

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1554**

03/09/2015 Authored by Anderson, P.; Poppe and Hamilton
The bill was read for the first time and referred to the Committee on Agriculture Policy
03/25/2015 Adoption of Report: Placed on the General Register as Amended
Read Second Time

1.1 A bill for an act
1.2 relating to agriculture; making policy and technical changes to various
1.3 agriculture related provisions, including provisions related to reports, loans,
1.4 pesticides, fertilizer, soil amendment, plant amendment, registrations, nursery
1.5 stock, agricultural chemicals, seeds, grain storage, and food; extending
1.6 agricultural growth, research, and innovation program; providing agritourism
1.7 liability immunity; making technical changes; amending Minnesota Statutes
1.8 2014, sections 17.03, subdivision 11a; 17.117, subdivision 11; 18B.055,
1.9 subdivision 1; 18B.065, subdivisions 2a, 7; 18B.30; 18B.37, subdivisions 2, 3, 4;
1.10 18C.235, subdivision 1; 18C.411, by adding a subdivision; 18H.14; 21.81, by
1.11 adding subdivisions; 21.82, subdivisions 2, 4; 21.85, subdivision 2, by adding
1.12 a subdivision; 21.87; 34A.11; 41A.12, subdivision 4; 41B.039, subdivision
1.13 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b;
1.14 41B.045, subdivision 2; 232.22, subdivision 5; proposing coding for new law in
1.15 Minnesota Statutes, chapter 604A; repealing Minnesota Statutes 2014, section
1.16 18C.235, subdivision 2; Minnesota Rules, part 1510.0111.

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

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

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

1.24 (b) The commissioner shall prepare ~~semiannual~~ an annual permitting efficiency
1.25 ~~reports~~ report that ~~include~~ includes statistics on meeting the goal in paragraph (a). The
1.26 ~~reports are~~ report is due February 1 ~~and August 1~~ of each year. For permit applications
1.27 that have not met the goal, the report must state the reasons for not meeting the goal, steps
1.28 that will be taken to complete action on the application, and the expected timeline. In
1.29 stating the reasons for not meeting the goal, the commissioner shall separately identify

2.1 delays caused by the responsiveness of the proposer, lack of staff, scientific or technical
2.2 disagreements, or the level of public engagement. The report must specify the number
2.3 of days from initial submission of the application to the day of determination that the
2.4 application is complete. The report ~~for the final quarter of the fiscal year~~ must aggregate
2.5 the data for the year and assess whether program or system changes are necessary to
2.6 achieve the goal. The report must be posted on the department Web site and submitted to
2.7 the governor and the chairs of the house of representatives and senate committees having
2.8 jurisdiction over agriculture policy and finance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.34 Sec. 3. Minnesota Statutes 2014, section 18B.055, subdivision 1, is amended to read:

3.1 Subdivision 1. **Compensation required.** (a) The commissioner of agriculture must
3.2 compensate a person for an acute pesticide poisoning resulting in the death of bees or loss
3.3 of bee colonies owned by the person, provided:

3.4 (1) the person who applied the pesticide cannot be determined;

3.5 (2) the person who applied the pesticide did so in a manner consistent with the
3.6 pesticide product's label or labeling; or

3.7 (3) the person who applied the pesticide did so in a manner inconsistent with the
3.8 pesticide product's label or labeling.

3.9 (b) Except as provided in this section, the bee owner is entitled to the fair market
3.10 value of the dead bees and bee colonies losses as determined by the commissioner upon
3.11 recommendation by academic experts and bee keepers. In any fiscal year, a bee owner
3.12 must not be compensated for a claim that is less than \$100 or compensated more than
3.13 \$20,000 for all eligible claims.

3.14 (c) To be eligible for compensation under this section, the bee owner must be
3.15 registered with a commonly utilized pesticide registry program, as designated by the
3.16 commissioner.

3.17 Sec. 4. Minnesota Statutes 2014, section 18B.065, subdivision 2a, is amended to read:

3.18 Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the
3.19 commissioner must enter into a contract with a county or group of counties under a
3.20 joint powers agreement for household hazardous waste disposal or designate a place in
3.21 each county of the state that is available at least every other year for persons to dispose
3.22 of unused portions of agricultural pesticides. The commissioner shall consult with the
3.23 person responsible for solid waste management and disposal in each county not under
3.24 contract to determine an appropriate location and to advertise each collection event.
3.25 ~~The commissioner may provide a collection opportunity in a county more frequently~~
3.26 Additional collection events may be provided if the commissioner determines that a
3.27 collection is ~~additional collections are warranted.~~

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

3.33 (c) As provided under subdivision 7, the commissioner may enter into cooperative
3.34 agreements with local units of government to provide the collections required under
3.35 paragraph (a) or (b) and shall provide a local unit of government, as part of the cooperative

4.1 agreement, with funding for reasonable costs incurred including, but not limited to, related
4.2 supplies, transportation, advertising, and disposal costs as well as reasonable overhead
4.3 costs.

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

4.11 Sec. 5. Minnesota Statutes 2014, section 18B.065, subdivision 7, is amended to read:

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

4.18 (b) The commissioner, according to the terms of a cooperative agreement between
4.19 the commissioner and a local unit of government, may establish limits for unusual types
4.20 or excessive quantities of waste pesticide offered by pesticide end users to the local unit
4.21 of government.

4.22 Sec. 6. Minnesota Statutes 2014, section 18B.30, is amended to read:

4.23 **18B.30 PESTICIDE USE LICENSE REQUIREMENT; INTERNET SALES**
4.24 **PROHIBITED; RESTRICTED USE PESTICIDES.**

4.25 (a) A person may not use a restricted use pesticide without a license or certification
4.26 required under sections 18B.29 to 18B.35 and the use may only be done under conditions
4.27 prescribed by the commissioner.

4.28 (b) A person shall not sell any pesticide labeled for restricted use over an Internet
4.29 Web site to a Minnesota resident who is not a licensed or certified pesticide applicator.
4.30 A person selling a pesticide labeled for restricted use over an Internet Web site to a
4.31 Minnesota resident must verify that the purchaser is a licensed or certified pesticide
4.32 applicator under sections 18B.29 to 18B.35.

4.33 Sec. 7. Minnesota Statutes 2014, section 18B.37, subdivision 2, is amended to read:

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

5.5 (1) date of the pesticide use;

5.6 (2) time the pesticide application was completed;

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

5.9 (4) number of units treated;

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

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

5.12 (7) name and address of the customer;

5.13 (8) name ~~and signature~~ of applicator, name of company, license number of applicator,
5.14 and address of applicator company; and

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

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

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

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

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

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

5.29 Sec. 8. Minnesota Statutes 2014, section 18B.37, subdivision 3, is amended to read:

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

5.33 (1) date of structural pest control application;

5.34 (2) target pest;

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

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

6.4 (5) time the pesticide application was completed;

6.5 (6) name and address of the customer;

6.6 (7) name ~~and signature~~ of structural pest control applicator²; name of company
6.7 and address of applicator or company, ~~applicator's signature~~, and license number of
6.8 applicator; and

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

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

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

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

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

6.22 Sec. 9. Minnesota Statutes 2014, section 18B.37, subdivision 4, is amended to read:

6.23 Subd. 4. **Incident response plan.** A pesticide dealer, agricultural pesticide dealer,
6.24 or a commercial, noncommercial, or structural pest control ~~business~~ company or a person
6.25 who is required to be permitted to store or produce bulk agricultural chemicals must
6.26 develop and maintain an incident response plan that describes the actions that will be
6.27 taken to prevent and respond to ~~pesticide~~ agricultural chemical incidents. The plan must
6.28 ~~contain the same information as forms provided by the commissioner~~ include information
6.29 the commissioner deems necessary to respond to an agricultural chemical emergency
6.30 incident. The commissioner shall make sample incident response plan forms available.
6.31 The plan must be kept at a principal business site or location within this state and must be
6.32 submitted to the commissioner upon request. The plan must be:

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

- 7.1 (2) reviewed with employees at least once per calendar year and include
 7.2 documentation of training events; and
 7.3 (3) made available to local first responders and documented accordingly.

7.4 Sec. 10. Minnesota Statutes 2014, section 18C.235, subdivision 1, is amended to read:

7.5 Subdivision 1. **Plan required.** (a) A person required to be licensed under section
 7.6 18C.415, or a person who stores fertilizers, soil amendment, or plant amendment products
 7.7 in bulk must develop and maintain a contingency plan that describes the storage, handling,
 7.8 disposal, and incident handling practices; an incident response plan that describes the
 7.9 actions that will be taken to prevent and respond to agricultural chemical incidents.
 7.10 The plan must include information the commissioner deems necessary to respond to an
 7.11 agricultural chemical emergency incident. The commissioner shall make sample incident
 7.12 response plan forms available. The plan must be kept at a principal business site or
 7.13 location within this state and must be submitted to the commissioner upon request. The
 7.14 plan must be:

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

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

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

7.20 (b) A person also required to maintain an incident response plan under section
 7.21 18B.37 is not required to maintain a separate incident response plan under this subdivision.

7.22 Sec. 11. Minnesota Statutes 2014, section 18C.411, is amended by adding a subdivision
 7.23 to read:

7.24 Subd. 5. **Discontinuance of specialty fertilizer, soil amendment, and plant**
 7.25 **amendment registration.** To ensure complete withdrawal from distribution or further use
 7.26 of a specialty fertilizer, soil amendment, or plant amendment, a person who intends to
 7.27 discontinue a specialty fertilizer, soil amendment, and plant amendment registration must:

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

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

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

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

8.4 Sec. 12. Minnesota Statutes 2014, section 18H.14, is amended to read:

8.5 **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

8.6 (a) Plants, plant materials, or nursery stock must not be labeled or advertised with
 8.7 false or misleading information including, but not limited to, scientific name, variety,
 8.8 place of origin, hardiness zone as defined by the United States Department of Agriculture,
 8.9 and growth habit.

8.10 (b) All nonhardy nursery stock as designated by the commissioner must be labeled
 8.11 correctly for hardiness or be labeled "nonhardy" in Minnesota.

8.12 (c) A person may not offer for distribution plants, plant materials, or nursery stock,
 8.13 represented by some specific or special form of notation, including, but not limited to,
 8.14 "free from" or "grown free of," unless the plants are produced under a specific program
 8.15 approved by the commissioner to address the specific plant properties addressed in the
 8.16 special notation claim.

8.17 (d) Nursery stock collected from the wild state must be inspected and certified
 8.18 prior to sale and at the time of sale must be labeled "Collected from the Wild." The label
 8.19 must remain on each plant or clump of plants while it is offered for sale and during the
 8.20 distribution process. The collected stock may be grown in nursery rows at least two years,
 8.21 after which the plants may be sold without the labeling required by this paragraph.

8.22 (e) A person selling at retail or providing to an end user may not label or advertise
 8.23 an annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial
 8.24 to pollinators if the annual plant, bedding plant, plant material, or nursery stock has:

8.25 (1) been treated with ~~and has a detectable level of~~ systemic insecticide that:

8.26 ~~(1)~~ (i) has a pollinator protection box on the label; or

8.27 ~~(2)~~ (ii) has a pollinator, bee, or honey bee precautionary statement in the
 8.28 environmental hazards section of the insecticide product label; and

8.29 (2) a concentration in its flowers greater than the no observed adverse effect level
 8.30 of a systemic insecticide.

8.31 The commissioner shall enforce this paragraph as provided in chapter 18J.

8.32 (f) For the purposes of paragraph (e):

8.33 (1) "systemic insecticide" means an insecticide that is both absorbed by the plant
 8.34 and translocated through the plant's vascular system; and

9.1 (2) "no observed adverse effect level" means the level established by the United
9.2 States Environmental Protection Agency for acute oral toxicity for adult honeybees.

9.3 Sec. 13. Minnesota Statutes 2014, section 21.81, is amended by adding a subdivision
9.4 to read:

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

9.8 Sec. 14. Minnesota Statutes 2014, section 21.81, is amended by adding a subdivision
9.9 to read:

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

9.12 Sec. 15. Minnesota Statutes 2014, section 21.82, subdivision 2, is amended to read:

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

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

9.23 (1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure
9.24 seed shown unless the percentage of pure seed which is hybrid seed is shown separately.
9.25 If two or more kinds or varieties are present in excess of five percent and are named on
9.26 the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or
9.27 kind and variety that has pure seed which is less than 95 percent but more than 75 percent
9.28 hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to
9.29 show the percentage of pure seed that is hybrid seed or a statement such as "contains from
9.30 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as
9.31 hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be
9.32 shown on the label in conjunction with the kind.

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

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

10.4 (b) Lot number or other lot identification.

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

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

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

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

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

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

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

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

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

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

10.24 The headings for "germination" and "hard seed or dormant seed" percentages must be
10.25 stated separately on the seed label. A separate percentage derived from combining these
10.26 percentages may also be stated on the seed label, ~~but the heading for this percentage must~~
10.27 ~~be "total germination and hard seed or dormant seed when applicable." They must not be~~
10.28 ~~stated as "total live seed," "total germination," or in any other unauthorized manner. as~~
10.29 "total viable."

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

10.32 Sec. 16. Minnesota Statutes 2014, section 21.82, subdivision 4, is amended to read:

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

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

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

11.7 Sec. 17. Minnesota Statutes 2014, section 21.85, subdivision 2, is amended to read:

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

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

11.17 Sec. 18. Minnesota Statutes 2014, section 21.85, is amended by adding a subdivision
 11.18 to read:

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

11.22 Sec. 19. Minnesota Statutes 2014, section 21.87, is amended to read:

11.23 **21.87 EXEMPTION.**

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

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

11.26 ~~(b) to~~ (2) seed in storage in or being transported or consigned to a conditioning
 11.27 establishment for conditioning, provided that the invoice or label accompanying any
 11.28 shipment of the seeds bears the statement "seeds for conditioning," and provided that any
 11.29 labeling or other representation which may be made with respect to the unconditioned
 11.30 seed is subject to the provisions of sections 21.82 and 21.83; or

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

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

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

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

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

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

12.11 Sec. 20. Minnesota Statutes 2014, section 34A.11, is amended to read:

12.12 **34A.11 EMBARGO, SEIZURE, AND CONDEMNATION.**

12.13 Subdivision 1. **Tag, notice, or withdrawal from distribution.** If the commissioner
 12.14 finds probable cause to believe that any food, animal, or consumer commodity is being
 12.15 distributed in violation of this chapter or rules under this chapter, or is adulterated or so
 12.16 misbranded as to be dangerous or fraudulent, the commissioner shall affix to the food,
 12.17 animal, equipment, facility, or consumer commodity a tag, withdrawal from distribution
 12.18 order, or other appropriate marking giving notice that the food, animal, equipment,
 12.19 facility, or consumer commodity is, or is suspected of being, adulterated, misbranded, or
 12.20 distributed in violation of this chapter, and has been detained or embargoed, and warning
 12.21 all persons not to remove or dispose of the food, animal, equipment, facility, or consumer
 12.22 commodity by sale or otherwise until permission for removal or disposal is given by the
 12.23 commissioner or the court. It is unlawful for a person to remove or dispose of a detained or
 12.24 embargoed food, animal, equipment, food stored in a facility, or consumer commodity by
 12.25 sale or otherwise without the commissioner's or a court's permission and each transaction
 12.26 is a separate violation of this subdivision.

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

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

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

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

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

13.3 Subd. 3. **Action for condemnation.** If food ~~or an~~, article, equipment, or animal
13.4 detained or embargoed under subdivision 1 has been found by the commissioner to be
13.5 adulterated or misbranded or in violation of this chapter, the commissioner shall petition
13.6 the district court in the county in which the food, article, equipment, or animal is detained
13.7 or embargoed for an order and decree for the condemnation of the food, article, equipment,
13.8 or animal. The commissioner shall release the food, article, equipment, or animal when
13.9 this chapter and rules adopted under this chapter have been complied with or the food,
13.10 article, equipment, or animal is found to be not adulterated or misbranded.

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

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

13.18 (2) if adulteration or misbranding can be corrected by proper labeling or processing of
13.19 the food ~~or~~, animal, or repair of the equipment, the court, after entry of the decree and after
13.20 costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that
13.21 the food or animal must be properly labeled or processed or equipment properly repaired,
13.22 has been executed, may by order direct that the food or animal be delivered to the claimant
13.23 for proper labeling or processing or repairing of equipment under the supervision of the
13.24 commissioner. The expense of the supervision must be paid by the claimant. The food ~~or~~,
13.25 animal, or equipment must be returned to the claimant and the bond must be discharged on
13.26 the representation to the court by the commissioner that the food ~~or~~, animal, or equipment
13.27 is no longer in violation and that the expenses for the supervision have been paid.

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

13.35 Subd. 6. **Emergency response.** If the governor declares an emergency order under
13.36 section 12.31 and if the commissioner finds or has probable cause to believe that livestock,

14.1 food, or a consumer commodity within a specific area is likely to be adulterated because
 14.2 of the emergency or so misbranded as to be dangerous or fraudulent, or is in violation of
 14.3 section 31.131, subdivision 1, the commissioner may embargo a geographic area that is
 14.4 included in the declared emergency. The commissioner shall provide notice to the public
 14.5 and to those with custody of the product in as thorough a manner as is practicable under
 14.6 the emergency circumstances.

14.7 Subd. 7. **Emergency powers.** After an emergency declaration issued under chapter
 14.8 12, chapter 35, or the federal Stafford Act, the commissioner may restrict the movement
 14.9 of food if the commissioner has probable cause to believe that the movement of food may:
 14.10 threaten the agricultural economy; transport a dangerous, infectious, or communicable
 14.11 disease; or threaten the health of animals. The commissioner may provide for the issuance
 14.12 of permits to allow for the continued movement of food upon meeting the disease control
 14.13 measures established by the commissioner.

14.14 Sec. 21. Minnesota Statutes 2014, section 41A.12, subdivision 4, is amended to read:

14.15 Subd. 4. **Sunset.** This section expires on June 30, ~~2015~~ 2025.

14.16 Sec. 22. Minnesota Statutes 2014, section 41B.039, subdivision 2, is amended to read:

14.17 Subd. 2. **State participation.** The state may participate in a new real estate loan
 14.18 with an eligible lender to a beginning farmer to the extent of 45 percent of the principal
 14.19 amount of the loan or ~~\$300,000~~ \$400,000, whichever is less. The interest rates and
 14.20 repayment terms of the authority's participation interest may be different than the interest
 14.21 rates and repayment terms of the lender's retained portion of the loan.

14.22 Sec. 23. Minnesota Statutes 2014, section 41B.04, subdivision 8, is amended to read:

14.23 Subd. 8. **State participation.** With respect to loans that are eligible for restructuring
 14.24 under sections 41B.01 to 41B.23 and upon acceptance by the authority, the authority
 14.25 shall enter into a participation agreement or other financial arrangement whereby it shall
 14.26 participate in a restructured loan to the extent of 45 percent of the primary principal
 14.27 or ~~\$400,000~~ \$525,000, whichever is less. The authority's portion of the loan must be
 14.28 protected during the authority's participation by the first mortgage held by the eligible
 14.29 lender to the extent of its participation in the loan.

14.30 Sec. 24. Minnesota Statutes 2014, section 41B.042, subdivision 4, is amended to read:

14.31 Subd. 4. **Participation limit; interest.** The authority may participate in new
 14.32 seller-sponsored loans to the extent of 45 percent of the principal amount of the loan or

15.1 ~~\$300,000~~ \$400,000, whichever is less. The interest rates and repayment terms of the
15.2 authority's participation interest may be different than the interest rates and repayment
15.3 terms of the seller's retained portion of the loan.

15.4 Sec. 25. Minnesota Statutes 2014, section 41B.043, subdivision 1b, is amended to read:

15.5 Subd. 1b. **Loan participation.** The authority may participate in an agricultural
15.6 improvement loan with an eligible lender to a farmer who meets the requirements of
15.7 section 41B.03, subdivision 1, clauses (1) and (2), and who is actively engaged in farming.
15.8 Participation is limited to 45 percent of the principal amount of the loan or ~~\$300,000~~
15.9 \$400,000, whichever is less. The interest rates and repayment terms of the authority's
15.10 participation interest may be different than the interest rates and repayment terms of
15.11 the lender's retained portion of the loan.

15.12 Sec. 26. Minnesota Statutes 2014, section 41B.045, subdivision 2, is amended to read:

15.13 Subd. 2. **Loan participation.** The authority may participate in a livestock
15.14 expansion loan with an eligible lender to a livestock farmer who meets the requirements
15.15 of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively engaged in
15.16 a livestock operation. A prospective borrower must have a total net worth, including
15.17 assets and liabilities of the borrower's spouse and dependents, of less than \$660,000 in
15.18 2004 and an amount in subsequent years which is adjusted for inflation by multiplying
15.19 that amount by the cumulative inflation rate as determined by the United States All-Items
15.20 Consumer Price Index.

15.21 Participation is limited to 45 percent of the principal amount of the loan or ~~\$400,000~~
15.22 \$525,000, whichever is less. The interest rates and repayment terms of the authority's
15.23 participation interest may be different from the interest rates and repayment terms of
15.24 the lender's retained portion of the loan.

15.25 Sec. 27. Minnesota Statutes 2014, section 232.22, subdivision 5, is amended to read:

15.26 Subd. 5. **Statement of grain in storage; reports.** (a) All public grain warehouse
15.27 operators must by February 15 of each year file with the commissioner on a form approved
15.28 by the commissioner a report showing the annual average liability of all grain outstanding
15.29 on grain warehouse receipts, open storage, and grain stored for feed processing that
15.30 occurred during the preceding calendar year. This report shall be used for the purpose
15.31 of establishing the penal sum of the bond.

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

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

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

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

16.15 Sec. 28. **[604A.40] AGRITOURISM; IMMUNITY FROM LIABILITY.**

16.16 Subdivision 1. Definitions. (a) For the purposes of this section, the terms in
16.17 paragraphs (b) to (g) have the meanings given them.

16.18 (b) "Agricultural products" means livestock, aquacultural, poultry, horticultural,
16.19 floricultural, viticultural, silvicultural, or other products of a farm or ranch.

16.20 (c) "Agritourism activity" means activity carried out on a farm or ranch that allows
16.21 organizations or members of the general public, for recreational, entertainment, charitable,
16.22 or educational purposes, to view, enjoy, or participate in rural activities, including, but
16.23 not limited to: farming; viticulture; winemaking; ranching; and historical, cultural, farm
16.24 stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an
16.25 agritourism activity whether or not the participant pays to participate in the activity.

16.26 (d) "Agritourism professional" means a person who is engaged in providing one or
16.27 more agritourism activities, whether or not for compensation.

16.28 (e) "Farm or ranch" means one or more areas of land used for the production,
16.29 cultivation, growing, harvesting, or processing of agricultural products.

16.30 (f) "Inherent risks of agritourism activity" mean dangers or conditions that are an
16.31 integral part of an agritourism activity including but not limited to:

16.32 (1) natural hazards and conditions of land, vegetation, and waters including surface
16.33 and subsurface conditions;

16.34 (2) the behavior of wild or domestic animals; and

17.1 (3) ordinary dangers of structures or equipment ordinarily used in farming or
17.2 ranching operations.

17.3 (g) "Participant" means a person, other than an agritourism professional, who
17.4 engages in an agritourism activity and who has the capacity to understand the inherent
17.5 risks of agricultural tourism.

17.6 Subd. 2. **Liability limited.** (a) Except as provided in paragraphs (b) and (c), an
17.7 agritourism professional is not liable for injury, damage, or death of a participant resulting
17.8 from the inherent risks of agritourism activities.

17.9 (b) Nothing in paragraph (a) prevents or limits the liability of an agritourism
17.10 professional if the agritourism professional:

17.11 (1) commits an act or omission that constitutes negligence or willful or wanton
17.12 disregard for the safety of the participant, and that act or omission proximately causes
17.13 injury, damage, or death of the participant;

17.14 (2) has actual knowledge or reasonably should have known of a dangerous condition
17.15 on the land or in the facilities or equipment used in the activity, or the dangerous
17.16 propensity of a particular animal used in such activity;

17.17 (3) intentionally injures the participant; or

17.18 (4) fails to comply with the notice requirement of subdivision 3.

17.19 (c) Nothing in paragraph (a) affects a claim under chapter 340A, or a claim arising
17.20 out of the sale or use of alcohol at an agritourism facility.

17.21 Subd. 3. **Posting notice.** An agritourism professional shall post plainly visible signs
17.22 at one or more prominent locations in the premises where the agritourism activity takes
17.23 place that include a warning of the inherent risks of agritourism activity.

17.24 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to
17.25 actions arising from incidents occurring on or after that date.

17.26 Sec. 29. **REPEALER.**

17.27 Minnesota Statutes 2014, section 18C.235, subdivision 2, and Minnesota Rules, part
17.28 1510.0111, 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.

APPENDIX
Repealed Minnesota Rule: H1554-1

1510.0111 INFORMATION REQUIRED ON HYBRID SEED CORN LABELS.

Seed labels for hybrid corn varieties or blends of varieties for either grain or forage purposes must include the day classification listed under the heading "Relative Maturity." The labeled day classification must be within three days of the actual maturity rating determined in comparative trials by the Minnesota agricultural experiment station. For hybrid seed corn blends, the relative maturity and the germination percentage must be derived by averaging the relative maturities and germination percentages according to the proportion of each component in the blend.