 VIOLATIONS; REPORTS, PROSECUTIONS.

It shall be the duty of every prosecuting officer, to whom the commissioner shall report any violation of sections 21.111 to 21.122, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties in such case as provided in such sections.

21.122 PENALTIES.

Any person violating any provision of sections 21.111 to 21.121 or any rule promulgated by the commissioner thereunder shall be guilty of a misdemeanor; and upon conviction for a first offense shall be punished by a fine of not less than \$25 nor more than \$1,000 or by imprisonment for not less than 10 days nor more than 90 days; and for each second and subsequent offense such persons shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than \$50 nor more than \$3,000 or by imprisonment for not less than 30 days nor more than six months. Upon conviction for such second offense the commissioner shall refuse the violator the privilege of handling in any way certified seed potatoes during the season in which such second offense was committed.

No active language found for: 35.68

No active language found for: 35.830

239.77 BIODIESEL CONTENT MANDATE.

No active language found for: 239.77.5

1510.2300 AUTHORITY.

Parts 1510.2300 to 1510.2355 provide standards for the inspection, certification, production, and marketing of certified seed potatoes in the state of Minnesota. The authority to adopt these rules is contained in Minnesota Statutes, section 21.118.

1510.2305 DEFINITIONS.

Subpart 1. **General.** As used in parts 1510.2300 to 1510.2355, the following definitions apply unless the context clearly indicates otherwise.

Subp. 2. **Certified.** "Certified" has the meaning given it in Minnesota Statutes, section 21.111, subdivision 3.

Subp. 3. **Certified seed potatoes.** "Certified seed potatoes" means potatoes which have been produced, graded, sacked or placed in bulk, and inspected and certified in accordance with parts 1510.2300 to 1510.2355.

Subp. 3a. **Class.** "Class" means the seed quality level as it relates to compliance with the specified tolerances for diseases and varietal purity.

Subp. 3b. **Clone.** "Clone" means a unit of seed potatoes, being the progeny of one plant, which has been tested to become eligible to produce Primary Foundation 1 seed potatoes.

Subp. 4. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized representative.

Subp. 5. **Crop.** "Crop" means all lots produced on a farm in one year.

Subp. 6. **Department.** "Department" means the Department of Agriculture.

Subp. 6a. **Explant.** "Explant" means an in vitro potato plant or plantlet produced by rooting an excised tip of a tuber sprout or an axillary bud from a growing plant which serves as a parent for a whole clone or accession of micropropagated plants or plantlets.

Subp. 7. **Farm.** "Farm" means a seed potato enterprise. It includes all land, equipment, storage facilities, and laborers used to produce certified seed potatoes.

Subp. 8. **Field.** "Field" means a plot of land on a farm on which potatoes are grown for certification. The potatoes shall be of one variety from one certified seed potato growing operation and shall be grown in physical separation from other fields.

Subp. 9. **Inspected.** "Inspected" has the meaning given it in Minnesota Statutes, section 21.111, subdivision 2.

Subp. 10. **Lot.** "Lot" means a group of seed potatoes entered for certification that have passed the field inspection requirements. For the purposes of parts 1510.2300 to 1510.2355, a lot of potatoes also means that the group is of one variety, from one or more fields, grown on the same farm, and stored in physical separation from other lots.

Subp. 10a. **Material in maintenance.** "Material in maintenance" means propagative material, plantlets, or tubers that are maintained, not multiplied under controlled laboratory conditions.

Subp. 10b. **Physical separation.** "Physical separation" means separated by at least the width of one row, or markings such as flags that are at every corner of the lot or at least 100 yards apart, whichever is less. The markings must be visible to the inspector from anywhere on the separation.

Subp. 11. **Rejected.** "Rejected" means that a field or lot fails to meet the standards provided for in parts 1510.2300 to 1510.2355.

Subp. 12. **Seed potato certification inspector.** "Seed potato certification inspector" means an employee of the department authorized by the commissioner to inspect seed potato plants and tubers entered for certification.

Subp. 13. **Seed potatoes.** "Seed potatoes" has the meaning given it in Minnesota Statutes, section 21.111, subdivision 5.

Subp. 14. **Tolerance.** "Tolerance" means a specified allowance for variation from the standards provided for diseases and physical defects, as provided in parts 1510.2300 to 1510.2355.

Subp. 15. **Tuber unit.** "Tuber unit" means the separate pieces of one tuber that are planted consecutively in two or more hills in a row.

1510.2310 GENERAL GUIDANCE.

Subpart 1. **Scope.** The provisions of this part govern the production of potatoes for use as certified seed potatoes.

Subp. 2. **Seed potato certification.** In order to produce certified seed potatoes, a grower must comply with the following procedures:

A. Potatoes entered for certification shall be inspected while growing in the field and again after harvest at the time of shipment. Certification shall be based upon visual inspection by the commissioner of sample plants and tubers from each field and lot, or for varieties that do not express visible symptoms of a specific pathogen, seed potatoes must be subjected to laboratory tests to determine the level of the pathogen in a seed lot. This testing may occur during the growing season, storage season, or winter testing. Certificates shall be issued to show the varietal purity, freedom from disease, and physical defects of the potatoes at the time of inspection.

B. Participation in the certified seed potato program shall be voluntary. The applicant may withdraw at any time. Farming and sanitation practices are the responsibility of the applicant. Certification and inspection under parts 1510.2300 to 1510.2355 shall be conducted by the commissioner. Failure of the applicant to comply with the requirements of parts 1510.2300 to 1510.2355 shall be cause for rejection of any field or lot. Potatoes from rejected fields or lots cannot be sold as certified seed potatoes.

Subp. 3. **Winter testing.** In order to detect certain virus diseases, samples from all classes as defined in parts 1510.2325 and 1510.2330 shall be winter tested. In the event of serious malfunctions of the winter test, classification of lots in the certified classes must be based on the previous summer field readings.

Subp. 4. **Certified seed potato classes.** Seed potato certification classes are differentiated by their compliance level with disease tolerances and varietal purity. The origin of the seed also determines the class. The classes, according to their origin, in the generation system in descending order are: Prenuclear (PN), Generation 1 (G1), Generation 2 (G2), Generation 3 (G3), Generation 4 (G4), Generation 5 (G5), and Generation 6 (G6). Equivalent to this in the clonal system in descending order are: Primary Foundation 1 (PF1), Primary Foundation 2 (PF2), Foundation 1 (F1), Foundation 2 (F2), and Certified (C).

Subp. 5. **Certified seed potato grades.** Grades of certified seed potatoes are established according to the physical defects of the tubers. There are three grades used for shipping Minnesota certified seed potatoes.

A. The blue tag certified seed potato grade, the first grade, has tolerances for physical defects of the tubers stricter than the other grades. This grade may be used by growers of Primary Foundation certified, Foundation certified, Generation certified, and Certified seed potatoes. The blue tag grade may be used for intrastate and interstate shipments of certified seed potatoes.

B. The yellow tag certified seed potato grade is the second grade. This grade allows more physical defects of the tubers than the blue tag certified seed potato grade. It may be used by growers of Primary Foundation certified, Foundation certified, Generation certified, and Certified seed potatoes. The yellow tag grade may also be used for intrastate and interstate shipments of certified seed potatoes.

C. The white tag certified seed potato grade is the third grade. The tolerances for physical defects of the tubers are determined by agreement between purchaser and seller of the certified seed potatoes. It may only be used for intrastate and interstate shipments of certified seed potatoes.

Subp. 6. **Zero tolerance for bacterial ring rot and potato spindle tuber viroid.** Certification rules make provisions to allow the presence of certain diseases at levels sufficiently low as to preclude significant effects on certified seed potato value. For bacterial ring rot and potato spindle tuber viroid, there is a zero tolerance, and the discovery of a single plant in the field or a tuber in storage infected with one of these diseases shall cause the rejection of the field or lot. The absence of a finding shall not be construed to mean that the field or lot inspected is free from the disease.

Subp. 7. **Warranty.** A certification does not represent a warranty of any kind, express or implied, including merchantability, as to the quality of the crop produced from the certified seed potatoes. A certification represents only that the seed potatoes were produced, graded, sacked or placed in bulk, and inspected in accordance with parts 1510.2300 to 1510.2355.

1510.2315 APPLICATION FOR INSPECTION.

Subpart 1. **Eligibility; procedure.** All potatoes planted on a farm must be entered for certification. Application for inspection must be made before June 16 each year on forms furnished by the commissioner. Applications postmarked after June 15 but before July 1 must be charged a 50 cents per acre late registration fee. No applications may be accepted that are postmarked later than June 30. The commissioner may extend the deadline due to special circumstances, such as natural disasters, which make it impractical or impossible for planting to be completed by the deadline and which affect an area or large number of growers.

Subp. 2. **Shipping point inspection certificates, bulk seed certificates, or certificates of origin.** An application for the inspection of a field planted with purchased certified seed potatoes must include copies of either the shipping point inspection certificates, bulk seed certificates, or certificates of origin for the total amount of purchased certified seed potatoes planted. Use of certificates of origin requires approval of both the seller and the purchaser and is restricted to intrastate shipments between certified seed potato producers. The certificate of origin must contain information considered necessary by the commissioner and must at a minimum identify seed potatoes as to the producer, variety, classification, and lot. The limitation of warranty in part 1510.2310, subpart 7, must be further limited to exclude any representation as to condition of the potatoes at the time of shipment.

Subp. 3. **Separate application.** A separate application must be completed for each field planted.

Subp. 4. **Sufficient acreage.** No application for inspection may be accepted from a grower in a community or county in which there is not sufficient acreage for the total inspection fee charges to cover the cost of wages and expenses of the inspectors providing the inspection service. Determination of sufficient acreage must be made by the commissioner.

1510.2320 SEED POTATOES ELIGIBLE FOR MINNESOTA CERTIFICATION PLANTING.

Subpart 1. **Authorization.** A field may not be inspected for certification unless both the seed potato variety and the particular lot planted have the authorization of the commissioner. In considering seed potato varieties for authorization for certification planting,

the commissioner shall consider scientific evidence and expert opinion. To be eligible for certification planting, seed potatoes must meet the requirements of subpart 2 or 3.

Subp. 2. **Minnesota grown seed potatoes.** The following classes of seed potatoes grown in Minnesota are eligible for planting: Prenuclear, Generation 1, Generation 2, Generation 3, Generation 4, Generation 5, Primary Foundation 1, Primary Foundation 2, Foundation 1, Foundation 2, and experimental status seed potatoes. The commissioner shall authorize the planting of Certified class or Generation 6 class seed potatoes if there is no source of higher classes than Certified class or Generation 6 class seed potatoes available to the grower, the lot has been winter tested, and the seed does not pose a serious disease threat.

Subp. 3. **Non-Minnesota grown seed potatoes.** Seed potatoes grown outside of the state approved for certification planting by the certifying agency in another state or a Canadian province may be planted if requirements for certification meet Minnesota requirements for certified seed potatoes of classes higher than Certified class or Generation 6 class, as indicated on an import affidavit.

Subp. 4. **Experimental status.** Seedlings or numbered selections may be accepted for entrance into the certification system in an experimental status. The applicant shall submit a written statement with the certification application from the breeder, originator, or originator's designee that the applicant has full and unrestricted rights to introduce the seedling or numbered selection into the commercial market, and that the seedling or numbered selection must be named within five years from acceptance of the application. If the seedling or numbered selection is not named within five years from acceptance of the application, a two-year waiting period must pass before the seedling or numbered selection may be reentered into the certification program. Seedlings or numbered selections in experimental status must be designated as a class and conform to the requirements of that class. The word "EXPERIMENTAL" must be added on the tag. Lots from a breeder's seed that have not gone through the testing and, when necessary, virus-freeing, are considered either Foundation class 1 or 2, "EXPERIMENTAL."

Subp. 5. **Protected varieties.** Before a seed potato variety protected under the Plant Variety Protection Act Amendments of 1994 may be entered into the certification system, the applicant must submit a written statement with the certification application from the breeder, originator, or originator's designee that the applicant has full and unrestricted rights to introduce the protected variety into the commercial market.

1510.2325 REQUIREMENTS FOR CERTIFIED SEED POTATO PRODUCTION.

Subpart 1. **Requirements.** The standards in this part and part 1510.2330 must be met before potatoes may be classified as certified seed potatoes.

Subp. 2. **Field inspection and laboratory testing.** Certification must be based upon information regarding the following: stand, general vigor, varietal purity, disease tolerances, and factors affecting field inspection. At least two field inspections must be made of each field during the growing season. A final inspection must be made for bacterial ring rot, when symptom expression is optimal. If a final inspection cannot be carried out, because of management practices of the grower, or for reasons out of the grower's control, a laboratory test is necessary to maintain eligibility for certification. Additional inspections and laboratory tests may be made if necessary to meet phytosanitary requirements in established markets such as other states and Canadian provinces.

A. Stand. A field shall be rejected if there are a large number of plants missing due to disease.

B. General vigor. A field shall be rejected if it contains a large number of weak plants.

C. Ring rot. If bacterial ring rot is found in any field or lot, the remaining crop is not eligible for certification planting.

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D. Varietal purity. A field must be rejected if it contains more than the tolerances acceptable for a specific class as listed in Tables 1 and 2 in part 1510.2330, subparts 11 and 12.

E. Disease tolerances (percentage of infected plants). A field must be rejected if it contains percentages of diseased plants in excess of those acceptable for a specific class as listed in Tables 1 and 2 in part 1510.2330, subparts 11 and 12.

F. Factors affecting field inspection. A field shall be rejected if any of the following are present to such an extent that satisfactory inspection for diseases cannot be made: early or late blight; blackleg or wilt of any kind; weeds; insect injury; chemical damage.

A field shall be rejected if any other conditions are present to such an extent that satisfactory inspection for diseases cannot be made. A field is ineligible for certification if there are cull piles in such close vicinity to the field that contamination of the field can be expected.

Subp. 3. **Roguing.** If any of the diseases listed in part 1510.2330 are present in a field in amounts less than the maximum disease tolerance level, the field must be rogued and the infected plants removed before the final inspection. If roguing is done after tubers form, the tubers from the rogued plants shall also be removed and destroyed.

Subp. 4. **Storage.** Lots shall not be stored in any warehouse where other potatoes are stored, nor shall they be stored under conditions of possible disease contamination. If more than one grower stores lots in the same warehouse, each grower's lots shall be properly identified by labeling the bin with the grower's name and address, variety, and amount in the bin. If the lots are to be stored in a public warehouse or storage unit not directly under the control of the grower, a complete record giving location of the storage unit, number of the bin, variety, and the quantity stored shall be sent to the commissioner when the lots are put into storage. If it is available, a copy of the warehouse receipt shall also be sent to the commissioner.

Equipment used for grading and handling lots shall not be used for any other potatoes. If any equipment is used on other potatoes, the lots shall be rejected.

Any firm handling lots on contract shall label all bins containing lots with the name of the grower whose lots are being stored. Responsibility for proper labeling and subsequent handling rests with the firm. No certification tags or bulk certificates shall be issued until this is done.

Each grower shall submit a completed storage and yield report on each lot on forms furnished by the commissioner. Certification tags shall not be issued to growers who have not submitted the report.

Subp. 5. **Tags and bulk certificates.** Official blue, yellow, or white tags, bearing the grower's name and address, the potato variety, and the crop year shall be issued when the potatoes meet the certification requirements described in parts 1510.2310 to 1510.2330. Tags shall be fastened onto sacks so as to constitute a seal at the time the lots are prepared for shipment. Bulk certificates must also show the date of issuance, the class, the grade, and the approximate weight of the load.

Tags shall be issued only to growers, except when lots are stored in a public warehouse or in a storage unit not under direct control of the grower. They shall be issued to the owner or manager of the storage unit upon receipt of written authorization from the grower.

Responsibility for ordering tags shall rest entirely with each grower.

Subp. 6. **Grading.** All lots shall be inspected at the loading point whenever possible. If inspection at the loading point is impossible, request for grading inspection in transit shall be made. Every bagged lot or shipment offered for sale and bearing official certification tags shall be in new even-weight sacks. Bulk shipments shall be identified with a bulk certificate. Both bagged and bulk lots or shipments must meet grade standards specified in

part 1510.2355. Lots or shipments that fail to meet grade standards when inspected shall be reconditioned, or:

A. if the lot or shipment is in sacks, the tags shall be removed under the supervision of a state or federal/state inspector before the lot or shipment is allowed to proceed to its destination; and

B. if the shipment is in bulk, no bulk certificate shall be issued.

All costs of reconditioning to meet grade shall be borne by the shipper.

1510.2330 REQUIREMENTS FOR PRODUCTION OF DIFFERENT CLASSES OF CERTIFIED SEED POTATOES.

Subpart 1. Prenuclear class certified seed potatoes (PN).

A. A lot grown as and intended to be Prenuclear must be grown from plants tested and shown to be free from the following pathogens:

- (1) *Clavibacter michiganensis ssp. sepedonicus* (ring rot);
- (2) *Pectobacterium atrosepticum ssp. Atrosepticum, carotovora* (blackleg);
- (3) potato virus X;
- (4) potato virus S;
- (5) potato virus A;
- (6) potato virus M;
- (7) potato virus Y;
- (8) potato spindle tuber viroid; and
- (9) potato leaf roll virus.

Each initial explant or tuber must also have been tested for any other organisms for which testing is required by the phytosanitary requirements in another state or Canadian province. Material in maintenance must have been tested during the year of the production of prenuclear class.

B. Prenuclear class seed potatoes must be produced in a greenhouse or screenhouse under sanitary conditions, free from insects and weeds that can harbor or transmit potato diseases or other conditions of possible disease contamination. All facilities must be sufficiently insulated from insects by screens and double doors. The facilities and the equipment are subject to inspection to verify freedom from possible disease contamination.

C. One percent of each lot or ten plants or tubers from each lot, whichever is greater, must be tested during the growing season to verify that the crop is free from potato virus X, potato virus Y, potato leaf roll virus, *C. michiganensis*, and *P. atrosepticum*.

D. Prenuclear tubers may originate from greenhouse tubers for one year only if the greenhouse tubers have remained at the same growing operation and have remained isolated from field-grown tubers.

E. A lot must be rejected if it contains any diseased plants at any inspection, or varietal mixture at final inspection.

F. The allowable tolerances for disease and varietal mixture for seed potatoes classified as prenuclear are in Table 1 in subpart 11 under column PN.

Subp. 2. Generation 1 class certified seed potatoes (G1). Generation 1 class seed potatoes must meet the following requirements:

A. The seed source must be either Prenuclear tubers or plantlets.

B. Tubers or plantlets must be planted in identifiable family units.

C. Each field must be tested during the growing season for potato virus X. For a lot to be tagged "virus tested (VT)," no more than one percent of the plants tested may be infected with potato virus X.

D. Each lot must be stored in an individual identifiable unit.

E. The allowable tolerances for disease and varietal mixture for seed potatoes classified as Generation 1 are in Table 1 in subpart 11 under column G1.

Subp. 3. **Generation 2 class certified seed potatoes (G2).** Generation 2 class seed potatoes must originate from Generation 1 class seed potatoes. Each field may be tested during the growing season for potato virus X at grower's request. For a lot to be tagged "virus tested (VT)," no more than three percent of the plants tested may be infected with potato virus X. The allowable tolerances for disease and varietal mixture are in Table 1 in subpart 11 under column G2.

Subp. 4. **Generation 3 class certified seed potatoes (G3).** Generation 3 class seed potatoes must originate from Generation 2 class seed potatoes. The allowable tolerances for disease and varietal mixture are in Table 1 in subpart 11 under column G3.

Subp. 5. **Generation 4 class certified seed potatoes (G4).** Generation 4 class seed potatoes must originate from Generation 3 class seed potatoes. The allowable tolerances for disease and varietal mixture are in Table 1 in subpart 11 under column G4.

Subp. 6. **Generation 5 class certified seed potatoes (G5).** Generation 5 class seed potatoes must originate from Generation 4 class seed potatoes. The allowable tolerances for disease and varietal mixture are in Table 1 in subpart 11 under column G5.

Subp. 7. **Generation 6 class certified seed potatoes (G6).** Generation 6 class seed potatoes must originate from Generation 5 class seed potatoes. The allowable tolerances for disease and varietal mixture are in Table 1 in subpart 11 under column G6.

Subp. 8. **Primary Foundation classes (PF).**

A. A lot grown as and intended to be Primary Foundation certified seed potatoes must originate from clonal selection, with all clones laboratory tested and be proven free from the following pathogens:

- (1) *Clavibacter michiganensis ssp. sepedonicus* (ring rot);
- (2) potato virus A;
- (3) potato virus M;
- (4) potato virus Y;
- (5) potato spindle tuber viroid; and
- (6) potato leaf roll virus.

B. A lot must be kept under direct control of the grower and must not be stored in any warehouse in which other potatoes are stored.

C. The two classes of Primary Foundation seed potatoes are PF1 and PF2.

(1) PF1 class certified seed potatoes must originate from clonal multiplication where all clones have been laboratory-tested. PF1 class seed potatoes are tuber united. Crops must be free of bacterial ring rot for a minimum of two years to be eligible to be PF1 class seed potatoes. The allowable tolerances for disease and variety mixture are in Table 2 in subpart 12 under column PF1.

(2) PF2 class certified seed potatoes must originate from PF1 class seed potatoes and originate from the same farm operation. They must be grown from potatoes produced on a tuber unit seed plot. Crops must be free of bacterial ring rot for a minimum of two years to be eligible to be PF2 class seed potatoes. The allowable tolerances for disease and varietal mixture are in Table 2 in subpart 12 under column PF2.

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Subp. 9. **Foundation classes (F).** The two classes of Foundation class seed potatoes are F1 and F2.

A. F1 class certified seed potatoes must originate from Primary Foundation class seed potatoes. The allowable tolerances for disease and varietal mixture are in Table 2 in subpart 12 under column F1.

B. F2 class certified seed potatoes must originate from F1 class seed potatoes. The allowable tolerances for disease and varietal mixture are in Table 2 in subpart 12 under column F2.

Subp. 10. **Certified class certified seed potatoes.** Certified class seed potatoes must originate from Foundation or Generation classes of seed potatoes. The allowable tolerances for disease and varietal mixture are in subpart 11, Table 2, under column C.

Subp. 11. **Table 1.**

TABLE 1
TOLERANCES FOR DISEASES AND VARIETAL
MIXTURE FOR GENERATION CLASSES

	CLASSES							
	PN	G1	G2	G3	G4	G5	G6	C
Tolerances:								
Severe Mosaic	0	0.5	0.5	0.5	0.5	0.5	0.5	1
Leaf Roll	0	0.5	0.5	0.5	0.5	0.5	0.5	1
Total	0	0.5	0.5	0.5	0.5	0.5	0.5	1
Other viruses (S and X excluded)	0	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Mycoplasmas	0	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Total	0	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Mild Mosaic (S)	0							
Mild Mosaic (X)	0	VT:1	VT:3	VT:3	VT:3	VT:3	VT:3	VT:3
Blackleg	0	0	0.2	0.5	1	exc.	exc.	exc.
Varietal mixture	0	0	0	0	0.1	0.1	0.2	0.2
Ring Rot and Spindle Tuber	0	0	0	0	0	0	0	0
Winter Test:								
Virus, Ch. Dam.		0.5	0.5	0.5	0.5	0.5	0.5	0.5
BRR, PSTV		0	0	0	0	0	0	0
Summer Test:								
PVX, VT* virus	0	1	3	3	3	3	3	
BRR, PSTV	0	0	0	0	0	0	0	0

Numbers represent percentages

VT means Virus Tested

Mycoplasmas: Haywire, Witches Broom, Yellow Dwarf

Severe Mosaic: PVY, PVA, PVM

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BRR means Bacterial Ring Rot

PSTV means Potato Spindle Tuber Viroid

Ch. Dam. means Expressing symptoms of chemical damage

* For the classes G2 and lower, the summer test for PVX is done on request of the grower only. The lot may be labeled "Virus Tested," if the tolerance of one percent for G1 and three percent for the lower classes is met.

Subp. 12. **Table 2.**

TABLE 2
TOLERANCES FOR DISEASES AND VARIETAL MIXTURE FOR
CLASSES ORIGINATING FROM CLONAL MULTIPLICATION

	CLASSES					
	CLONE	PF1	PF2	F1	F2	C
Severe Mosaic	0	0.5	0.5	0.5	0.5	1.00
Leaf roll	0	0.5	0.5	0.5	0.5	1.00
Total	0	0.5	0.5	0.5	0.5	1.00
Total other viruses (S and X excluded)	0	0.5	0.5	0.5	0.5	0.5
Mycoplasmas	0	0.5	0.5	0.5	0.5	0.5
Total	0	0.5	0.5	0.5	0.5	0.5
Mild Mosaic (S)						
Mild Mosaic (X)						
Blackleg		0.1	0.2	exc.	exc.	exc.
Varietal Mixture				0.1	0.2	0.2
Ring Rot and Spindle Tuber	0	0	0	0	0	0
Winter Test:						
Virus, Ch. Dam.		0.5	0.5	0.5	0.5	0.5
BRR, PSTV		0	0	0	0	0
Summer Lab Test:						
Virus	0					
BRR	0					
PSTV	0					

Numbers represent percentages

VT means Virus Tested

Mycoplasmas: Haywire, Witches Broom, Yellow Dwarf

Severe Mosaic: PVY, PVA, PVM

BRR means Bacterial Ring Rot

PSTV means Potato Spindle Tuber Viroid

Ch. Dam. means Expressing symptoms of chemical damage.

1510.2335 FEES.

Fees shall be set by the commissioner in amounts necessary to carry out the seed potato certification service. Fees shall be reviewed annually and notice of the current fee schedule sent to growers from time to time.

1510.2340 FIELD INSPECTION FEES.

Field inspection fees shall be paid at time of application for entry into the certification program.

1510.2345 WINTER-TESTING FEES.

Winter-testing fees shall be paid before results are sent to the grower.

1510.2350 FEES FOR OTHER DISEASE TESTING.

Fees for other disease testing shall be paid before results are listed in the Minnesota Seed Potato Certification Directory.

1510.2355 MINNESOTA CERTIFIED SEED POTATO GRADES AND TOLERANCES.

Subpart 1. **Minnesota certified seed potato grades.** Before potatoes are eligible for grading as certified seed potatoes, the requirements of parts 1510.2315 to 1510.2330 must be met.

Subp. 2. **Minnesota blue tag certified seed potato grade.** To be graded as Minnesota blue tag certified seed potatoes, the potatoes must meet the requirements in items A to C.

A. Condition. The potatoes must be, at the time of final inspection, of one variety, unwashed, fairly well-shaped, free from bacterial ring rot, late blight, freezing, black heart, and soft rot or wet breakdown, and free from damage caused by soil or other foreign matter, second growth, air cracks, cuts, shriveling, sprouts, pitted scab, surface scab, powdery scab, russet scab, dry rot, other diseases, insects or worms, mechanical or other means, flattened or depressed areas with underlying flesh discoloration, and from serious damage caused by hollow heart, wire worm, growth cracks, or internal discoloration other than hollow heart. Sunburn and silver scurf are not factors. This item does not apply to hollow heart if labeled "hollow heart exempt," on the tag or certificate.

B. Size. For round or intermediate shaped varieties, the maximum size is 12 ounces (340.2 grams) and, unless otherwise specified, the minimum size shall be not less than 1-1/2 inches (38.1 millimeters) in diameter. For long varieties, the maximum size is 14 ounces (396.9 grams) and, unless otherwise specified, the minimum size shall be not less than 1-1/2 inches (38.1 millimeters) in diameter. For all varieties, size "B," the minimum diameter shall be not less than 1-1/2 inches (38.1 millimeters) and the maximum size shall be not more than 2-1/4 inches (57.1 millimeters) in diameter. The department may grade potatoes that do not meet the maximum and minimum size specifications as Minnesota blue tag certified seed potatoes if the buyer agrees to accept potatoes of alternate size specifications from the grower and these specifications are listed on the tag or bulk certificate issued by the department.

C. Lot tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are provided:

(1) For defects:

(a) ten percent for potatoes seriously damaged by hollow heart, unless labeled "hollow heart exempt" on the tag or certificate;

(b) five percent for potatoes seriously damaged by internal discoloration (other than hollow heart);

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- (c) ten percent for potatoes damaged by soil or other foreign matter;
- (d) 20 percent for potatoes damaged by sprouts;
- (e) ten percent for potatoes seriously damaged by wireworm; and
- (f) six percent for potatoes which fail to meet the remaining requirements of the grade, provided that included in that amount not more than the following percentages are allowed for the following defects:

- i. soft rot, frozen, or wet breakdown, 0.5 percent;
- ii. damage by surface, powdery, or pitted scab, 2.0 percent;
- iii. damage by dry rot, 2.0 percent, of which not more than 1.0 percent late blight tuber rot;
- iv. bacterial ring rot, 0.0 percent; and
- v. late blight tuber rot, 1.0 percent; and

(g) the following do not affect seed quality and must not be scored against the grade:

- i. brown discoloration following skinning;
- ii. dried stems;
- iii. flattened or depressed areas showing no underlying flesh discoloration;
- iv. greening;
- v. sunburn;
- vi. skin checks; and
- vii. silver scurf.

(2) For offsize:

- (a) five percent for potatoes which fail to meet the required or specified minimum size; and
- (b) ten percent for potatoes which fail to meet the required maximum size.

Subp. 3a. **Minnesota yellow tag certified seed potato grade.** To be graded as Minnesota yellow tag certified seed potatoes, the potatoes must meet the requirements in items A to D.

A. Condition. At the time of final inspection, the potatoes must be of one variety, unwashed, fairly well-shaped, free from bacterial ring rot, late blight, freezing, black heart, and soft rot or wet breakdown, and free from damage caused by second growth, air cracks, cuts, shriveling, pitted scab, surface scab, powdery scab, dry rot, other diseases, insects or worms, mechanical means or other means, and from serious damage caused by soil or other foreign matter, hollow heart, wireworm, growth cracks, russet scab, or internal discoloration other than hollow heart. Sunburn and silver scurf are not factors. This item does not apply to hollow heart if labeled "hollow heart exempt," on the tag or certificate.

B. Size. For all varieties, the maximum size is 14 ounces (396.9 grams) and the minimum size is 1-1/2 inch (38.1 mm) in diameter. For all varieties, the minimum diameter for size "B" shall not be less than 1-1/2 inches (38.1 millimeters) and the maximum diameter shall not be more than 2-1/4 inches (57.1 millimeters). The department may grade potatoes that do not meet the maximum and minimum size specifications as Minnesota yellow tag certified seed potatoes if the buyer agrees to accept potatoes of alternate size specifications

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from the grower and these specifications are listed on the tag or bulk inspection certificate issued by the department.

C. Lot tolerances. In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, are provided:

(1) for defects:

(a) 20 percent for potatoes seriously damaged by hollow heart, unless labeled "hollow heart exempt" on the tag or certificate;

(b) five percent for potatoes seriously damaged by internal discoloration (other than hollow heart);

(c) ten percent for potatoes seriously damaged by soil or other foreign matter;

(d) ten percent for potatoes seriously damaged by wireworm;

(e) 20 percent for potatoes that fail to meet the remaining requirements of the grade with not more than six percent serious damage provided that included in that amount not more than the following percentages are allowed for the following defects:

i. soft rot, frozen, or wet breakdown, 0.5 percent;

ii. damaged by surface, powdery, or pitted scab, 5.0 percent;

iii. damaged by dry rot, 2.0 percent, of which not more than 1.0 percent is late blight tuber rot;

iv. bacterial ring rot, 0.0 percent; and

v. late blight tuber rot, 1.0 percent; and

(f) the following do not affect seed quality and must not be scored against the grade:

i. brown discoloration following skinning;

ii. dried stems;

iii. flattened or depressed areas with or without underlying flesh discoloration;

iv. greening;

v. sunburn;

vi. skin checks;

vii. silver scurf; and

viii. sprouts; and

(2) for offsize:

(a) five percent for potatoes that fail to meet the required or specified minimum size; and

(b) ten percent for potatoes that fail to meet the required maximum size.

D. Shape. The potatoes must be fairly well shaped, with an exception for long varieties when specified as "except for shape." In that case the tubers may be misshapen.

Subp. 4. **Minnesota white tag certified seed potato grade.** Minnesota white tag certified seed potato grade consists of certified seed potatoes that are graded according to agreement between the seller and the purchaser as to size and defects, except that not more than one-half percent of soft rot, frozen, or wet breakdown and two percent dry rot, of which not more than one percent late blight tuber rot is allowed.

Subp. 5. **Application of tolerance.** The contents of individual containers, other than bulk conveyances, in the lot are subject to the following limitations provided that the averages for the entire lot are within the tolerances specified for the grade. An individual container in any lot may contain not more than double the tolerance specified except for sprouts and except that at least one defective specimen, other than bacterial ring rot, and one offsize specimen may be permitted in any container.

Subp. 6. **Condition after transit.** Deterioration developing in transit shall be considered as affecting condition and not grade.

Subp. 7. **Definitions.** For the purpose of this part, the terms in items A to J have the meanings given them unless the context clearly indicates otherwise.

A. "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during the ordinary methods of handling.

B. "Well-shaped" means the normal shape for the variety.

C. "Fairly well-shaped" means that the individual potato is not materially pointed, dumbbell-shaped, or otherwise ill-formed.

D. "Fairly clean" means that the individual potato is reasonably free from dirt, staining, or other foreign matter.

E. "Slightly dirty" means that the appearance of the individual potato is not materially affected by dirt, staining, or other foreign matter.

F. "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (stolon).

G. "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissues.

H. "Dry rot" means decaying tissue that is dry.

I. "Damage" means any defect or combination of defects which materially affects the appearance of the individual potato or which cannot be removed without a loss of more than five percent of the total weight of the potato including the peel covering the defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) russet scab when it materially detracts from the appearance of the individual potato;

(2) second growth or growth cracks which have developed to such an extent as to materially affect the appearance of the individual potato;

(3) air cracks when removal causes a loss of more than five percent of the total weight of the potato;

(4) shriveling when the potato is more than moderately shriveled, spongy, or flabby;

(5) sprouting when the individual potato has sprouts over one inch in length;

(6) surface, powdery, or pitted scab, individually or in combination, which covers an area of more than five percent of the surface of the potato in the aggregate, or causes a loss of more than five percent of the total weight of the potato including peel covering defective area;

(7) soil if the individual potato has more than 50 percent of its surface affected by lightly caked soil which is scattered, or more than 15 percent of its surface badly caked with soil.

J. "Serious damage" means any defect or combination of defects which seriously affects the appearance of the individual potato or which cannot be removed without a loss

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of more than ten percent of the total weight of the potato including the peel covering the defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

- (1) russet scab when it seriously detracts from the appearance of the potato;
- (2) dirt when the appearance of the individual potato is seriously affected by caked or smeared dirt or other foreign matter;
- (3) cuts when both ends are clipped or when more than an estimated one-fourth of the potato is cut away from one end or when the remaining portion of the clipped potato weighs less than six ounces;
- (4) other cuts which seriously affect the appearance of the individual potato or which cannot be removed without a loss of more than ten percent of the total weight of the potato including peel covering defective area;
- (5) shriveling when the potato is excessively shriveled, spongy, or flabby;
- (6) surface, powdery, or pitted scab, individually or in combination, which covers an area of more than 25 percent of the surface of the potato in the aggregate, or causes a loss of more than ten percent of the total weight of the potato including peel covering defective area;
- (7) wireworm and air cracks when removal causes a loss of more than ten percent of the total weight of the potato.