

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1459

(SENATE AUTHORS: SPARKS)

DATE	D-PG	OFFICIAL STATUS
03/09/2015	599	Introduction and first reading Referred to Jobs, Agriculture and Rural Development

A bill for an act

1.1 relating to agriculture; making policy and technical changes to various agriculture
 1.2 related provisions, including provisions related to loans, pesticides, fertilizer, soil
 1.3 amendment, plant amendment, registrations, agricultural chemicals, seeds, grain
 1.4 storage, and food; modifying fees; repealing agricultural growth, research, and
 1.5 innovation program sunset; amending Minnesota Statutes 2014, sections 17.03,
 1.6 subdivision 11a; 17.117, subdivision 11; 18B.37, subdivisions 2, 3, 4; 18B.38,
 1.7 subdivision 1; 18C.235, subdivision 1; 18C.411, by adding a subdivision;
 1.8 18D.201, subdivision 6; 21.81, by adding subdivisions; 21.82, subdivisions 2,
 1.9 4; 21.85, subdivision 2, by adding a subdivision; 21.87; 21.89, subdivision 2;
 1.10 21.891, subdivisions 2, 5; 34A.11; 232.22, subdivision 5; repealing Minnesota
 1.11 Statutes 2014, sections 18C.235, subdivision 2; 41A.12, subdivision 4.
 1.12

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.32 Sec. 3. Minnesota Statutes 2014, section 18B.37, subdivision 2, is amended to read:

2.33 Subd. 2. **Commercial and noncommercial applicators.** (a) A commercial or
2.34 noncommercial applicator, or the applicator's authorized agent, must maintain a record of

3.1 pesticides used on each site. Noncommercial applicators must keep records of restricted
3.2 use pesticides. The record must include the:

3.3 (1) date of the pesticide use;

3.4 (2) time the pesticide application was completed;

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

3.7 (4) number of units treated;

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

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

3.10 (7) name and address of the customer;

3.11 (8) name ~~and signature~~ of applicator, name of company, license number of applicator,
3.12 and address of applicator company; and

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

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

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

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

3.24 (e) The applicator must post a complete record in a public area or conspicuous
3.25 location to notify occupants of multiple-unit dwellings or users of other public buildings
3.26 that a pesticide application was made on the property.

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

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

3.30 Sec. 4. Minnesota Statutes 2014, section 18B.37, subdivision 3, is amended to read:

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

3.34 (1) date of structural pest control application;

3.35 (2) target pest;

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

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

4.4 (5) time the pesticide application was completed;

4.5 (6) name and address of the customer;

4.6 (7) name ~~and signature~~ of structural pest control applicator²; name of company
4.7 and address of applicator or company, ~~applicator's signature~~, and license number of
4.8 applicator; and

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

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

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

4.15 (d) The applicator must post a complete record in a public area or conspicuous
4.16 location to notify occupants of multiple-unit dwellings or users of other public buildings
4.17 that a pesticide application was made on the property.

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

4.19 ~~(d)~~ (f) A copy of the record must be given to a person who ordered the application
4.20 that is present at the site where the structural pest control application is conducted, placed
4.21 in a conspicuous location at the site where the structural pest control application is
4.22 conducted immediately after the application of the pesticides, or delivered to the person
4.23 who ordered an application or the owner of the site. The commissioner must make sample
4.24 forms available that meet the requirements of this subdivision.

4.25 Sec. 5. Minnesota Statutes 2014, section 18B.37, subdivision 4, is amended to read:

4.26 Subd. 4. **Incident response plan.** A pesticide dealer, agricultural pesticide dealer,
4.27 or a commercial, noncommercial, or structural pest control ~~business~~ company or a person
4.28 who is required to be permitted to store or produce bulk agricultural chemicals must
4.29 develop and maintain an incident response plan that describes the actions that will be
4.30 taken to prevent and respond to pesticide agricultural chemical incidents. The plan must
4.31 contain the same information as forms provided by the commissioner include information
4.32 the commissioner deems necessary to respond to an agricultural chemical emergency
4.33 incident. The commissioner shall make sample incident response plan forms available.
4.34 The plan must be kept at a principal business site or location within this state and must be
4.35 submitted to the commissioner upon request. The plan must be:

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

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

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

5.6 Sec. 6. Minnesota Statutes 2014, section 18B.38, subdivision 1, is amended to read:

5.7 Subdivision 1. **Requirements.** In submitting data required by this chapter, ~~the~~
 5.8 ~~applicant~~ a responsible person may:

5.9 (1) clearly mark or inform the department in writing that any portions written or
 5.10 electronic documents obtained by the department or submitted to the department that, in
 5.11 the applicant's opinion are, contain trade secrets, commercial information, or financial
 5.12 information, or proprietary information may be designated as "proprietary"; and

5.13 (2) submit the marked material separately from other material.

5.14 Sec. 7. Minnesota Statutes 2014, section 18C.235, subdivision 1, is amended to read:

5.15 Subdivision 1. **Plan required.** A person required to be licensed under section
 5.16 18C.415, or a person who stores fertilizers, soil amendment, or plant amendment products
 5.17 in bulk must develop and maintain a contingency plan that describes the storage, handling,
 5.18 disposal, and incident handling practices. ~~an incident response plan that describes the~~
 5.19 actions that will be taken to prevent and respond to agricultural chemical incidents.
 5.20 The plan must include information the commissioner deems necessary to respond to an
 5.21 agricultural chemical emergency incident. The commissioner shall make sample incident
 5.22 response plan forms available. The plan must be kept at a principal business site or
 5.23 location within this state and must be submitted to the commissioner upon request. The
 5.24 plan must be:

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

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

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

5.30 (b) A person also required to maintain an incident response plan under section
 5.31 18B.37 is not required to maintain a separate incident response plan under this subdivision.

5.32 Sec. 8. Minnesota Statutes 2014, section 18C.411, is amended by adding a subdivision
 5.33 to read:

6.1 Subd. 5. **Discontinuance of specialty fertilizer, soil amendment, and plant**
 6.2 **amendment registration.** To ensure complete withdrawal from distribution or further
 6.3 use of a specialty fertilizer, soil amendment, or plant amendment a person who intends to
 6.4 discontinue a specialty fertilizer, soil amendment, and plant amendment registration must:

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

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

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

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

6.15 Sec. 9. Minnesota Statutes 2014, section 18D.201, subdivision 6, is amended to read:

6.16 Subd. 6. **Investigation authority.** (a) In making inspections under this chapter,
 6.17 the commissioner may administer oaths, certify official acts, issue subpoenas to take
 6.18 and cause to be taken depositions of witnesses, ~~and~~ compel the attendance of witnesses
 6.19 and production of papers, books, documents, records, and testimony, and obtain photos,
 6.20 videos, and other electronic data as part of an inspection or investigation.

6.21 (b) If a person fails to comply with a subpoena, or a witness refuses to produce
 6.22 evidence or to testify to a matter about which the person may be lawfully questioned, the
 6.23 district court shall, on application of the commissioner, compel obedience proceedings
 6.24 for contempt, as in the case of disobedience of the requirements of a subpoena issued by
 6.25 the court or a refusal to testify in court.

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

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

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

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

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

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

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

7.14 (1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure
7.15 seed shown unless the percentage of pure seed which is hybrid seed is shown separately.
7.16 If two or more kinds or varieties are present in excess of five percent and are named on
7.17 the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or
7.18 kind and variety that has pure seed which is less than 95 percent but more than 75 percent
7.19 hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to
7.20 show the percentage of pure seed that is hybrid seed or a statement such as "contains from
7.21 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as
7.22 hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be
7.23 shown on the label in conjunction with the kind.

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

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

7.27 (b) Lot number or other lot identification.

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

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

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

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

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

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

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

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

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

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

8.13 The headings for "germination" and "hard seed or dormant seed" percentages must be
8.14 stated separately on the seed label. A separate percentage derived from combining these
8.15 percentages may also be stated on the seed label, ~~but the heading for this percentage must~~
8.16 ~~be "total germination and hard seed or dormant seed when applicable." They must not be~~
8.17 ~~stated as "total live seed," "total germination," or in any other unauthorized manner. as~~
8.18 "total viable."

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

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

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

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

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

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

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

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

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

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

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

9.13 **21.87 EXEMPTION.**

9.14 (a) Sections 21.82 and 21.83 do not apply:

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

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

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

9.24 (b) The commissioner may grant exemptions to specific labeling requirements for
 9.25 seed lots offered for sale or exchange by an organization or individual if:

9.26 (1) sales or exchanges of the seed lots are conducted by a verifiable nonprofit
 9.27 charitable, educational, or religious organization;

9.28 (2) sales, exchanges, or distributions of seed occur at a single location;

9.29 (3) proceeds from the entity's seed sales, exchanges, or distributions are used for
 9.30 charitable, educational, or religious purposes; monetary proceeds do not exceed \$1,000; or
 9.31 the seed exchange occurs among a group with established procedures for donation and
 9.32 receipt of seed sufficient to enable tracking of the kind, variety, and source of the seed;

9.33 (4) the seed is distributed within one year of collection of the seeds;

10.1 (5) exchange members are notified that the seed has not been tested to ensure that
 10.2 minimum germination standards are met and seed distributed to nonmembers is clearly
 10.3 marked by a label statement or point of distribution signage that seed quality and identity
 10.4 is not guaranteed; and

10.5 (6) all seed sold, exchanged, or distributed by the individual is intended for planting
 10.6 in Minnesota.

10.7 (c) All seed sold, distributed, or exchanged under paragraph (b) must have prior
 10.8 approval from the commissioner who shall prescribe the conditions of the exempt seed
 10.9 sales. An exemption will not be granted and an existing exemption shall be nullified if
 10.10 the organization or seed lots distributed by the organization are found to be involved
 10.11 with or contain:

10.12 (1) seed of patented, protected, or proprietary varieties used without permission of
 10.13 patent or certificate holder or developer or owner of the intellectual property associated
 10.14 with the seed variety;

10.15 (2) seed treated with pesticides;

10.16 (3) a misuse or misrepresentation of the certified seed status;

10.17 (4) noxious weed seeds as listed in Minnesota Rules, parts 1510.0271 and 1510.0320,
 10.18 species listed as noxious by the commissioner under authority of the Minnesota Noxious
 10.19 Weed Law under chapter 18, or species considered invasive under chapter 84D; or

10.20 (5) seed obtained from another party that has previously been placed under stop-sale
 10.21 order by the commissioner or the seed regulatory agency of any state, province, or
 10.22 country, or whose germination test date, sell-by date, or packed-for date has expired, or is
 10.23 otherwise not legal for sale in Minnesota.

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

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

10.28 The categories of permits are as follows:

10.29 (1) for initial labelers who sell 50,000 pounds or less of agricultural seed each
 10.30 calendar year, an annual permit issued for a fee established in section 21.891, subdivision
 10.31 2, paragraph (b);

10.32 (2) for initial labelers who sell vegetable, flower, and wildflower seed packed for
 10.33 use in home gardens or household plantings, and initial labelers who sell native grasses
 10.34 and wildflower seed in commercial or agricultural quantities, an annual permit issued for

11.1 a fee established in section 21.891, subdivision 2, paragraph (c), based upon the gross
11.2 sales from the previous year; and

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

11.6 In addition, the person shall furnish to the commissioner an itemized statement of all
11.7 seeds sold in Minnesota for the periods established by the commissioner. This statement
11.8 shall be delivered, along with the payment of the fee, based upon the amount and type
11.9 of seed sold, to the commissioner no later than 30 days after the end of each reporting
11.10 period. Any person holding a permit shall show as part of the analysis labels or invoices
11.11 on all agricultural, vegetable, flower, wildflower, tree, or shrub seeds all information the
11.12 commissioner requires. The commissioner may revoke any permit in the event of failure
11.13 to comply with applicable laws and rules.

11.14 Sec. 18. Minnesota Statutes 2014, section 21.891, subdivision 2, is amended to read:

11.15 Subd. 2. **Seed fee permits.** (a) An initial labeler who wishes to sell seed in
11.16 Minnesota must comply with section 21.89, subdivisions 1 and 2, and the procedures in
11.17 this subdivision. Each initial labeler who wishes to sell seed in Minnesota must apply to
11.18 the commissioner to obtain a permit. The application must contain the name and address of
11.19 the applicant, the application date, and the name and title of the applicant's contact person.

11.20 (b) The application for a seed permit covered by section 21.89, subdivision 2, clause
11.21 (1), must be accompanied by an application fee of ~~\$50~~ \$75.

11.22 (c) The application for a seed permit covered by section 21.89, subdivision 2, clause
11.23 (2), must be accompanied by an application fee based on the level of annual gross sales
11.24 as follows:

11.25 (1) for gross sales of \$0 to \$25,000, the annual permit fee is ~~\$50~~ \$75;

11.26 (2) for gross sales of \$25,001 to \$50,000, the annual permit fee is ~~\$100~~ \$150;

11.27 (3) for gross sales of \$50,001 to \$100,000, the annual permit fee is ~~\$200~~ \$300;

11.28 (4) for gross sales of \$100,001 to \$250,000, the annual permit fee is ~~\$500~~ \$750;

11.29 (5) for gross sales of \$250,001 to \$500,000, the annual permit fee is ~~\$1,000~~ \$1,500;

11.30 and

11.31 (6) for gross sales of \$500,001 ~~and above~~ to \$1,000,000, the annual permit fee is
11.32 ~~\$2,000~~ \$3,000; and

11.33 (7) for gross sales of \$1,000,001 and above, the annual permit fee is \$4,500.

11.34 (d) The application for a seed permit covered by section 21.89, subdivision 2, clause
11.35 (3), must be accompanied by an application fee of ~~\$50~~ \$75. Initial labelers holding seed

12.1 fee permits covered under this paragraph need not apply for a new permit or pay the
12.2 application fee. Under this permit category, the fees for the following kinds of agricultural
12.3 seed sold either in bulk or containers are:

12.4 (1) oats, wheat, and barley, ~~6.3~~ 9 cents per hundredweight;

12.5 (2) rye, field beans, soybeans, buckwheat, and flax, ~~8.4~~ 12 cents per hundredweight;

12.6 (3) field corn, ~~29.4~~ 17 cents per ~~hundredweight~~ 80,000 seed unit;

12.7 (4) forage, lawn and turf grasses, and legumes, ~~49~~ 69 cents per hundredweight;

12.8 (5) sunflower, ~~\$1.40~~ \$1.96 per hundredweight;

12.9 (6) sugar beet, ~~\$3.29~~ 12 cents per hundredweight 100,000 seed unit; and

12.10 (7) soybeans, 7.5 cents per 140,000 seed unit; and

12.11 ~~(7)~~ (8) for any agricultural seed not listed in clauses (1) to ~~(6)~~ (7), the fee for the crop
12.12 most closely resembling it in normal planting rate applies.

12.13 (e) If, for reasons beyond the control and knowledge of the initial labeler, seed is
12.14 shipped into Minnesota by a person other than the initial labeler, the responsibility for the
12.15 seed fees are transferred to the shipper. An application for a transfer of this responsibility
12.16 must be made to the commissioner. Upon approval by the commissioner of the transfer,
12.17 the shipper is responsible for payment of the seed permit fees.

12.18 (f) Seed permit fees may be included in the cost of the seed either as a hidden cost or
12.19 as a line item cost on each invoice for seed sold. To identify the fee on an invoice, the
12.20 words "Minnesota seed permit fees" must be used.

12.21 (g) All seed fee permit holders must file semiannual reports with the commissioner,
12.22 even if no seed was sold during the reporting period. Each semiannual report must be
12.23 submitted within 30 days of the end of each reporting period. The reporting periods are
12.24 October 1 to March 31 and April 1 to September 30 of each year or July 1 to December
12.25 31 and January 1 to June 30 of each year. Permit holders may change their reporting
12.26 periods with the approval of the commissioner.

12.27 (h) The holder of a seed fee permit must pay fees on all seed for which the permit
12.28 holder is the initial labeler and which are covered by sections 21.80 to 21.92 and sold
12.29 during the reporting period.

12.30 (i) If a seed fee permit holder fails to submit a semiannual report and pay the seed
12.31 fee within 30 days after the end of each reporting period, the commissioner shall assess a
12.32 penalty of \$100 or eight percent, calculated on an annual basis, of the fee due, whichever
12.33 is greater, but no more than \$500 for each late semiannual report. A \$15 penalty must be
12.34 charged when the semiannual report is late, even if no fee is due for the reporting period.
12.35 Seed fee permits may be revoked for failure to comply with the applicable provisions of
12.36 this paragraph or the Minnesota seed law.

13.1 Sec. 19. Minnesota Statutes 2014, section 21.891, subdivision 5, is amended to read:

13.2 Subd. 5. **Brand name registration fee.** The fee is ~~\$25~~ \$50 for each variety
13.3 registered for sale by brand name.

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

13.5 **34A.11 EMBARGO, SEIZURE, AND CONDEMNATION.**

13.6 Subdivision 1. **Tag, notice, or withdrawal from distribution.** If the commissioner
13.7 finds probable cause to believe that any food, animal, or consumer commodity is being
13.8 distributed in violation of this chapter or rules under this chapter, or is adulterated or so
13.9 misbranded as to be dangerous or fraudulent, the commissioner shall affix to the food,
13.10 animal, equipment, facility, or consumer commodity a tag, withdrawal from distribution
13.11 order, or other appropriate marking giving notice that the food, animal, equipment,
13.12 facility, or consumer commodity is, or is suspected of being, adulterated, misbranded, or
13.13 distributed in violation of this chapter, and has been detained or embargoed, and warning
13.14 all persons not to remove or dispose of the food, animal, equipment, facility, or consumer
13.15 commodity by sale or otherwise until permission for removal or disposal is given by the
13.16 commissioner or the court. It is unlawful for a person to remove or dispose of a detained or
13.17 embargoed food, animal, equipment, food stored in a facility, or consumer commodity by
13.18 sale or otherwise without the commissioner's or a court's permission and each transaction
13.19 is a separate violation of this subdivision.

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

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

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

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

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

13.30 Subd. 3. **Action for condemnation.** If food ~~or an~~ article, equipment, or animal
13.31 detained or embargoed under subdivision 1 has been found by the commissioner to be
13.32 adulterated or misbranded or in violation of this chapter, the commissioner shall petition
13.33 the district court in the county in which the food, article, equipment, or animal is detained
13.34 or embargoed for an order and decree for the condemnation of the food, article, equipment,
13.35 or animal. The commissioner shall release the food, article, equipment, or animal when

14.1 this chapter and rules adopted under this chapter have been complied with or the food,
 14.2 article, equipment, or animal is found to be not adulterated or misbranded.

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

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

14.10 (2) if adulteration or misbranding can be corrected by proper labeling or processing of
 14.11 the food ~~or~~, animal, or repair of the equipment, the court, after entry of the decree and after
 14.12 costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that
 14.13 the food or animal must be properly labeled or processed or equipment properly repaired,
 14.14 has been executed, may by order direct that the food or animal be delivered to the claimant
 14.15 for proper labeling or processing or repairing of equipment under the supervision of the
 14.16 commissioner. The expense of the supervision must be paid by the claimant. The food ~~or~~,
 14.17 animal, or equipment must be returned to the claimant and the bond must be discharged on
 14.18 the representation to the court by the commissioner that the food ~~or~~, animal, or equipment
 14.19 is no longer in violation and that the expenses for the supervision have been paid.

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

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

14.35 Sec. 21. Minnesota Statutes 2014, section 232.22, subdivision 5, is amended to read:

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

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

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

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

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

15.23 Sec. 22. **REPEALER.**

15.24 Minnesota Statutes 2014, sections 18C.235, subdivision 2; and 41A.12, subdivision
15.25 4, are repealed.

APPENDIX
Repealed Minnesota Statutes: 15-0275

**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.

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

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