

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1459

(SENATE AUTHORS: SPARKS)

DATE	D-PG	OFFICIAL STATUS
03/09/2015	599	Introduction and first reading Referred to Jobs, Agriculture and Rural Development
04/07/2015	1409a	Comm report: To pass as amended
	1490	Second reading
05/13/2015	3544	HF substituted on General Orders HF1554 See SF2101, Art. 2 (seed provisions)

A bill for an act

1.1 relating to agriculture; making policy and technical changes to various agriculture
1.2 related provisions, including provisions related to loans, pesticides, fertilizer,
1.3 soil amendment, plant amendment, registrations, agricultural chemicals, plants,
1.4 seeds, grain storage, and food; modifying minimum wage requirements for
1.5 agricultural employment; repealing agricultural growth, research, and innovation
1.6 program sunset; amending Minnesota Statutes 2014, sections 17.03, subdivision
1.7 11a; 17.117, subdivision 11; 18B.065, subdivisions 2a, 7; 18B.37, subdivisions
1.8 2, 3, 4; 18C.235, subdivision 1; 18C.411, by adding a subdivision; 21.81, by
1.9 adding subdivisions; 21.82, subdivisions 2, 4; 21.85, subdivision 2, by adding a
1.10 subdivision; 21.87; 21.89, subdivision 2; 34A.11; 177.23, subdivision 7; 232.22,
1.11 subdivision 5; repealing Minnesota Statutes 2014, sections 18C.235, subdivision
1.12 2; 18H.02, subdivision 28a; 41A.12, subdivision 4.
1.13

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

1.15 Section 1. Minnesota Statutes 2014, section 17.03, subdivision 11a, is amended to read:

1.16 Subd. 11a. **Permitting efficiency goal and report.** (a) It is the goal of the
1.17 Department of Agriculture that environmental and resource management permits be
1.18 issued or denied within 150 days of the submission of a completed permit application.
1.19 The commissioner of agriculture shall establish management systems designed to achieve
1.20 the goal.

1.21 (b) The commissioner shall prepare ~~semiannual~~ an annual permitting efficiency
1.22 ~~reports~~ report that ~~include~~ includes statistics on meeting the goal in paragraph (a). The
1.23 ~~reports are~~ report is due February 1 ~~and August 1~~ of each year. For permit applications
1.24 that have not met the goal, the report must state the reasons for not meeting the goal, steps
1.25 that will be taken to complete action on the application, and the expected timeline. In
1.26 stating the reasons for not meeting the goal, the commissioner shall separately identify
1.27 delays caused by the responsiveness of the proposer, lack of staff, scientific or technical
1.28 disagreements, or the level of public engagement. The report must specify the number

2.1 of days from initial submission of the application to the day of determination that the
2.2 application is complete. The report ~~for the final quarter of the fiscal year~~ must aggregate
2.3 the data for the year and assess whether program or system changes are necessary to
2.4 achieve the goal. The report must be posted on the department Web site and submitted to
2.5 the governor and the chairs of the house of representatives and senate committees having
2.6 jurisdiction over agriculture policy and finance.

2.7 (c) The commissioner shall allow electronic submission of environmental review
2.8 and permit documents to the department.

2.9 Sec. 2. Minnesota Statutes 2014, section 17.117, subdivision 11, is amended to read:

2.10 Subd. 11. **Loans issued to borrower.** (a) Local lenders may issue loans only for
2.11 projects that are approved and certified by the local government unit as meeting priority
2.12 needs identified in a comprehensive water management plan or other local planning
2.13 documents, are in compliance with accepted practices, standards, specifications, or
2.14 criteria, and are eligible for financing under Environmental Protection Agency or other
2.15 applicable guidelines.

2.16 (b) The local lender may use any additional criteria considered necessary to
2.17 determine the eligibility of borrowers for loans.

2.18 (c) Local lenders shall set the terms and conditions of loans to borrowers, except that:

2.19 (1) no loan to a borrower may exceed ~~\$100,000~~ \$200,000;

2.20 (2) no loan for a project may exceed ~~\$100,000~~ \$200,000; and

2.21 (3) no borrower shall, at any time, have multiple loans from this program with a total
2.22 outstanding loan balance of more than ~~\$100,000~~ \$200,000.

2.23 (d) The maximum term length for projects in this paragraph is ten years.

2.24 (e) Fees charged at the time of closing must:

2.25 (1) be in compliance with normal and customary practices of the local lender;

2.26 (2) be in accordance with published fee schedules issued by the local lender;

2.27 (3) not be based on participation program; and

2.28 (4) be consistent with fees charged other similar types of loans offered by the local
2.29 lender.

2.30 (f) The interest rate assessed to an outstanding loan balance by the local lender must
2.31 not exceed three percent per year.

2.32 Sec. 3. Minnesota Statutes 2014, section 18B.065, subdivision 2a, is amended to read:

2.33 Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the
2.34 commissioner must enter into a contract with a county or group of counties under a

3.1 ~~joint powers agreement for household hazardous waste disposal or designate a place in~~
 3.2 ~~each county of the state that is available at least every other year for persons to dispose~~
 3.3 ~~of unused portions of agricultural pesticides. The commissioner shall consult with the~~
 3.4 ~~person responsible for solid waste management and disposal in each county not under~~
 3.5 ~~contract to determine an appropriate location and to advertise each collection event.~~
 3.6 ~~The commissioner may provide a collection opportunity in a county more frequently~~
 3.7 Additional collection events may be provided if the commissioner determines that a
 3.8 collection is additional collections are warranted.

3.9 (b) For nonagricultural waste pesticides, the commissioner must ~~provide a disposal~~
 3.10 ~~opportunity each year in each county or enter into a contract with a county or group~~
 3.11 ~~of counties under a joint powers agreement or contract for household hazardous waste~~
 3.12 ~~disposal or designate a place that is available at least every other year for persons to~~
 3.13 dispose of unused portions of nonagricultural pesticides.

3.14 (c) As provided under subdivision 7, the commissioner may enter into cooperative
 3.15 agreements with local units of government to provide the collections required under
 3.16 paragraph (a) or (b) and shall provide a local unit of government, as part of the cooperative
 3.17 agreement, with funding for reasonable costs incurred including, but not limited to, related
 3.18 supplies, transportation, advertising, and disposal costs as well as reasonable overhead
 3.19 costs.

3.20 (d) A person who collects waste pesticide under this section shall, on a form
 3.21 provided or in a method approved by the commissioner, record ~~information on each the~~
 3.22 actual or estimated weight of agricultural waste pesticide product products collected
 3.23 ~~including, but not limited to, the quantity collected and either the product name and its~~
 3.24 ~~active ingredient or ingredients or the United States Environmental Protection Agency~~
 3.25 ~~registration number. The person must and submit this information to the commissioner~~
 3.26 at least annually by January 30.

3.27 Sec. 4. Minnesota Statutes 2014, section 18B.065, subdivision 7, is amended to read:

3.28 Subd. 7. **Cooperative agreements.** (a) The commissioner may enter into
 3.29 cooperative agreements with state agencies and local units of government for
 3.30 administration of the waste pesticide collection program. The commissioner shall ensure
 3.31 that the program is ~~carried out in all counties~~ provides collection opportunities statewide. If
 3.32 the commissioner cannot contract with another party to administer the program in a county,
 3.33 the commissioner shall perform collections according to the provisions of this section.

3.34 (b) The commissioner, according to the terms of a cooperative agreement between
 3.35 the commissioner and a local unit of government, may establish limits for unusual types

4.1 or excessive quantities of waste pesticide offered by pesticide end users to the local unit
4.2 of government.

4.3 Sec. 5. Minnesota Statutes 2014, section 18B.37, subdivision 2, is amended to read:

4.4 Subd. 2. **Commercial and noncommercial applicators.** (a) A commercial or
4.5 noncommercial applicator, or the applicator's authorized agent, must maintain a record of
4.6 pesticides used on each site. Noncommercial applicators must keep records of restricted
4.7 use pesticides. The record must include the:

4.8 (1) date of the pesticide use;

4.9 (2) time the pesticide application was completed;

4.10 (3) brand name of the pesticide, the United States Environmental Protection Agency
4.11 registration number, and ~~dosage~~ rate used;

4.12 (4) number of units treated;

4.13 (5) temperature, wind speed, and wind direction;

4.14 (6) location of the site where the pesticide was applied;

4.15 (7) name and address of the customer;

4.16 (8) name ~~and signature~~ of applicator, name of company, license number of applicator,
4.17 and address of applicator company; and

4.18 (9) any other information required by the commissioner.

4.19 (b) Portions of records not relevant to a specific type of application may be omitted
4.20 upon approval from the commissioner.

4.21 (c) All information for this record requirement must be contained in a ~~single page~~
4.22 document for each pesticide application, except a map may be attached to identify treated
4.23 areas. ~~For the rights-of-way and wood preservative categories, the required record may~~
4.24 ~~not exceed five pages.~~ An invoice containing the required information may constitute
4.25 the required record. The commissioner shall make sample forms available to meet the
4.26 requirements of this paragraph.

4.27 (d) The record must be completed no later than five days after the application of
4.28 the pesticide.

4.29 ~~(d)~~ (e) A commercial applicator must give a copy of the record to the customer.

4.30 ~~(e)~~ (f) Records must be retained by the applicator, company, or authorized agent
4.31 for five years after the date of treatment.

4.32 Sec. 6. Minnesota Statutes 2014, section 18B.37, subdivision 3, is amended to read:

5.1 Subd. 3. **Structural pest control applicators.** (a) A structural pest control
 5.2 applicator must maintain a record of each structural pest control application conducted by
 5.3 that person or by the person's employees. The record must include the:

5.4 (1) date of structural pest control application;

5.5 (2) target pest;

5.6 (3) brand name of the pesticide, United States Environmental Protection Agency
 5.7 registration number, and amount used;

5.8 (4) for fumigation, the temperature and exposure time;

5.9 (5) time the pesticide application was completed;

5.10 (6) name and address of the customer;

5.11 (7) name ~~and signature~~ of structural pest control applicator; name of company and
 5.12 address of applicator or company, ~~applicator's signature~~, and license number of applicator;
 5.13 and

5.14 (8) any other information required by the commissioner.

5.15 (b) All information for this record requirement must be contained in a ~~single-page~~
 5.16 document for each pesticide application. An invoice containing the required information
 5.17 may constitute the record.

5.18 (c) The record must be completed no later than five days after the structural pest
 5.19 control application.

5.20 ~~(e)~~ (d) Records must be retained for five years after the date of treatment.

5.21 ~~(d)~~ (e) A copy of the record must be given to a person who ordered the application
 5.22 that is present at the site where the structural pest control application is conducted, placed
 5.23 in a conspicuous location at the site where the structural pest control application is
 5.24 conducted immediately after the application of the pesticides, or delivered to the person
 5.25 who ordered an application or the owner of the site. The commissioner must make sample
 5.26 forms available that meet the requirements of this subdivision.

5.27 Sec. 7. Minnesota Statutes 2014, section 18B.37, subdivision 4, is amended to read:

5.28 Subd. 4. **Incident response plan.** A pesticide dealer, agricultural pesticide dealer,
 5.29 or a commercial, noncommercial, or structural pest control ~~business~~ company or a person
 5.30 who is required to be permitted to store or produce bulk agricultural chemicals must
 5.31 develop and maintain an incident response plan that describes the actions that will be
 5.32 taken to prevent and respond to pesticide agricultural chemical incidents. The plan must
 5.33 ~~contain the same information as forms provided by the commissioner~~ include information
 5.34 the commissioner deems necessary to respond to an agricultural chemical emergency
 5.35 incident. The commissioner shall make sample incident response plan forms available.

6.1 The plan must be kept at a principal business site or location within this state and must be
 6.2 submitted to the commissioner upon request. The plan must be:

6.3 (1) updated every three years, or whenever information on the form becomes out of
 6.4 date, whichever is earlier;

6.5 (2) reviewed with employees at least once per calendar year and include
 6.6 documentation of training events; and

6.7 (3) made available to local first responders and documented accordingly.

6.8 Sec. 8. Minnesota Statutes 2014, section 18C.235, subdivision 1, is amended to read:

6.9 Subdivision 1. **Plan required.** A person required to be licensed under section
 6.10 18C.415, or a person who stores fertilizers, soil amendment, or plant amendment products
 6.11 in bulk must develop and maintain a contingency plan that describes the storage, handling,
 6.12 disposal, and incident handling practices. an incident response plan that describes the
 6.13 actions that will be taken to prevent and respond to agricultural chemical incidents.

6.14 The plan must include information the commissioner deems necessary to respond to an
 6.15 agricultural chemical emergency incident. The commissioner shall make sample incident
 6.16 response plan forms available. The plan must be kept at a principal business site or
 6.17 location within this state and must be submitted to the commissioner upon request. The
 6.18 plan must be:

6.19 (1) updated every three years, or whenever information on the form becomes out of
 6.20 date, whichever is earlier;

6.21 (2) reviewed with employees at least once per calendar year and include
 6.22 documentation of training events; and

6.23 (3) made available to local first responders and documented accordingly.

6.24 (b) A person also required to maintain an incident response plan under section
 6.25 18B.37 is not required to maintain a separate incident response plan under this subdivision.

6.26 Sec. 9. Minnesota Statutes 2014, section 18C.411, is amended by adding a subdivision
 6.27 to read:

6.28 Subd. 5. **Discontinuance of specialty fertilizer, soil amendment, and plant**
 6.29 **amendment registration.** To ensure complete withdrawal from distribution or further
 6.30 use of a specialty fertilizer, soil amendment, or plant amendment a person who intends to
 6.31 discontinue a specialty fertilizer, soil amendment, and plant amendment registration must:

6.32 (1) terminate any further distribution of the specialty fertilizer, soil amendment, or
 6.33 plant amendment within the state;

7.1 (2) continue to register the specialty fertilizer, soil amendment, or plant amendment
7.2 annually for two successive years;

7.3 (3) initiate and complete a total recall of the specialty fertilizer, soil amendment,
7.4 or plant amendment from all distribution in the state within 60 days from the date of
7.5 notification to the commissioner of intent to discontinue registration; or

7.6 (4) submit to the commissioner evidence adequate to document that no distribution
7.7 of the registered specialty fertilizer, soil amendment, or plant amendment has occurred in
7.8 the state.

7.9 Sec. 10. Minnesota Statutes 2014, section 21.81, is amended by adding a subdivision
7.10 to read:

7.11 Subd. 1a. **Address.** "Address" means the complete primary mailing address of the
7.12 labeler or the person or firm selling seed. A complete address includes the street address,
7.13 post office box, or rural route, and city, state, and zip code or postal code.

7.14 Sec. 11. Minnesota Statutes 2014, section 21.81, is amended by adding a subdivision to
7.15 read:

7.16 Subd. 27a. **Total viable.** "Total viable" means the sum of the germination
7.17 percentage, plus hard seeds, dormant seeds, or both.

7.18 Sec. 12. Minnesota Statutes 2014, section 21.82, subdivision 2, is amended to read:

7.19 Subd. 2. **Content.** For agricultural, vegetable, flower, or wildflower seeds offered
7.20 for sale as agricultural seed, except as otherwise provided in subdivisions 4, 5, and 6, the
7.21 label must contain:

7.22 (a) The name of the kind or kind and variety for each seed component in excess
7.23 of five percent of the whole and the percentage by weight of each in order of its
7.24 predominance. The commissioner shall by rule designate the kinds that are required to be
7.25 labeled as to variety. If the variety of those kinds generally labeled as to variety is not
7.26 stated and it is not required to be stated, the label shall show the name of the kind and the
7.27 words: "Variety not stated." The heading "pure seed" must be indicated on the seed label
7.28 in close association with other required label information.

7.29 (1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure
7.30 seed shown unless the percentage of pure seed which is hybrid seed is shown separately.
7.31 If two or more kinds or varieties are present in excess of five percent and are named on
7.32 the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or
7.33 kind and variety that has pure seed which is less than 95 percent but more than 75 percent

8.1 hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to
8.2 show the percentage of pure seed that is hybrid seed or a statement such as "contains from
8.3 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as
8.4 hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be
8.5 shown on the label in conjunction with the kind.

8.6 (2) Blends shall be listed on the label using the term "blend" in conjunction with
8.7 the kind.

8.8 (3) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

8.9 (b) Lot number or other lot identification.

8.10 (c) Origin, if known, or that the origin is unknown.

8.11 (d) Percentage by weight of all weed seeds present. This percentage may not exceed
8.12 one percent. The heading "weed seed" must be indicated on the seed label in close
8.13 association with other required label information.

8.14 (e) Name and rate of occurrence per pound of each kind of restricted noxious weed
8.15 seeds present. They must be listed under the heading "noxious weed seeds" in close
8.16 association with other required label information.

8.17 (f) Percentage by weight of seeds other than those kinds and varieties required
8.18 to be named on the label. They must be listed under the heading "other crop" in close
8.19 association with other required label information.

8.20 (g) Percentage by weight of inert matter. The heading "inert matter" must be
8.21 indicated on the seed label in close association with other required label information.

8.22 (h) Net weight of contents, to appear on either the container or the label.

8.23 (i) For each named kind or variety of seed:

8.24 (1) percentage of germination, exclusive of hard or dormant seed or both;

8.25 (2) percentage of hard or dormant seed or both, if present; and

8.26 (3) the calendar month and year the percentages were determined by test or the
8.27 statement "sell by (month and year)" which may not be more than 12 months from the
8.28 date of test, exclusive of the month of test.

8.29 The headings for "germination" and "hard seed or dormant seed" percentages must be
8.30 stated separately on the seed label. A separate percentage derived from combining these
8.31 percentages may also be stated on the seed label, ~~but the heading for this percentage must~~
8.32 ~~be "total germination and hard seed or dormant seed when applicable." They must not be~~
8.33 ~~stated as "total live seed," "total germination," or in any other unauthorized manner. as~~
8.34 "total viable."

8.35 (j) Name and address of the person who labeled the seed or who sells the seed within
8.36 this state, or a code number which has been registered with the commissioner.

9.1 Sec. 13. Minnesota Statutes 2014, section 21.82, subdivision 4, is amended to read:

9.2 Subd. 4. **Hybrid seed corn.** For hybrid seed corn purposes a label must contain:

9.3 (1) a statement indicating the number of seeds in the container may be listed along
9.4 with or in lieu of the net weight of contents; and

9.5 (2) for each variety of hybrid seed field corn, the day classification as determined
9.6 by the originator or owner. The day classification must approximate the number of days
9.7 of growing season necessary from emergence of the corn plant above ground to relative
9.8 maturity and must ~~conform to the day classification established by the director of~~ be
9.9 within three days of maturity ratings determined in comparative trials by the Minnesota
9.10 agricultural experiment station for the appropriate zone.

9.11 Sec. 14. Minnesota Statutes 2014, section 21.85, subdivision 2, is amended to read:

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

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

9.21 Sec. 15. Minnesota Statutes 2014, section 21.85, is amended by adding a subdivision
9.22 to read:

9.23 Subd. 15. **Prohibited and restricted seeds.** The commissioner shall determine
9.24 species that are considered prohibited weed seeds and restricted noxious weed seeds and
9.25 the allowable rate of occurrence of restricted noxious weed seeds.

9.26 Sec. 16. Minnesota Statutes 2014, section 21.87, is amended to read:

9.27 **21.87 EXEMPTION.**

9.28 (a) Sections 21.82 and 21.83 do not apply to:

9.29 ~~(a) to~~ (1) seed or grain not intended for sowing purposes;

9.30 ~~(b) to~~ (2) seed in storage in or being transported or consigned to a conditioning
9.31 establishment for conditioning, provided that the invoice or label accompanying any
9.32 shipment of the seeds bears the statement "seeds for conditioning," and provided that any

10.1 labeling or other representation which may be made with respect to the unconditioned
 10.2 seed is subject to the provisions of sections 21.82 and 21.83; ~~or~~

10.3 ~~(e) to~~ (3) any carrier with respect to seed transported or delivered for transportation
 10.4 in the ordinary course of its business as a carrier, provided that the carrier is not engaged
 10.5 in producing, conditioning, or marketing seeds subject to sections 21.82 and 21.83; or

10.6 (4) interpersonal sharing of seed for home, educational, charitable, or personal
 10.7 noncommercial use.

10.8 (b) Notwithstanding paragraph (a), sections 21.82 and 21.83 do apply if a person
 10.9 distributes seed found to:

10.10 (1) contain seed of patented, protected, or proprietary varieties used without
 10.11 permission of the patent or certificate holder of the intellectual property associated with
 10.12 the variety;

10.13 (2) have been misrepresented as certified seed; or

10.14 (3) contain prohibited or restricted weed seeds or seeds from species listed as
 10.15 noxious by the commissioner under chapter 18.

10.16 Sec. 17. Minnesota Statutes 2014, section 21.89, subdivision 2, is amended to read:

10.17 Subd. 2. **Permits; issuance and revocation.** The commissioner shall issue a permit
 10.18 to the initial labeler of agricultural, vegetable, flower, and wildflower seeds which are sold
 10.19 for use in Minnesota and which conform to and are labeled under sections 21.80 to 21.92.

10.20 The categories of permits are as follows:

10.21 (1) for initial labelers who sell 50,000 pounds or less of agricultural seed each
 10.22 calendar year, an annual permit issued for a fee established in section 21.891, subdivision
 10.23 2, paragraph (b);

10.24 (2) for initial labelers who sell vegetable, flower, and wildflower seed packed for
 10.25 use in home gardens or household plantings, and initial labelers who sell native grasses
 10.26 and wildflower seed in commercial or agricultural quantities, an annual permit issued for
 10.27 a fee established in section 21.891, subdivision 2, paragraph (c), based upon the gross
 10.28 sales from the previous year; and

10.29 (3) for initial labelers who sell more than 50,000 pounds of agricultural seed
 10.30 each calendar year, a permanent permit issued for a fee established in section 21.891,
 10.31 subdivision 2, paragraph (d).

10.32 In addition, the person shall furnish to the commissioner an itemized statement of all
 10.33 seeds sold in Minnesota for the periods established by the commissioner. This statement
 10.34 shall be delivered, along with the payment of the fee, based upon the amount and type
 10.35 of seed sold, to the commissioner no later than 30 days after the end of each reporting

11.1 period. Any person holding a permit shall show as part of the analysis labels or invoices
 11.2 on all agricultural, vegetable, flower, wildflower, tree, or shrub seeds all information the
 11.3 commissioner requires. The commissioner may revoke any permit in the event of failure
 11.4 to comply with applicable laws and rules.

11.5 Sec. 18. Minnesota Statutes 2014, section 34A.11, is amended to read:

11.6 **34A.11 EMBARGO, SEIZURE, AND CONDEMNATION.**

11.7 Subdivision 1. **Tag, notice, or withdrawal from distribution.** If the commissioner
 11.8 finds probable cause to believe that any food, animal, or consumer commodity is being
 11.9 distributed in violation of this chapter or rules under this chapter, or is adulterated or so
 11.10 misbranded as to be dangerous or fraudulent, the commissioner shall affix to the food,
 11.11 animal, equipment, facility, or consumer commodity a tag, withdrawal from distribution
 11.12 order, or other appropriate marking giving notice that the food, animal, equipment,
 11.13 facility, or consumer commodity is, or is suspected of being, adulterated, misbranded, or
 11.14 distributed in violation of this chapter, and has been detained or embargoed, and warning
 11.15 all persons not to remove or dispose of the food, animal, equipment, facility, or consumer
 11.16 commodity by sale or otherwise until permission for removal or disposal is given by the
 11.17 commissioner or the court. It is unlawful for a person to remove or dispose of a detained or
 11.18 embargoed food, animal, equipment, food stored in a facility, or consumer commodity by
 11.19 sale or otherwise without the commissioner's or a court's permission and each transaction
 11.20 is a separate violation of this subdivision.

11.21 Subd. 2. **Seizure.** A carcass; part of a carcass; meat or meat food product of an
 11.22 animal; or dead, dying, disabled, or diseased animal that is being transported in intrastate
 11.23 commerce, or is held for sale in this state after transportation in intrastate commerce, may
 11.24 be proceeded against, seized, and condemned if:

11.25 (1) it is or has been prepared, sold, transported, or otherwise distributed, offered, or
 11.26 received for distribution in violation of this chapter;

11.27 (2) it is usable as human food and is adulterated or misbranded; or

11.28 (3) it is in any other way in violation of this chapter.

11.29 The commissioner may act against the article or animal at any time on a complaint
 11.30 in the district court of the judicial district where the article or animal is found.

11.31 Subd. 3. **Action for condemnation.** If food ~~or an~~ article, equipment, or animal
 11.32 detained or embargoed under subdivision 1 has been found by the commissioner to be
 11.33 adulterated or misbranded or in violation of this chapter, the commissioner shall petition
 11.34 the district court in the county in which the food, article, equipment, or animal is detained
 11.35 or embargoed for an order and decree for the condemnation of the food, article, equipment,

12.1 or animal. The commissioner shall release the food, article, equipment, or animal when
12.2 this chapter and rules adopted under this chapter have been complied with or the food,
12.3 article, equipment, or animal is found to be not adulterated or misbranded.

12.4 Subd. 4. **Remedies.** If the court finds that a detained or embargoed food, article,
12.5 equipment, or animal is adulterated, misbranded, or in violation of this chapter or rules
12.6 adopted under this chapter, the following remedies are available:

12.7 (1) after entering a decree, the food, article, equipment, or animal may be destroyed
12.8 at the expense of the claimant under the supervision of the commissioner, and all court
12.9 costs, fees, storage, and other proper expenses must be assessed against the claimant of the
12.10 food, article, equipment, or animal or the claimant's agent; and

12.11 (2) if adulteration or misbranding can be corrected by proper labeling or processing of
12.12 the food ~~or~~, animal, or repair of the equipment, the court, after entry of the decree and after
12.13 costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that
12.14 the food or animal must be properly labeled or processed or equipment properly repaired,
12.15 has been executed, may by order direct that the food or animal be delivered to the claimant
12.16 for proper labeling or processing or repairing of equipment under the supervision of the
12.17 commissioner. The expense of the supervision must be paid by the claimant. The food ~~or~~,
12.18 animal, or equipment must be returned to the claimant and the bond must be discharged on
12.19 the representation to the court by the commissioner that the food ~~or~~, animal, or equipment
12.20 is no longer in violation and that the expenses for the supervision have been paid.

12.21 Subd. 5. **Duties of commissioner.** If the commissioner finds in any room, building,
12.22 piece of equipment, vehicle of transportation, or other structure any meat, seafood,
12.23 poultry, vegetable, fruit, or other perishable articles of food that are unsound, or contain
12.24 any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to
12.25 health or otherwise unsafe, the commissioner shall condemn or destroy the item or in any
12.26 other manner render the item as unsalable as human food, and no one has any cause of
12.27 action against the commissioner on account of the commissioner's action.

12.28 Subd. 6. **Emergency response.** If the governor declares an emergency order under
12.29 section 12.31 and if the commissioner finds or has probable cause to believe that livestock,
12.30 food, or a consumer commodity within a specific area is likely to be adulterated because
12.31 of the emergency or so misbranded as to be dangerous or fraudulent, or is in violation of
12.32 section 31.131, subdivision 1, the commissioner may embargo a geographic area that is
12.33 included in the declared emergency. The commissioner shall provide notice to the public
12.34 and to those with custody of the product in as thorough a manner as is practicable under
12.35 the emergency circumstances.

13.1 Subd. 7. **Emergency powers.** After an emergency declaration issued under chapter
 13.2 12, chapter 35, or the federal Stafford Act, the commissioner may restrict the movement
 13.3 of food if the commissioner has probable cause to believe that the movement of food may:
 13.4 threaten the agricultural economy; transport a dangerous, infectious, or communicable
 13.5 disease; or threaten the health of animals. The commissioner may provide for the issuance
 13.6 of permits to allow for the continued movement of food upon meeting the disease control
 13.7 measures established by the commissioner.

13.8 Sec. 19. Minnesota Statutes 2014, section 177.23, subdivision 7, is amended to read:

13.9 Subd. 7. **Employee.** "Employee" means any individual employed by an employer
 13.10 but does not include:

13.11 (1) ~~two~~ five or fewer specified individuals employed at any given time in agriculture
 13.12 on a farming unit or operation who are paid a salary;

13.13 (2) any individual employed in agriculture on a farming unit or operation who is
 13.14 paid a salary ~~greater than the individual would be paid if the individual worked 48 hours at~~
 13.15 ~~the state minimum wage plus 17 hours at 1-1/2 times the state minimum wage per week of~~
 13.16 at least \$588 per week commencing August 1, 2015. The minimum salary required to
 13.17 be paid must be increased January 1, 2018, and each January 1 thereafter by an amount,
 13.18 rounded to the nearest cent, calculated by multiplying 40 times the dollar amount of the
 13.19 hourly minimum wage increase at the same time for employees of large employers subject
 13.20 to section 177.24, subdivision 1, paragraph (b), clause (1);

13.21 (3) an individual under 18 who is employed in agriculture on a farm to perform
 13.22 services other than corn detasseling or hand field work when one or both of that minor
 13.23 hand field worker's parents or physical custodians are also hand field workers;

13.24 (4) for purposes of section 177.24, an individual under 18 who is employed as a
 13.25 corn detasseler;

13.26 (5) any staff member employed on a seasonal basis by an organization for work in an
 13.27 organized resident or day camp operating under a permit issued under section 144.72;

13.28 (6) any individual employed in a bona fide executive, administrative, or professional
 13.29 capacity, or a salesperson who conducts no more than 20 percent of sales on the premises
 13.30 of the employer;

13.31 (7) any individual who renders service gratuitously for a nonprofit organization;

13.32 (8) any individual who serves as an elected official for a political subdivision or who
 13.33 serves on any governmental board, commission, committee or other similar body, or who
 13.34 renders service gratuitously for a political subdivision;

14.1 (9) any individual employed by a political subdivision to provide police or fire
14.2 protection services or employed by an entity whose principal purpose is to provide police
14.3 or fire protection services to a political subdivision;

14.4 (10) any individual employed by a political subdivision who is ineligible for
14.5 membership in the Public Employees Retirement Association under section 353.01,
14.6 subdivision 2b, clause (1), (2), (4), or (9);

14.7 (11) any driver employed by an employer engaged in the business of operating
14.8 taxicabs;

14.9 (12) any individual engaged in babysitting as a sole practitioner;

14.10 (13) for the purpose of section 177.25, any individual employed on a seasonal basis
14.11 in a carnival, circus, fair, or ski facility;

14.12 (14) any individual under 18 working less than 20 hours per workweek for a
14.13 municipality as part of a recreational program;

14.14 (15) any individual employed by the state as a natural resource manager 1, 2, or
14.15 3 (conservation officer);

14.16 (16) any individual in a position for which the United States Department of
14.17 Transportation has power to establish qualifications and maximum hours of service under
14.18 United States Code, title 49, section 31502;

14.19 (17) any individual employed as a seafarer. The term "seafarer" means a master
14.20 of a vessel or any person subject to the authority, direction, and control of the master
14.21 who is exempt from federal overtime standards under United States Code, title 29,
14.22 section 213(b)(6), including but not limited to pilots, sailors, engineers, radio operators,
14.23 firefighters, security guards, pursers, surgeons, cooks, and stewards;

14.24 (18) any individual employed by a county in a single-family residence owned by a
14.25 county home school as authorized under section 260B.060 if the residence is an extension
14.26 facility of that county home school, and if the individual as part of the employment duties
14.27 resides at the residence for the purpose of supervising children as defined by section
14.28 260C.007, subdivision 4; or

14.29 (19) nuns, monks, priests, lay brothers, lay sisters, ministers, deacons, and other
14.30 members of religious orders who serve pursuant to their religious obligations in schools,
14.31 hospitals, and other nonprofit institutions operated by the church or religious order.

14.32 Sec. 20. Minnesota Statutes 2014, section 232.22, subdivision 5, is amended to read:

14.33 Subd. 5. **Statement of grain in storage; reports.** (a) All public grain warehouse
14.34 operators must by February 15 of each year file with the commissioner on a form approved
14.35 by the commissioner a report showing the annual average liability of all grain outstanding

15.1 on grain warehouse receipts, open storage, and grain stored for feed processing that
15.2 occurred during the preceding calendar year. This report shall be used for the purpose
15.3 of establishing the penal sum of the bond.

15.4 (b) Warehouse operators that are at a maximum bond and want to continue at
15.5 maximum bond do not need to file this report.

15.6 (c) It is a violation of this chapter for any public grain warehouse operator to fail to
15.7 file the report required in paragraph (a).

15.8 (d) Every public grain warehouse operator shall keep in a place of safety complete
15.9 and accurate records and accounts relating to any grain warehouse operated. The records
15.10 shall reflect each commodity received and shipped daily, the balance remaining in the
15.11 grain warehouse at the close of each business day, a listing of all unissued grain warehouse
15.12 receipts in the operator's possession, a record of all grain warehouse receipts issued which
15.13 remain outstanding and a record of all grain warehouse receipts which have been returned
15.14 for cancellation. Copies of grain warehouse receipts or other documents evidencing
15.15 ownership of grain by a depositor, or other liability of the grain warehouse operator, shall
15.16 be retained as long as the liability exists but must be kept for a minimum of three years.

15.17 (e) Every public grain warehouse operator must maintain in the grain warehouse
15.18 at all times grain of proper grade and sufficient quantity to meet delivery obligations on
15.19 all outstanding grain warehouse receipts.

15.20 Sec. 21. **REPEALER.**

15.21 Minnesota Statutes 2014, sections 18C.235, subdivision 2; 18H.02, subdivision 28a;
15.22 and 41A.12, subdivision 4, are repealed.

**18C.235 STORAGE, HANDLING, DISPOSAL, AND INCIDENT RESPONSE
PLAN.**

Subd. 2. **Plan availability.** (a) The plan must be kept at a principal business site or location within this state and must be submitted to the commissioner upon request.

(b) The plan must be available for inspection by the commissioner.

18H.02 DEFINITIONS.

Subd. 28a. **Pollinator lethal insecticide.** "Pollinator lethal insecticide" means an insecticide absorbed by a plant that makes the plant lethal to pollinators. Pollinator lethal insecticide includes, but is not limited to, the neonicotinoid class of insecticides that affect the central nervous system of pollinators and may cause pollinator paralysis or death.

**41A.12 AGRICULTURAL GROWTH, RESEARCH, AND INNOVATION
PROGRAM.**

Subd. 4. **Sunset.** This section expires on June 30, 2015.