

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

S.F. No. 4225

(SENATE AUTHORS: PUTNAM)

DATE	D-PG	OFFICIAL STATUS
02/26/2024	11806	Introduction and first reading Referred to Agriculture, Broadband, and Rural Development
03/25/2024	12563a	Comm report: To pass as amended
04/04/2024	12882	Second reading
		Special Order: Amended Third reading Passed

1.1 A bill for an act

1.2 relating to agriculture; amending agriculture policy provisions; modifying

1.3 provisions relating to pesticide control; amending provisions for agricultural

1.4 contracts; amending fertilizer definitions; modifying provisions related to food

1.5 product sampling and demonstration; extending the expiration of the Food Safety

1.6 and Defense Task Force provisions; amending the definition of a sustainable

1.7 aviation fuel; modifying provisions related to the Minnesota Rural Finance

1.8 Authority; amending grain indemnity provisions; modifying provisions related to

1.9 elk; requiring notice of an estray; requiring the commissioner to establish an

1.10 anonymous means for a person to report potential land ownership violations;

1.11 amending provisions for importing Cervidae from another state; requiring the

1.12 commissioner to establish a cooperative financial reporting workgroup and to

1.13 report back with recommendations to the legislature; reviving and reenacting

1.14 section 32D.25, subdivision 2; modifying provisions related to pest control;

1.15 amending Minnesota Statutes 2022, sections 3.7371, subdivisions 2, 3, by adding

1.16 subdivisions; 18B.01, by adding a subdivision; 18B.26, subdivision 6; 18B.305,

1.17 subdivision 2; 18B.32, subdivisions 1, 3, 4, 5; 18B.33, subdivisions 1, 5, 6; 18B.34,

1.18 subdivisions 1, 4; 18B.35, subdivision 1; 18B.36, subdivisions 1, 2; 18B.37,

1.19 subdivisions 2, 3; 18C.005, subdivision 33, by adding a subdivision; 18C.115,

1.20 subdivision 2; 18C.215, subdivision 1; 18C.221; 28A.151, subdivisions 1, 2, 3, 5,

1.21 by adding a subdivision; 28A.21, subdivision 6; 223.17, subdivision 6; 232.21,

1.22 subdivisions 3, 7, 11, 12, 13; Minnesota Statutes 2023 Supplement, sections 17.710;

1.23 35.155, subdivision 12; 41A.30, subdivision 1; 41B.0391, subdivision 4; Laws

1.24 2023, chapter 43, article 2, section 142, subdivision 9; proposing coding for new

1.25 law in Minnesota Statutes, chapter 346; repealing Minnesota Statutes 2022, section

1.26 3.7371, subdivision 7; Minnesota Rules, parts 1506.0010; 1506.0015; 1506.0020;

1.27 1506.0025; 1506.0030; 1506.0035; 1506.0040.

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

2.2

ARTICLE 1

2.3

AGRICULTURAL POLICY

2.4 Section 1. Minnesota Statutes 2022, section 3.7371, is amended by adding a subdivision
2.5 to read:

2.6 Subd. 1a. **Definitions.** (a) "Approved agent" means a person authorized by the Department
2.7 of Agriculture to determine if crop or fence damage was caused by elk and to assign a
2.8 monetary value to the crop or fence damage.

2.9 (b) "Commissioner" means the commissioner of agriculture or the commissioner's
2.10 authorized representative.

2.11 (c) "Estimated value" means the current value of crops or fencing as determined by an
2.12 approved agent.

2.13 (d) "Owner" means an individual, firm, corporation, copartnership, or association with
2.14 an interest in crops or fencing damaged by elk.

2.15 Sec. 2. Minnesota Statutes 2022, section 3.7371, subdivision 2, is amended to read:

2.16 Subd. 2. **Claim form and reporting.** (a) The owner must prepare a claim on forms
2.17 provided by the commissioner and available on the Department of Agriculture's website or
2.18 by request from the commissioner. ~~The claim form must be filed with the commissioner.~~

2.19 (b) After discovering crop or fence damage suspected to be caused by elk, an owner
2.20 must promptly notify an approved agent of the damage. To submit a claim for crop or fence
2.21 damage caused by elk, an owner must complete the required portions of the claim form
2.22 provided by the commissioner. An owner who has submitted a claim must provide an
2.23 approved agent with all information required to investigate the crop or fence damage.

2.24 Sec. 3. Minnesota Statutes 2022, section 3.7371, is amended by adding a subdivision to
2.25 read:

2.26 Subd. 2a. **Investigation and crop valuation.** (a) Upon receiving notification of crop or
2.27 fence damage suspected to be caused by elk, an approved agent must promptly investigate
2.28 the damage in a timely manner. An approved agent must make written findings on the claim
2.29 form regarding whether the crop was destroyed or damaged by elk. The approved agent's
2.30 findings must be based on physical and circumstantial evidence, including:

- 3.1 (1) the condition of the crop or fence;
- 3.2 (2) the presence of elk tracks;
- 3.3 (3) the geographic area of the state where the crop or fence damage occurred;
- 3.4 (4) any sightings of elk in the area; and
- 3.5 (5) any other circumstances that the approved agent considers to be relevant.
- 3.6 (b) The absence of affirmative evidence may be grounds for the denial of a claim.
- 3.7 (c) On a claim form, an approved agent must make written findings of the extent of crop
- 3.8 or fence damage and, if applicable, the amount of crop destroyed.
- 3.9 (d) For damage to standing crops, an owner may choose to have the approved agent use
- 3.10 the method in clause (1) or (2) to complete the claim form and determine the amount of
- 3.11 crop loss:
- 3.12 (1) to submit a claim form to the commissioner at the time that the suspected elk damage
- 3.13 is discovered, the approved agent must record on the claim form: (i) the field's potential
- 3.14 yield per acre; (ii) the field's average yield per acre that is expected on the damaged acres;
- 3.15 (iii) the estimated value of the crop; and (iv) the total amount of loss. Upon completing the
- 3.16 claim form, the approved agent must submit the form to the commissioner; or
- 3.17 (2) to submit a claim form to the commissioner at the time that the crop is harvested,
- 3.18 the approved agent must record on the claim form at the time of the investigation: (i) the
- 3.19 percent of crop loss from damage; (ii) the actual yield of the damaged field when the crop
- 3.20 is harvested; (iii) the estimated value of the crop; and (iv) the total amount of loss. Upon
- 3.21 completing the claim form, the approved agent must submit the form to the commissioner.
- 3.22 (e) For damage to stored crops, an approved agent must record on the claim form: (1)
- 3.23 the type and volume of destroyed stored crops; (2) the estimated value of the crop; and (3)
- 3.24 the total amount of the loss.
- 3.25 (f) For damage to fencing, an approved agent must record on the claim form: (1) the
- 3.26 type of materials damaged; (2) the linear feet of the damage; (3) the value of the materials
- 3.27 per unit according to National Resource Conservation Service specifications; and (4) the
- 3.28 calculated total damage to the fence.

4.1 Sec. 4. Minnesota Statutes 2022, section 3.7371, is amended by adding a subdivision to
4.2 read:

4.3 Subd. 2b. **Claim form.** A completed claim form must be signed by the owner and an
4.4 approved agent. An approved agent must submit the claim form to the commissioner for
4.5 the commissioner's review and payment. The commissioner must return an incomplete claim
4.6 form to the approved agent. When returning an incomplete claim form to an approved agent,
4.7 the commissioner must indicate which information is missing from the claim form.

4.8 Sec. 5. Minnesota Statutes 2022, section 3.7371, subdivision 3, is amended to read:

4.9 Subd. 3. **Compensation.** (a) ~~The crop~~ An owner is entitled to the target price or the
4.10 market price, whichever is greater, estimated value of the damaged or destroyed crop plus
4.11 adjustments for yield loss determined according to agricultural stabilization and conservation
4.12 service programs for individual farms, adjusted annually, as determined by the commissioner,
4.13 upon recommendation of the commissioner's approved agent for the owner's county or
4.14 fence. Verification of crop or fence damage or destruction by elk may be provided by
4.15 submitting photographs or other evidence and documentation together with a statement
4.16 from an independent witness using forms prescribed by the commissioner. The commissioner,
4.17 upon recommendation of the commissioner's approved agent, shall determine whether the
4.18 crop damage or destruction or damage to or destruction of a fence surrounding a crop or
4.19 pasture is caused by elk and, if so, the amount of the crop or fence that is damaged or
4.20 destroyed. In any fiscal year, an owner may not be compensated for a damaged or destroyed
4.21 crop or fence surrounding a crop or pasture that is less than \$100 in value and may be
4.22 compensated up to \$20,000, as determined under this section, if normal harvest procedures
4.23 for the area are followed. An owner may not be compensated more than \$1,800 per fiscal
4.24 year for damage to fencing surrounding a crop or pasture.

4.25 (b) In any fiscal year, the commissioner may provide compensation for claims filed
4.26 under this section up to the amount expressly appropriated for this purpose.

4.27 Sec. 6. Minnesota Statutes 2023 Supplement, section 17.710, is amended to read:

4.28 **17.710 AGRICULTURAL CONTRACTS.**

4.29 (a) A production or marketing contract entered into, renewed, or amended on or after
4.30 July 1, ~~1999~~ 2024, between an agricultural producer and a processor, marketer, or other
4.31 purchaser of agricultural products, including a cooperative organized under chapter 308A
4.32 or 308B must not contain provisions that prohibit the producer from disclosing terms,

5.1 conditions, and prices contained in the contract. Any provision prohibiting disclosure by
5.2 the producer is void.

5.3 (b) A contract entered into, renewed, or amended on or after July 1, 2023, between an
5.4 agricultural producer and an entity buying, selling, certifying, or otherwise participating in
5.5 a market for stored carbon must not contain provisions that prohibit the producer from
5.6 disclosing terms, conditions, and prices contained in the contract. Any provision prohibiting
5.7 disclosure by the producer is void.

5.8 **EFFECTIVE DATE.** This section is effective July 1, 2024.

5.9 Sec. 7. Minnesota Statutes 2022, section 18C.005, is amended by adding a subdivision to
5.10 read:

5.11 **Subd. 1c. Beneficial substance.** "Beneficial substance" is any substance or compound
5.12 other than a primary, secondary, and micro plant nutrient that can be demonstrated by
5.13 scientific research to be beneficial to one or more species of plants, soil, or media.

5.14 Sec. 8. Minnesota Statutes 2022, section 18C.005, subdivision 33, is amended to read:

5.15 **Subd. 33. Soil amendment.** "Soil amendment" means a substance intended to improve
5.16 the structural, physical, chemical, biochemical, or biological characteristics of the soil or
5.17 modify organic matter at or near the soil surface, except fertilizers, agricultural liming
5.18 materials, pesticides, and other materials exempted by the commissioner's rules.

5.19 Sec. 9. Minnesota Statutes 2022, section 18C.115, subdivision 2, is amended to read:

5.20 **Subd. 2. Adoption of national standards.** Applicable national standards contained in
5.21 ~~the 1996 official publication, number 49,~~ most recently published version of the Association
5.22 of American Plant Food Control Officials including the rules and regulations, statements
5.23 of uniform interpretation and policy, and the official fertilizer terms and definitions, and
5.24 not otherwise adopted by the commissioner, may be adopted as fertilizer rules of this state.

5.25 Sec. 10. Minnesota Statutes 2022, section 18C.215, subdivision 1, is amended to read:

5.26 **Subdivision 1. Packaged fertilizers.** (a) A person may not sell or distribute specialty
5.27 fertilizer in bags or other containers in this state unless a label is placed on or affixed to the
5.28 bag or container stating in a clear, legible, and conspicuous form the following information:

5.29 (1) the net weight and volume, if applicable;

6.1 (2) the brand and grade, except the grade is not required if primary nutrients are not
6.2 claimed;

6.3 (3) the guaranteed analysis;

6.4 (4) the name and address of the guarantor;

6.5 (5) directions for use, except directions for use are not required for custom blend specialty
6.6 fertilizers; and

6.7 (6) a derivatives statement.

6.8 (b) A person may not sell or distribute fertilizer for agricultural purposes in bags or other
6.9 containers in this state unless a label is placed on or affixed to the bag or container stating
6.10 in a clear, legible, and conspicuous form the information listed in paragraph (a), clauses (1)
6.11 to (4), except:

6.12 (1) the grade is not required if primary nutrients are not claimed; and

6.13 (2) the grade on the label is optional if the fertilizer is used only for agricultural purposes
6.14 and the guaranteed analysis statement is shown in the complete form as in section 18C.211.

6.15 (c) The labeled information must appear:

6.16 (1) on the front or back side of the container;

6.17 (2) on the upper one-third of the side of the container;

6.18 (3) on the upper end of the container; or

6.19 (4) printed on a tag affixed to the upper end of the container.

6.20 (d) If a person sells a custom blend specialty fertilizer in bags or other containers, the
6.21 information required in paragraph (a) must either be affixed to the bag or container as
6.22 required in paragraph (c) or be furnished to the customer on an invoice or delivery ticket
6.23 in written or printed form.

6.24 Sec. 11. Minnesota Statutes 2022, section 18C.221, is amended to read:

6.25 **18C.221 FERTILIZER PLANT FOOD CONTENT.**

6.26 (a) Products that are deficient in plant food content are subject to this subdivision.

6.27 (b) An analysis must show that a fertilizer is deficient:

6.28 (1) in one or more of its guaranteed primary plant nutrients beyond the investigational
6.29 allowances and compensations as established by regulation; or

7.1 (2) if the overall index value of the fertilizer is shown below the level established by
7.2 rule.

7.3 (c) A deficiency in an official sample of mixed fertilizer resulting from nonuniformity
7.4 is not distinguishable from a deficiency due to actual plant nutrient shortage and is properly
7.5 subject to official action.

7.6 (d) For the purpose of determining the commercial index value to be applied, the
7.7 commissioner shall determine at least annually the values per unit of nitrogen, available
7.8 ~~phosphoric acid~~ phosphate, and soluble potash in fertilizers in this state.

7.9 (e) If a fertilizer in the possession of the consumer is found by the commissioner to be
7.10 short in weight, the registrant or licensee of the fertilizer must submit a penalty payment of
7.11 two times the value of the actual shortage to the consumer within 30 days after official
7.12 notice from the commissioner.

7.13 Sec. 12. Minnesota Statutes 2022, section 28A.151, subdivision 1, is amended to read:

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

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

7.19 (c) "Food product sampling" means distributing to individuals at a farmers' market or
7.20 community event, for promotional or educational purposes, small portions of a food item
7.21 that include as a main ingredient a product sold by the vendor ~~at the farmers' market or~~
7.22 ~~community event~~. For purposes of this subdivision, "small portion" means a portion that is
7.23 no more than three ounces of food or beverage.

7.24 (d) "Food product demonstration" means cooking or preparing food products to distribute
7.25 to individuals at a farmers' market or community event for promotional or educational
7.26 purposes.

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

7.28 Sec. 13. Minnesota Statutes 2022, section 28A.151, subdivision 2, is amended to read:

7.29 Subd. 2. **Food sampling and demonstration.** (a) Food used in sampling and
7.30 demonstration must be obtained from sources that comply with Minnesota Food Law.

7.31 (b) Raw animal, raw poultry, and raw fish products must not be served as samples.

8.1 (c) Food product sampling or food product demonstrations including cooked animal,
8.2 poultry, or fish products must be prepared on site at the event.

8.3 (d) Animal or poultry products used for food product sampling or food product
8.4 demonstrations must be from animals slaughtered under continuous inspection, either by
8.5 the USDA or through Minnesota's "Equal-to" inspection program.

8.6 (e) The licensing provisions of sections 28A.01 to 28A.16 shall not apply to persons
8.7 engaged in food product sampling or food product demonstrations.

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

8.9 Sec. 14. Minnesota Statutes 2022, section 28A.151, subdivision 3, is amended to read:

8.10 Subd. 3. **Food required to be provided at no cost.** Food provided through food product
8.11 sampling or food product demonstrations must be provided at no cost to the individual
8.12 recipient of a sample.

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

8.14 Sec. 15. Minnesota Statutes 2022, section 28A.151, subdivision 5, is amended to read:

8.15 Subd. 5. **Food safety and equipment standards.** (a) Any person conducting food
8.16 product sampling or food product demonstrations shall meet the same food safety and
8.17 equipment standards that are required of a special event food stand in Minnesota Rules,
8.18 parts 4626.1855, items B to O, Q, and R; and 4626.0330.

8.19 (b) Notwithstanding paragraph (a), a handwashing device is not required when only
8.20 prepackaged food samples are offered.

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

8.22 Sec. 16. Minnesota Statutes 2022, section 28A.151, is amended by adding a subdivision
8.23 to read:

8.24 Subd. 7. **Signage.** A food product provided through food product sampling or food
8.25 product demonstrations must be accompanied by a legible sign or placard that lists the
8.26 product's ingredients and major food allergens.

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

8.28 Sec. 17. Minnesota Statutes 2022, section 28A.21, subdivision 6, is amended to read:

8.29 Subd. 6. **Expiration.** This section expires June 30, ~~2027~~ 2037.

9.1 Sec. 18. Minnesota Statutes 2023 Supplement, section 35.155, subdivision 12, is amended
9.2 to read:

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

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

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

9.12 (d) This subdivision does not apply to the interstate transfer of animals between two
9.13 facilities accredited by the Association of Zoos and Aquariums or between a facility
9.14 accredited by the Association of Zoos and Aquariums and a facility that (1) is a United
9.15 States Department of Agriculture-licensed exhibitor of regulated animals, (2) houses animals
9.16 owned by institutions accredited by the American Zoo and Aquarium Association, and (3)
9.17 participates in the American Zoo and Aquarium Association Species Survival Plan.

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

9.23 Sec. 19. Minnesota Statutes 2023 Supplement, section 41A.30, subdivision 1, is amended
9.24 to read:

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

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

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

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

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

9.31 (f) "Qualifying taxpayer" means a taxpayer, as defined in section 290.01, subdivision
9.32 6, that is engaged in the business of:

- 10.1 (1) producing sustainable aviation fuel; or
- 10.2 (2) blending sustainable aviation fuel with aviation gasoline or jet fuel.
- 10.3 (g) "Sustainable aviation fuel" means liquid fuel that:
- 10.4 (1) is derived from biomass, as defined in section 41A.15, subdivision 2e; is derived
- 10.5 from gaseous carbon oxides derived from biomass or direct air capture; or is derived from
- 10.6 green electrolytic hydrogen;
- 10.7 (2) is not derived from palm fatty acid distillates; and
- 10.8 (3) achieves at least a 50 percent life cycle greenhouse gas emissions reduction in
- 10.9 comparison with petroleum-based aviation gasoline, aviation turbine fuel, and jet fuel as
- 10.10 determined by a test that shows:
- 10.11 (i) that the fuel production pathway achieves at least a 50 percent life cycle greenhouse
- 10.12 gas emissions reduction in comparison with petroleum-based aviation gasoline, aviation
- 10.13 turbine fuel, and jet fuel utilizing the most recent version of Argonne National Laboratory's
- 10.14 Greenhouse Gases, Regulated Emissions, and Energy Use in Technologies (GREET) model
- 10.15 that accounts for reduced emissions throughout the fuel production process; or
- 10.16 (ii) that the fuel production pathway achieves at least a 50 percent reduction of the
- 10.17 aggregate attributional core life cycle emissions and the positive induced land use change
- 10.18 values under the life cycle methodology for sustainable aviation fuels adopted by the
- 10.19 International Civil Aviation Organization with the agreement of the United States.
- 10.20 Sec. 20. Minnesota Statutes 2023 Supplement, section 41B.0391, subdivision 4, is amended
- 10.21 to read:
- 10.22 Subd. 4. **Authority duties.** (a) The authority shall:
- 10.23 (1) approve and certify or recertify beginning farmers as eligible for the program under
- 10.24 this section;
- 10.25 (2) approve and certify or recertify owners of agricultural assets as eligible for the tax
- 10.26 credit under subdivision 2 subject to the allocation limits in paragraph (c);
- 10.27 (3) provide necessary and reasonable assistance and support to beginning farmers for
- 10.28 qualification and participation in financial management programs approved by the authority;
- 10.29 (4) refer beginning farmers to agencies and organizations that may provide additional
- 10.30 pertinent information and assistance; and

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

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

11.12 (c) For credits for owners of agricultural assets allowed under subdivision 2, the authority
 11.13 must not allocate more than ~~\$6,500,000 for taxable years beginning after December 31,~~
 11.14 ~~2022, and before January 1, 2024,~~ and \$4,000,000 for each taxable years beginning after
 11.15 ~~December 31, 2023~~ year. The authority must allocate credits on a first-come, first-served
 11.16 basis beginning on January 1 of each year, except that recertifications for the second and
 11.17 third years of credits under subdivision 2, paragraph (a), clauses (1) and (2), have first
 11.18 priority. Any amount authorized but not allocated for taxable years ending before January
 11.19 1, 2023, is canceled and is not allocated for future taxable years. For taxable years beginning
 11.20 after December 31, 2022, Any amount authorized but not allocated in any taxable year does
 11.21 not cancel and is added to the allocation for the next taxable year. For each taxable year,
 11.22 50 percent of newly allocated credits must be allocated to emerging farmers. Any portion
 11.23 of a taxable year's newly allocated credits that is reserved for emerging farmers that is not
 11.24 allocated by ~~September 30~~ May 31 of the taxable year is available for allocation to other
 11.25 credit allocations beginning on ~~October~~ June 1.

11.26 **EFFECTIVE DATE.** This section is effective for taxable years beginning after December
 11.27 31, 2023.

11.28 Sec. 21. Minnesota Statutes 2022, section 223.17, subdivision 6, is amended to read:

11.29 Subd. 6. **Financial statements.** (a) Except as allowed in paragraph (c), a grain buyer
 11.30 licensed under this chapter must annually submit to the commissioner a financial statement
 11.31 prepared by a third-party independent accountant or certified public accountant in accordance
 11.32 with generally accepted accounting principles national or international accounting standards.
 11.33 The annual financial statement required under this subdivision must also:

11.34 (1) include; but not be limited to the following:

- 12.1 (i) a balance sheet;
- 12.2 (ii) a statement of income (profit and loss);
- 12.3 (iii) a statement of retained earnings;
- 12.4 (iv) a statement of ~~changes in financial position~~ cash flow; and
- 12.5 (v) a statement of the dollar amount of grain purchased in the previous fiscal year of the
- 12.6 grain buyer;
- 12.7 (2) be accompanied by a ~~compilation~~ report of the financial statement that is prepared
- 12.8 by a grain commission firm or a management firm approved by the commissioner or by an
- 12.9 independent public accountant, in accordance with standards established by the American
- 12.10 Institute of Certified Public Accountants or similar international standards;
- 12.11 ~~(3) be accompanied by a certification by the chief executive officer or the chief executive~~
- 12.12 ~~officer's designee of the licensee, and where applicable, all members of the governing board~~
- 12.13 ~~of directors under penalty of perjury, that the financial statement accurately reflects the~~
- 12.14 ~~financial condition of the licensee for the period specified in the statement;~~
- 12.15 ~~(4) for grain buyers purchasing under \$7,500,000 of grain annually, be reviewed by a~~
- 12.16 ~~certified public accountant in accordance with standards established by the American Institute~~
- 12.17 ~~of Certified Public Accountants, and must show that the financial statements are free from~~
- 12.18 ~~material misstatements; and~~
- 12.19 ~~(5)~~ (3) for grain buyers purchasing \$7,500,000 or more of grain annually, be audited or
- 12.20 reviewed by a certified public accountant in accordance with standards established by the
- 12.21 American Institute of Certified Public Accountants ~~and~~ or similar international standards.
- 12.22 An audit must include an opinion statement from the certified public accountant performing
- 12.23 the audit; and
- 12.24 (4) for grain buyers purchasing \$20,000,000 or more of grain annually, be audited by a
- 12.25 certified public accountant in accordance with standards established by the American Institute
- 12.26 of Certified Public Accountants or similar international standards. The audit must include
- 12.27 an opinion statement from the certified public accountant performing the audit.
- 12.28 (b) Only one financial statement must be filed for a chain of warehouses owned or
- 12.29 operated as a single business entity, unless otherwise required by the commissioner. All
- 12.30 financial statements filed with the commissioner are private or nonpublic data as provided
- 12.31 in section 13.02.

13.1 (c) A grain buyer who purchases grain immediately upon delivery solely with cash; a
 13.2 ~~certified check; a cashier's check; or a postal, bank, or express money order, as defined in~~
 13.3 ~~section 223.16, subdivision 2a, paragraph (b), is exempt from this subdivision if the grain~~
 13.4 ~~buyer's gross annual purchases are \$1,000,000 or less.~~

13.5 (d) To ensure compliance with this chapter, the commissioner must annually review
 13.6 financial statements submitted under paragraph (a).

13.7 ~~(d)~~ (e) The commissioner shall annually provide information on a person's fiduciary
 13.8 duties to each licensee. ~~To the extent practicable, the commissioner must direct each licensee~~
 13.9 ~~to provide this information to all persons required to certify the licensee's financial statement~~
 13.10 ~~under paragraph (a), clause (3).~~

13.11 (f) The commissioner may require an entity to provide additional financial statements
 13.12 or financial reporting, including audited financial statements.

13.13 Sec. 22. Minnesota Statutes 2022, section 232.21, subdivision 3, is amended to read:

13.14 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or the
 13.15 commissioner's designee.

13.16 Sec. 23. Minnesota Statutes 2022, section 232.21, subdivision 7, is amended to read:

13.17 Subd. 7. **Grain.** "Grain" means any ~~cereal grain, coarse grain, or oilseed in unprocessed~~
 13.18 ~~form for which a standard has been established by the United States Secretary of Agriculture,~~
 13.19 ~~dry edible beans, or agricultural crops designated by the commissioner by rule~~ product
 13.20 commonly referred to as grain, including wheat, corn, oats, barley, rye, rice, soybeans,
 13.21 emmer, sorghum, triticale, millet, pulses, dry edible beans, sunflower seed, rapeseed, canola,
 13.22 safflower, flaxseed, mustard seed, crambe, sesame seed, and other products ordinarily stored
 13.23 in grain warehouses.

13.24 Sec. 24. Minnesota Statutes 2022, section 232.21, subdivision 11, is amended to read:

13.25 Subd. 11. **Producer.** "Producer" means a person who ~~owns or manages a grain producing~~
 13.26 ~~or growing operation and holds or shares the responsibility for marketing that grain produced~~
 13.27 grows grain on land owned or leased by the person.

13.28 Sec. 25. Minnesota Statutes 2022, section 232.21, subdivision 12, is amended to read:

13.29 Subd. 12. **Public grain warehouse operator.** "Public grain warehouse operator" means:
 13.30 (1) a person licensed to operate who operates a grain warehouse in which grain belonging

14.1 to persons other than the grain warehouse operator is accepted for storage or purchase, ~~or~~;
 14.2 (2) a person who offers grain storage or grain warehouse facilities to the public for hire; or
 14.3 (3) a feed-processing plant that receives and stores grain, the equivalent of which, it processes
 14.4 and returns to the grain's owner in amounts, at intervals, and with added ingredients that
 14.5 are mutually agreeable to the grain's owner and the person operating the plant.

14.6 Sec. 26. Minnesota Statutes 2022, section 232.21, subdivision 13, is amended to read:

14.7 Subd. 13. **Scale ticket.** "Scale ticket" means a memorandum showing the weight, ~~grade~~
 14.8 and kind of grain which is issued by a grain elevator or warehouse operator to a depositor
 14.9 at the time the grain is delivered.

14.10 Sec. 27. **[346.021] FINDER TO GIVE NOTICE.**

14.11 A person who finds an estray and knows who owns the estray must notify the estray's
 14.12 owner within seven days after finding the estray and request that the owner pay all reasonable
 14.13 charges and take the estray away. A finder who does not know who owns an estray must
 14.14 either:

14.15 (1) within ten days, file a notice with the town or city clerk and post a physical or online
 14.16 notice of the finding of the estray. The notice must briefly describe the estray or provide a
 14.17 photograph of the estray, provide the residence or contact information of the finder, and
 14.18 provide the approximate location and time when the finder found the estray; or

14.19 (2) surrender the estray to a local animal control agency within seven days.

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

14.21 Sec. 28. Laws 2023, chapter 43, article 2, section 142, subdivision 9, is amended to read:

14.22 Subd. 9. **Dairy law.** Minnesota Statutes 2022, sections 17.984; 32D.03, subdivision 5;
 14.23 32D.24; 32D.25, subdivision 1; 32D.26; 32D.27; and 32D.28, are repealed.

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

14.25 Sec. 29. **REVIVAL AND REENACTMENT.**

14.26 Minnesota Statutes, section 32D.25, subdivision 2, is revived and reenacted effective
 14.27 retroactively from July 1, 2023.

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

15.1 Sec. 30. **LAND OWNERSHIP VIOLATION REPORTING.**

15.2 The commissioner of agriculture must establish and maintain an accessible and
 15.3 anonymous means for a person to report potential violations of the corporate farm law and
 15.4 alien farm law in Minnesota Statutes, sections 500.221 and 500.24.

15.5 Sec. 31. **REPORT REQUIRED; COOPERATIVE FINANCIAL REPORTING.**

15.6 The commissioner of agriculture shall convene a cooperative financial reporting
 15.7 workgroup, which must include producers who sell to a cooperative and representatives
 15.8 from cooperative management. The commissioner shall develop recommendations relating
 15.9 to requirements for cooperatives to report on financial condition and report back with
 15.10 recommendations to the legislative committees with jurisdiction over agriculture by January
 15.11 3, 2025. Participating stakeholders must be given an opportunity to include written testimony
 15.12 to the legislative committees in the commissioner's report.

15.13 Sec. 32. **REPEALER.**

15.14 (a) Minnesota Statutes 2022, section 3.7371, subdivision 7, is repealed.

15.15 (b) Minnesota Rules, parts 1506.0010; 1506.0015; 1506.0020; 1506.0025; 1506.0030;
 15.16 1506.0035; and 1506.0040, are repealed.

15.17 **ARTICLE 2**

15.18 **PESTICIDE CONTROL POLICY**

15.19 Section 1. Minnesota Statutes 2022, section 18B.01, is amended by adding a subdivision
 15.20 to read:

15.21 Subd. 1d. **Application or use of a pesticide.** "Application or use of a pesticide" includes:

15.22 (1) the dispersal of a pesticide on, in, at, or directed toward a target site;

15.23 (2) preapplication activities that involve the mixing and loading of a restricted use
 15.24 pesticide; and

15.25 (3) other restricted use pesticide-related activities, including but not limited to transporting
 15.26 or storing pesticide containers that have been opened; cleaning equipment; and disposing
 15.27 of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other
 15.28 materials that contain pesticide.

16.1 Sec. 2. Minnesota Statutes 2022, section 18B.26, subdivision 6, is amended to read:

16.2 Subd. 6. **Discontinuance or cancellation of registration.** (a) To ensure the complete
16.3 withdrawal from distribution or further use of a pesticide, a person who intends to discontinue
16.4 a pesticide registration must:

16.5 (1) terminate a further distribution within the state and continue to register the pesticide
16.6 annually for two successive years; and

16.7 (2) initiate and complete a total recall of the pesticide from all distribution in the state
16.8 within 60 days from the date of notification to the commissioner of intent to discontinue
16.9 registration; ~~or.~~

16.10 ~~(3) submit to the commissioner evidence adequate to document that no distribution of~~
16.11 ~~the registered pesticide has occurred in the state.~~

16.12 (b) Upon the request of a registrant, the commissioner may immediately cancel
16.13 registration of a pesticide product. The commissioner may immediately cancel registration
16.14 of a pesticide product at the commissioner's discretion. When requesting that the
16.15 commissioner immediately cancel registration of a pesticide product, a registrant must
16.16 provide the commissioner with:

16.17 (1) a statement that the pesticide product is no longer in distribution; and

16.18 (2) documentation of pesticide gross sales from the previous year supporting the statement
16.19 under clause (1).

16.20 Sec. 3. Minnesota Statutes 2022, section 18B.305, subdivision 2, is amended to read:

16.21 Subd. 2. **Training manual and examination development.** The commissioner, in
16.22 consultation with University of Minnesota Extension and other higher education institutions,
16.23 shall continually revise and update pesticide applicator training manuals and examinations.
16.24 The manuals and examinations must be written to meet or exceed the minimum competency
16.25 standards required by the United States Environmental Protection Agency and pertinent
16.26 state specific information. Pesticide applicator training manuals and examinations must
16.27 meet or exceed the competency standards in Code of Federal Regulations, title 40, part 171.
16.28 Competency standards for training manuals and examinations must be published on the
16.29 Department of Agriculture website. Questions in the examinations must be determined by
16.30 the commissioner in consultation with other responsible agencies. Manuals and examinations
16.31 must include pesticide management practices that discuss prevention of pesticide occurrence
16.32 in groundwater and surface water of the state, and economic thresholds and guidance for
16.33 insecticide use.

17.1 Sec. 4. Minnesota Statutes 2022, section 18B.32, subdivision 1, is amended to read:

17.2 Subdivision 1. **Requirement.** (a) A person may not engage in structural pest control
17.3 applications:

17.4 (1) for hire without a structural pest control license; ~~and~~

17.5 (2) as a sole proprietorship, company, partnership, or corporation unless the person is
17.6 or employs a licensed master in structural pest control operations; and

17.7 (3) unless the person is 18 years of age or older.

17.8 (b) A structural pest control licensee must have a valid license identification card to
17.9 purchase a restricted use pesticide or apply pesticides for hire and must display it upon
17.10 demand by an authorized representative of the commissioner or a law enforcement officer.
17.11 The license identification card must contain information required by the commissioner.

17.12 Sec. 5. Minnesota Statutes 2022, section 18B.32, subdivision 3, is amended to read:

17.13 Subd. 3. **Application.** (a) A person must apply to the commissioner for a structural pest
17.14 control license on forms and in the manner required by the commissioner. The commissioner
17.15 shall require the applicant to pass a written, closed-book, monitored examination or oral
17.16 examination, or both, ~~and may also require a practical demonstration regarding structural~~
17.17 ~~pest control.~~ The commissioner shall establish the examination procedure, including the
17.18 phases and contents of the examination.

17.19 (b) The commissioner may license a person as a master under a structural pest control
17.20 license if the person has the necessary qualifications through knowledge and experience to
17.21 properly plan, determine, and supervise the selection and application of pesticides in structural
17.22 pest control. To demonstrate the qualifications and become licensed as a master under a
17.23 structural pest control license, a person must:

17.24 (1) pass a closed-book test administered by the commissioner;

17.25 (2) have direct experience as a licensed journeyman under a structural pest control license
17.26 for at least two years by this state or a state with equivalent certification requirements or as
17.27 a full-time licensed master in another state with equivalent certification requirements; and

17.28 (3) show practical knowledge and field experience under clause (2) in the actual selection
17.29 and application of pesticides under varying conditions.

17.30 (c) The commissioner may license a person as a journeyman under a structural pest
17.31 control license if the person:

- 18.1 (1) has the necessary qualifications in the practical selection and application of pesticides;
- 18.2 (2) has passed a closed-book examination given by the commissioner; and
- 18.3 (3) is engaged as an employee of or is working under the direction of a person licensed
- 18.4 as a master under a structural pest control license.

18.5 (d) The commissioner may license a person as a fumigator under a structural pest control

18.6 license if the person:

- 18.7 (1) has knowledge of the practical selection and application of fumigants;
- 18.8 (2) has passed a closed-book examination given by the commissioner; and
- 18.9 (3) is licensed by the commissioner as a master or journeyman under a structural pest
- 18.10 control license.

18.11 Sec. 6. Minnesota Statutes 2022, section 18B.32, subdivision 4, is amended to read:

18.12 Subd. 4. **Renewal.** (a) An applicator may apply to renew a structural pest control

18.13 applicator license ~~may be renewed~~ on or before the expiration of an existing license subject

18.14 to reexamination, attendance at ~~workshops~~ a recertification workshop approved by the

18.15 commissioner, or other requirements imposed by the commissioner to provide the applicator

18.16 with information regarding changing technology and to help assure a continuing level of

18.17 competency and ability to use pesticides safely and properly. A recertification workshop

18.18 must meet or exceed the competency standards in Code of Federal Regulations, title 40,

18.19 part 171. Competency standards for a recertification workshop must be published on the

18.20 Department of Agriculture website. If the commissioner requires an applicator to attend a

18.21 recertification workshop and the applicator fails to attend the workshop, the commissioner

18.22 may require the applicator to pass a reexamination. The commissioner may require an

18.23 additional demonstration of applicator qualification if the applicator has had a license

18.24 suspended or revoked or has otherwise had a history of violations of this chapter.

18.25 (b) If ~~a person~~ an applicator fails to renew a structural pest control license within three

18.26 months of its expiration, the ~~person~~ applicator must obtain a structural pest control license

18.27 subject to the requirements, procedures, and fees required for an initial license.

18.28 Sec. 7. Minnesota Statutes 2022, section 18B.32, subdivision 5, is amended to read:

18.29 Subd. 5. **Financial responsibility.** (a) ~~A structural pest control license may not be issued~~

18.30 ~~unless the applicant furnishes proof of financial responsibility.~~ The commissioner may

18.31 suspend or revoke a structural pest control license if an applicator fails to provide proof of

19.1 financial responsibility upon the commissioner's request. Financial responsibility may be
19.2 demonstrated by:

19.3 (1) proof of net assets equal to or greater than \$50,000; or

19.4 (2) a performance bond or insurance of a kind and in an amount determined by the
19.5 commissioner.

19.6 (b) The bond or insurance must cover a period of time at least equal to the term of the
19.7 ~~applicant's~~ applicator's license. The commissioner must immediately suspend the license
19.8 of ~~a person~~ an applicator who fails to maintain the required bond or insurance. The
19.9 performance bond or insurance policy must contain a provision requiring the insurance or
19.10 bonding company to notify the commissioner by ten days before the effective date of
19.11 cancellation, termination, or any other change of the bond or insurance. If there is recovery
19.12 against the bond or insurance, additional coverage must be secured by the applicator to
19.13 maintain financial responsibility equal to the original amount required.

19.14 (c) An employee of a licensed person is not required to maintain an insurance policy or
19.15 bond during the time the employer is maintaining the required insurance or bond.

19.16 (d) Applications for reinstatement of a license suspended under the provisions of this
19.17 section must be accompanied by proof of satisfaction of judgments previously rendered.

19.18 Sec. 8. Minnesota Statutes 2022, section 18B.33, subdivision 1, is amended to read:

19.19 Subdivision 1. **Requirement.** (a) A person may not apply a pesticide for hire without a
19.20 commercial applicator license for the appropriate use categories or a structural pest control
19.21 license.

19.22 (b) A commercial applicator licensee must have a valid license identification card to
19.23 purchase a restricted use pesticide or apply pesticides for hire and must display it upon
19.24 demand by an authorized representative of the commissioner or a law enforcement officer.
19.25 The commissioner shall prescribe the information required on the license identification
19.26 card.

19.27 (c) A person licensed under this section is considered qualified and is not required to
19.28 verify, document, or otherwise prove a particular need prior to use, except as required by
19.29 the federal label.

19.30 (d) A person who uses a general-use sanitizer or disinfectant for hire in response to
19.31 COVID-19 is exempt from the commercial applicator license requirements under this section.

19.32 (e) A person licensed under this section must be 18 years of age or older.

20.1 Sec. 9. Minnesota Statutes 2022, section 18B.33, subdivision 5, is amended to read:

20.2 Subd. 5. **Renewal application.** (a) ~~A person~~ An applicator must apply to the
 20.3 commissioner to renew a commercial applicator license. The commissioner may renew a
 20.4 commercial applicator license accompanied by the application fee, subject to reexamination,
 20.5 attendance at ~~workshops~~ a recertification workshop approved by the commissioner, or other
 20.6 requirements imposed by the commissioner to provide the applicator with information
 20.7 regarding changing technology and to help assure a continuing level of competence and
 20.8 ability to use pesticides safely and properly. ~~The applicant~~ A recertification workshop must
 20.9 meet or exceed the competency standards in Code of Federal Regulations, title 40, part 171.
 20.10 Competency standards for a recertification workshop must be published on the Department
 20.11 of Agriculture website. Upon the receipt of an applicator's renewal application, the
 20.12 commissioner may require the applicator to attend a recertification workshop. Depending
 20.13 on the application category, the commissioner may require an applicator to complete a
 20.14 recertification workshop once per year, once every two years, or once every three years. If
 20.15 the commissioner requires an applicator to attend a recertification workshop and the
 20.16 applicator fails to attend the workshop, the commissioner may require the applicator to pass
 20.17 a reexamination. An applicator may renew a commercial applicator license within 12 months
 20.18 after expiration of the license without having to meet initial testing requirements. The
 20.19 commissioner may require an additional demonstration of applicator qualification if ~~a person~~
 20.20 the applicator has had a license suspended or revoked or has had a history of violations of
 20.21 this chapter.

20.22 (b) ~~An applicant~~ applicator that meets renewal requirements by reexamination instead
 20.23 of attending ~~workshops~~ a recertification workshop must pay the equivalent workshop fee
 20.24 for the reexamination as determined by the commissioner.

20.25 Sec. 10. Minnesota Statutes 2022, section 18B.33, subdivision 6, is amended to read:

20.26 Subd. 6. **Financial responsibility.** (a) ~~A commercial applicator license may not be issued~~
 20.27 ~~unless the applicant furnishes proof of financial responsibility.~~ The commissioner may
 20.28 suspend or revoke an applicator's commercial applicator license if the applicator fails to
 20.29 provide proof of financial responsibility upon the commissioner's request. Financial
 20.30 responsibility may be demonstrated by: (1) proof of net assets equal to or greater than
 20.31 \$50,000; or (2) by a performance bond or insurance of the kind and in an amount determined
 20.32 by the commissioner.

20.33 (b) The bond or insurance must cover a period of time at least equal to the term of the
 20.34 ~~applicant's~~ applicator's license. The commissioner must immediately suspend the license

21.1 of ~~a person~~ an applicator who fails to maintain the required bond or insurance. The
 21.2 performance bond or insurance policy must contain a provision requiring the insurance or
 21.3 bonding company to notify the commissioner by ten days before the effective date of
 21.4 cancellation, termination, or any other change of the bond or insurance. If there is recovery
 21.5 against the bond or insurance, additional coverage must be secured by the applicator to
 21.6 maintain financial responsibility equal to the original amount required.

21.7 (c) An employee of a licensed ~~person~~ applicator is not required to maintain an insurance
 21.8 policy or bond during the time the employer is maintaining the required insurance or bond.

21.9 (d) Applications for reinstatement of a license suspended under the provisions of this
 21.10 section must be accompanied by proof of satisfaction of judgments previously rendered.

21.11 Sec. 11. Minnesota Statutes 2022, section 18B.34, subdivision 1, is amended to read:

21.12 Subdivision 1. **Requirement.** (a) Except for a licensed commercial applicator, certified
 21.13 private applicator, or licensed structural pest control applicator, a person, including a
 21.14 government employee, may not purchase or use a restricted use pesticide in performance
 21.15 of official duties without having a noncommercial applicator license for an appropriate use
 21.16 category.

21.17 (b) A licensee must have a valid license identification card when applying pesticides
 21.18 and must display it upon demand by an authorized representative of the commissioner or a
 21.19 law enforcement officer. The license identification card must contain information required
 21.20 by the commissioner.

21.21 (c) A person licensed under this section is considered qualified and is not required to
 21.22 verify, document, or otherwise prove a particular need prior to use, except as required by
 21.23 the federal label.

21.24 (d) A person licensed under this section must be 18 years of age or older.

21.25 Sec. 12. Minnesota Statutes 2022, section 18B.34, subdivision 4, is amended to read:

21.26 Subd. 4. **Renewal.** (a) ~~A person~~ An applicator must apply to the commissioner to renew
 21.27 a noncommercial applicator license. The commissioner may renew a license subject to
 21.28 reexamination, attendance at ~~workshops~~ a recertification workshop approved by the
 21.29 commissioner, or other requirements imposed by the commissioner to provide the applicator
 21.30 with information regarding changing technology and to help assure a continuing level of
 21.31 competence and ability to use pesticides safely and properly. A recertification workshop
 21.32 must meet or exceed the competency standards in Code of Federal Regulations, title 40,

22.1 part 171. Competency standards for a recertification website must be published on the
 22.2 Department of Agriculture website. Upon the receipt of an applicator's renewal application,
 22.3 the commissioner may require the applicator to attend a recertification workshop. Depending
 22.4 on the application category, the commissioner may require an applicator to complete a
 22.5 recertification workshop once per year, once every two years, or once every three years. If
 22.6 the commissioner requires an applicator to attend a recertification workshop and the
 22.7 applicator fails to attend the workshop, the commissioner may require the applicator to pass
 22.8 a reexamination. The commissioner may require an additional demonstration of applicator
 22.9 qualification if the applicator has had a license suspended or revoked or has otherwise had
 22.10 a history of violations of this chapter.

22.11 (b) An ~~applicant~~ applicator that meets renewal requirements by reexamination instead
 22.12 of attending ~~workshops~~ a recertification workshop must pay the equivalent workshop fee
 22.13 for the reexamination as determined by the commissioner.

22.14 (c) An ~~applicant~~ applicator has 12 months to renew the license after expiration without
 22.15 having to meet initial testing requirements.

22.16 Sec. 13. Minnesota Statutes 2022, section 18B.35, subdivision 1, is amended to read:

22.17 Subdivision 1. **Establishment.** (a) The commissioner may establish categories of
 22.18 structural pest control, commercial applicator, ~~and~~ noncommercial applicator licenses ~~for~~
 22.19 ~~administering and enforcing this chapter,~~ and private applicator certification consistent
 22.20 with federal requirements in Code of Federal Regulations, title 40, sections 171.101 and
 22.21 171.105, including but not limited to the federal categories that are applicable to the state.
 22.22 Application categories must meet or exceed the competency standards in Code of Federal
 22.23 Regulations, title 40, part 171. Competency standards for application categories must be
 22.24 published on the Department of Agriculture website. The categories may include pest control
 22.25 operators and ornamental, agricultural, aquatic, forest, and right-of-way pesticide applicators.
 22.26 Separate subclassifications of categories may be specified as to ground, aerial, or manual
 22.27 methods to apply pesticides or to the use of pesticides to control insects, plant diseases,
 22.28 rodents, or weeds.

22.29 (b) Each category is subject to separate testing procedures and requirements.

22.30 Sec. 14. Minnesota Statutes 2022, section 18B.36, subdivision 1, is amended to read:

22.31 Subdivision 1. **Requirement.** (a) Except for a licensed commercial or noncommercial
 22.32 applicator, only a certified private applicator may use a restricted use pesticide to produce
 22.33 an agricultural commodity:

- 23.1 (1) as a traditional exchange of services without financial compensation;
- 23.2 (2) on a site owned, rented, or managed by the person or the person's employees; or
- 23.3 (3) when the private applicator is one of two or fewer employees and the owner or
- 23.4 operator is a certified private applicator or is licensed as a noncommercial applicator.

23.5 (b) A person may not purchase a restricted use pesticide without presenting a license

23.6 card, certified private applicator card, or the card number.

23.7 (c) A person certified under this section is considered qualified and is not required to

23.8 verify, document, or otherwise prove a particular need prior to use, except as required by

23.9 the federal label.

23.10 (d) A person certified under this section must be 18 years of age or older.

23.11 Sec. 15. Minnesota Statutes 2022, section 18B.36, subdivision 2, is amended to read:

23.12 Subd. 2. **Certification.** (a) The commissioner shall prescribe certification requirements

23.13 and provide training that meets or exceeds United States Environmental Protection Agency

23.14 standards to certify private applicators and provide information relating to changing

23.15 technology to help ensure a continuing level of competency and ability to use pesticides

23.16 properly and safely. Private applicator certification requirements and training must meet or

23.17 exceed the competency standards in Code of Federal Regulations, title 40, part 171.

23.18 Competency standards for private applicator certification and training must be published

23.19 on the Department of Agriculture website. The training may be done through cooperation

23.20 with other government agencies and must be a minimum of three hours in duration.

23.21 (b) A person must apply to the commissioner for certification as a private applicator.

23.22 After completing the certification requirements, which must include ~~an~~ a proctored

23.23 examination as determined by the commissioner, an applicant must be certified as a private

23.24 applicator to use restricted use pesticides. The certification shall expire March 1 of the third

23.25 calendar year after the initial year of certification.

23.26 (c) The commissioner shall issue a private applicator card to a private applicator.

23.27 Sec. 16. Minnesota Statutes 2022, section 18B.37, subdivision 2, is amended to read:

23.28 Subd. 2. **Commercial and noncommercial applicators.** (a) A commercial or

23.29 noncommercial applicator; or the applicator's authorized agent; must maintain a record of

23.30 pesticides used on each site. Noncommercial applicators must keep records of restricted

23.31 use pesticides. The record must include the:

- 24.1 (1) date of the pesticide use;
- 24.2 (2) time the pesticide application was completed;
- 24.3 (3) brand name of the pesticide, the United States Environmental Protection Agency
- 24.4 registration number, and rate used;
- 24.5 (4) number of units treated;
- 24.6 (5) temperature, wind speed, and wind direction;
- 24.7 (6) location of the site where the pesticide was applied;
- 24.8 (7) name and address of the customer;
- 24.9 (8) name of applicator, name of company, license number of applicator, and address of
- 24.10 applicator company; and
- 24.11 (9) any other information required by the commissioner.
- 24.12 (b) Portions of records not relevant to a specific type of application may be omitted upon
- 24.13 approval from the commissioner.
- 24.14 (c) All information for this record requirement must be contained in a document for each
- 24.15 pesticide application, except a map may be attached to identify treated areas. An invoice
- 24.16 containing the required information may constitute the required record. The commissioner
- 24.17 shall make sample forms available to meet the requirements of this paragraph.
- 24.18 (d) The record must be completed no later than five days after the application of the
- 24.19 pesticide.
- 24.20 (e) A commercial applicator must give a copy of the record to the customer.
- 24.21 (f) Records must be retained by the applicator, company, or authorized agent for five
- 24.22 years after the date of treatment.
- 24.23 (g) A record of a commercial or noncommercial applicator must meet or exceed the
- 24.24 requirements in Code of Federal Regulations, title 40, part 171.

24.25 Sec. 17. Minnesota Statutes 2022, section 18B.37, subdivision 3, is amended to read:

24.26 Subd. 3. **Structural pest control applicators.** (a) A structural pest control applicator

24.27 must maintain a record of each structural pest control application conducted by that person

24.28 or by the person's employees. The record must include the:

- 24.29 (1) date of structural pest control application;
- 24.30 (2) target pest;

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

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

25.4 (5) time the pesticide application was completed;

25.5 (6) name and address of the customer;

25.6 (7) name of structural pest control applicator, name of company and address of applicator
25.7 or company, and license number of applicator; and

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

25.9 (b) All information for this record requirement must be contained in a document for
25.10 each pesticide application. An invoice containing the required information may constitute
25.11 the record.

25.12 (c) The record must be completed no later than five days after the application of the
25.13 pesticide.

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

25.15 (e) A copy of the record must be given to a person who ordered the application that is
25.16 present at the site where the structural pest control application is conducted, placed in a
25.17 conspicuous location at the site where the structural pest control application is conducted
25.18 immediately after the application of the pesticides, or delivered to the person who ordered
25.19 an application or the owner of the site. The commissioner must make sample forms available
25.20 that meet the requirements of this subdivision.

25.21 (f) A structural applicator must post in a conspicuous place inside a renter's apartment
25.22 where a pesticide application has occurred a list of postapplication precautions contained
25.23 on the label of the pesticide that was applied in the apartment and any other information
25.24 required by the commissioner.

25.25 (g) A record of a structural applicator must meet or exceed the requirements in Code of
25.26 Federal Regulations, title 40, part 171.

3.7371 COMPENSATION FOR CROP OR FENCE DAMAGE CAUSED BY ELK.

Subd. 7. **Rules.** The commissioner shall adopt rules and may amend rules to carry out this section. The commissioner may use the expedited rulemaking process in section 14.389 to adopt and amend rules authorized in this section. The rules must include:

- (1) methods of valuation of crops damaged or destroyed;
- (2) criteria for determination of the cause of the crop damage or destruction;
- (3) notice requirements by the owner of the damaged or destroyed crop;
- (4) compensation rates for fence damage or destruction that must not exceed \$1,800 per claimant per fiscal year; and
- (5) any other matters determined necessary by the commissioner to carry out this section.

1506.0010 AUTHORITY.

Parts 1506.0010 to 1506.0040 are prescribed under Minnesota Statutes, section 3.7371, by the commissioner of agriculture to implement procedures to compensate agricultural crop owners for crops that are damaged or destroyed by elk. The procedures in parts 1506.0010 to 1506.0040 are in addition to those in Minnesota Statutes, section 3.7371.

1506.0015 DEFINITIONS.

Subpart 1. **Applicability.** The definitions in this part apply to parts 1506.0010 to 1506.0040.

Subp. 2. **Claim form.** "Claim form" means a form provided by the commissioner, to be completed by the crop owner and the county extension agent or federal crop adjuster, containing information upon which payment for a loss must be based.

Subp. 3. **Commissioner.** "Commissioner" means the commissioner of agriculture or the commissioner's authorized agent.

Subp. 4. **Crop owner.** "Crop owner" means an individual, firm, corporation, copartnership, or association with an interest in crops damaged or destroyed by elk.

Subp. 5. **County extension agent.** "County extension agent" means the University of Minnesota Agricultural Extension Service's county extension agent for the county in which the crop owner resides.

Subp. 6. **Federal crop adjuster.** "Federal crop adjuster" means a crop insurance adjuster having a contract with the Federal Crop Insurance Corporation.

Subp. 7. **Market price.** "Market price" means the commodity price published daily by the Minneapolis Grain Exchange in the daily record of prices and receipts.

Subp. 8. **Target price.** "Target price" means the federal commodity price available from the Agricultural Stabilization and Conservation Service office.

1506.0020 REPORTING.

The crop owner shall notify either the federal crop adjuster or the county extension agent of suspected crop loss or damage within 24 hours of the discovery of a loss. The crop owner shall also complete the appropriate part of the claim form which must be available at the county extension office. The crop owner shall provide all information required to investigate the loss or damage to the federal crop adjuster or the county extension agent. A telephone call or personal contact constitutes notification.

1506.0025 INVESTIGATION AND CROP VALUATION.

Subpart 1. **Whether damaged by elk.** The federal crop adjuster or the county extension agent shall investigate the loss in a timely manner and shall make a finding in writing on the appropriate part of the claim form regarding whether the crop was destroyed or damaged by elk. The finding must be based on physical and circumstantial evidence including:

- A. the condition of the crop;
- B. elk tracks;
- C. the area of the state where the loss occurred;
- D. sightings of elk in the area; and
- E. any other circumstances considered pertinent by the federal crop adjuster or the county extension agent.

The absence of affirmative evidence may be grounds for denial of a claim.

Subp. 2. **Extent of damage.** The federal crop adjuster or the county extension agent shall make a written finding on the claim form of the extent of damage or the amount of crop destroyed. The crop owner may choose to have the federal crop adjuster or county extension agent use the method in item A or B to complete the claim form and determine the amount of crop loss.

A. To submit the claim form at the time the suspected elk damage is discovered, the federal crop adjuster or county extension agent must determine the potential yield, per acre, for the field and record this information on the form in the column labeled "normal yield" and the average yield, per acre, expected from the damaged acres and record this information on the form in the column labeled "average yield expected from damaged acres."

B. To submit the claim form at the time the crop is harvested:

(1) the crop owner shall report the loss to the federal crop adjuster or county extension agent within 24 hours of discovery, and the loss must be investigated by the federal crop adjuster or county extension agent in a timely manner;

(2) the crop owner and federal crop adjuster or county extension agent shall complete the claim form at the time of the investigation, entering the percent of crop loss from damage in the column labeled "normal yield" and leaving the column labeled "average yield expected from damaged acres" blank; and

(3) when the crop is harvested the federal crop adjuster or county extension agent shall enter the actual yield of the damaged field in the column labeled "average yield expected from damaged acres," enter the date in the same column, and submit the form to the commissioner.

1506.0030 COMPLETION AND SIGNING OF CLAIM FORM.

A completed claim form must be signed by the owner and county extension agent or the federal crop adjuster and submitted by the crop owner to the commissioner for review and payment. The commissioner shall return an incomplete claim form to the crop owner, indicating the information necessary for proper completion.

1506.0035 INSURANCE COVERAGE.

If insurance coverage exists on the crop, the commissioner shall withhold payment under parts 1506.0010 to 1506.0040 until the insurance claim has been paid and evidence of payment has been submitted to the commissioner, at which time that insurance payment must be deducted from the determined value. Payment must not be made for claims of less than \$100 per claim or more than \$20,000 in a calendar year.

1506.0040 PAYMENT.

After procedures in parts 1506.0020 to 1506.0035 are completed, the commissioner shall make payment to the crop owners.