

1.1 ..... moves to amend H.F. No. 2200 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1  
1.4 AGRICULTURE

1.5 Section 1. AGRICULTURE APPROPRIATIONS.

1.6 The sums shown in the columns marked "Appropriations" are appropriated to the agencies  
1.7 and for the purposes specified in this act. The appropriations are from the general fund, or  
1.8 another named fund, and are available for the fiscal years indicated for each purpose. The  
1.9 figures "2020" and "2021" used in this act mean that the appropriations listed under them  
1.10 are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively. "The  
1.11 first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium" is  
1.12 fiscal years 2020 and 2021.

1.13 APPROPRIATIONS  
1.14 Available for the Year  
1.15 Ending June 30  
1.16 2020                      2021

1.17 Sec. 2. DEPARTMENT OF AGRICULTURE

1.18 Subdivision 1. Total Appropriation                      \$    56,154,000    \$    54,839,000

1.19                      Appropriations by Fund

1.20		<u>2020</u>	<u>2021</u>
1.21	<u>General</u>	<u>55,755,000</u>	<u>54,440,000</u>
1.22	<u>Remediation</u>	<u>399,000</u>	<u>399,000</u>

1.23 The amounts that may be spent for each  
1.24 purpose are specified in the following  
1.25 subdivisions.

2.1 Subd. 2. Protection Services2.2 Appropriations by Fund

2.3	<u>2020</u>	<u>2021</u>
2.4	<u>20,050,000</u>	<u>19,225,000</u>
2.5	<u>399,000</u>	<u>399,000</u>

2.6 (a) \$399,000 the first year and \$399,000 the  
 2.7 second year are from the remediation fund for  
 2.8 administrative funding for the voluntary  
 2.9 cleanup program.

2.10 (b) \$250,000 the first year and \$250,000 the  
 2.11 second year are for rapid detection,  
 2.12 identification, containment, control, and  
 2.13 management of high priority plant pests and  
 2.14 pathogens including emerald ash borer.

2.15 (c) \$375,000 the first year and \$375,000 the  
 2.16 second year are for transfer to the noxious  
 2.17 weed and invasive plant species assistance  
 2.18 account in the agricultural fund to award  
 2.19 grants to local units of government under  
 2.20 Minnesota Statutes, section 18.90, with  
 2.21 preference given to local units of government  
 2.22 responding to Palmer amaranth or other weeds  
 2.23 on the eradicate list.

2.24 (d) \$525,000 the first year and \$525,000 the  
 2.25 second year are additional funding for the  
 2.26 noxious weed and invasive plant program.

2.27 (e) \$300,000 the first year and \$300,000 the  
 2.28 second year are for industrial hemp  
 2.29 development.

2.30 (f) \$150,000 the first year and \$150,000 the  
 2.31 second year are for additional meat and poultry  
 2.32 inspection services.

2.33 (g) \$650,000 the first year and \$150,000 the  
 2.34 second year are to replace capital equipment

3.1 in the Department of Agriculture's analytical  
3.2 laboratory. The base for this appropriation is  
3.3 \$154,000 in fiscal year 2022 and \$154,000 in  
3.4 fiscal year 2023.

3.5 (h) \$300,000 the first year and \$300,000 the  
3.6 second year are for agricultural emergency  
3.7 preparedness and response.

3.8 (i) \$325,000 the first year is for transfer to the  
3.9 agricultural emergency account in the  
3.10 agricultural fund.

3.11 (j) \$175,000 the first year and \$175,000 the  
3.12 second year are for compensation for  
3.13 destroyed or crippled livestock under  
3.14 Minnesota Statutes, section 3.737. The first  
3.15 year appropriation may be spent to compensate  
3.16 for livestock that were destroyed or crippled  
3.17 during fiscal year 2019. If the amount in the  
3.18 first year is insufficient, the amount in the  
3.19 second year is available in the first year. The  
3.20 commissioner may use up to \$5,000 each year  
3.21 to reimburse expenses incurred by university  
3.22 extension educators to provide fair market  
3.23 values of destroyed or crippled livestock.

3.24 (k) \$155,000 the first year and \$155,000 the  
3.25 second year are for compensation for crop  
3.26 damage under Minnesota Statutes, section  
3.27 3.7371. If the amount in the first year is  
3.28 insufficient, the amount in the second year is  
3.29 available in the first year. The commissioner  
3.30 may use up to \$30,000 of the appropriation  
3.31 each year to reimburse expenses incurred by  
3.32 the commissioner or the commissioner's  
3.33 approved agent to investigate and resolve  
3.34 claims.

4.1 If the commissioner determines that claims  
 4.2 made under Minnesota Statutes, section 3.737  
 4.3 or 3.7371, are unusually high, amounts  
 4.4 appropriated for either program may be  
 4.5 transferred to the appropriation for the other  
 4.6 program.

4.7 **Subd. 3. Agricultural Marketing and**  
 4.8 **Development**

4,121,000

4,121,000

4.9 (a) \$200,000 the first year and \$200,000 the  
 4.10 second year are to expand domestic and  
 4.11 international marketing opportunities for  
 4.12 farmers and value-added processors, including  
 4.13 staffing to facilitate farm-to-school sales and  
 4.14 new markets for Minnesota-grown hemp.

4.15 (b) \$75,000 the first year and \$75,000 the  
 4.16 second year are for additional community  
 4.17 outreach on farm and rural mental health  
 4.18 services including the 24-hour hotline, service  
 4.19 availability, and mental health forums. Of this  
 4.20 appropriation, \$12,000 each year is to provide  
 4.21 professional development training for Farm  
 4.22 Business Management instructors in the  
 4.23 Minnesota State system. The base for this  
 4.24 appropriation is \$63,000 in fiscal year 2022  
 4.25 and \$63,000 in fiscal year 2023.

4.26 (c) \$186,000 the first year and \$186,000 the  
 4.27 second year are for transfer to the Minnesota  
 4.28 grown account and may be used as grants for  
 4.29 Minnesota grown promotion under Minnesota  
 4.30 Statutes, section 17.102. Grants may be made  
 4.31 for one year. Notwithstanding Minnesota  
 4.32 Statutes, section 16A.28, the appropriations  
 4.33 encumbered under contract on or before June  
 4.34 30, 2021, for Minnesota grown grants in this  
 4.35 paragraph are available until June 30, 2023.

5.1 (d) \$634,000 the first year and \$634,000 the  
5.2 second year are for continuation of the dairy  
5.3 development and profitability enhancement  
5.4 and dairy business planning grant programs  
5.5 established under Laws 1997, chapter 216,  
5.6 section 7, subdivision 2, and Laws 2001, First  
5.7 Special Session chapter 2, section 9,  
5.8 subdivision 2. The commissioner may allocate  
5.9 the available sums among permissible  
5.10 activities, including efforts to improve the  
5.11 quality of milk produced in the state, in the  
5.12 proportions that the commissioner deems most  
5.13 beneficial to Minnesota's dairy farmers. The  
5.14 commissioner must submit a detailed  
5.15 accomplishment report and a work plan  
5.16 detailing future plans for, and anticipated  
5.17 accomplishments from, expenditures under  
5.18 this program to the chairs and ranking minority  
5.19 members of the legislative committees and  
5.20 divisions with jurisdiction over agriculture  
5.21 policy and finance on or before the start of  
5.22 each fiscal year. If significant changes are  
5.23 made to the plans in the course of the year,  
5.24 the commissioner must notify the chairs and  
5.25 ranking minority members.

5.26 (e) The commissioner may use funds  
5.27 appropriated in this subdivision for annual  
5.28 cost-share payments to resident farmers or  
5.29 entities that sell, process, or package  
5.30 agricultural products in this state for the costs  
5.31 of organic certification. The commissioner  
5.32 may allocate these funds for assistance to  
5.33 persons transitioning from conventional to  
5.34 organic agriculture.

6.1	<b><u>Subd. 4. Agriculture, Bioenergy, and Bioproduct</u></b>		
6.2	<b><u>Advancement</u></b>	<u>23,900,000</u>	<u>23,575,000</u>
6.3	<u>(a) \$9,300,000 the first year and \$9,300,000</u>		
6.4	<u>the second year are for transfer to the</u>		
6.5	<u>agriculture research, education, extension, and</u>		
6.6	<u>technology transfer account under Minnesota</u>		
6.7	<u>Statutes, section 41A.14, subdivision 3. Of</u>		
6.8	<u>these amounts: at least \$600,000 the first year</u>		
6.9	<u>and \$600,000 the second year are for the</u>		
6.10	<u>Minnesota Agricultural Experiment Station's</u>		
6.11	<u>agriculture rapid response fund under</u>		
6.12	<u>Minnesota Statutes, section 41A.14,</u>		
6.13	<u>subdivision 1, clause (2); \$2,000,000 the first</u>		
6.14	<u>year and \$2,000,000 the second year are for</u>		
6.15	<u>grants to the Minnesota Agriculture Education</u>		
6.16	<u>Leadership Council to enhance agricultural</u>		
6.17	<u>education with priority given to Farm Business</u>		
6.18	<u>Management challenge grants; \$350,000 the</u>		
6.19	<u>first year and \$350,000 the second year are</u>		
6.20	<u>for potato breeding; and \$450,000 the first</u>		
6.21	<u>year and \$450,000 the second year are for the</u>		
6.22	<u>cultivated wild rice breeding project at the</u>		
6.23	<u>North Central Research and Outreach Center</u>		
6.24	<u>to include a tenure track/research associate</u>		
6.25	<u>plant breeder. The commissioner shall transfer</u>		
6.26	<u>the remaining funds in this appropriation each</u>		
6.27	<u>year to the Board of Regents of the University</u>		
6.28	<u>of Minnesota for purposes of Minnesota</u>		
6.29	<u>Statutes, section 41A.14. Of the amount</u>		
6.30	<u>transferred to the Board of Regents, up to</u>		
6.31	<u>\$2,500,000 each year is for research on avian</u>		
6.32	<u>influenza, African swine fever, and chronic</u>		
6.33	<u>wasting disease.</u>		
6.34	<u>To the extent practicable, money expended</u>		
6.35	<u>under Minnesota Statutes, section 41A.14,</u>		
6.36	<u>subdivision 1, clauses (1) and (2), must</u>		

7.1 supplement and not supplant existing sources  
7.2 and levels of funding. The commissioner may  
7.3 use up to one percent of this appropriation for  
7.4 costs incurred to administer the program.

7.5 (b) \$14,275,000 the first year and \$14,275,000  
7.6 the second year are for the agricultural growth,  
7.7 research, and innovation program in  
7.8 Minnesota Statutes, section 41A.12. Except  
7.9 as provided below, the commissioner may  
7.10 allocate the appropriation each year among  
7.11 the following areas: facilitating the start-up,  
7.12 modernization, or expansion of livestock  
7.13 operations including beginning and  
7.14 transitioning livestock operations; providing  
7.15 funding not to exceed \$450,000 each year to  
7.16 develop and enhance farm-to-school markets  
7.17 for Minnesota farmers by providing more  
7.18 fruits, vegetables, meat, grain, and dairy for  
7.19 Minnesota children in school and child care  
7.20 settings including by reimbursing schools for  
7.21 purchases from local farmers; assisting  
7.22 value-added agricultural businesses to begin  
7.23 or expand, access new markets, or diversify;  
7.24 providing funding not to exceed \$350,000  
7.25 each year for urban youth agricultural  
7.26 education or urban agriculture community  
7.27 development; providing funding not to exceed  
7.28 \$350,000 each year for the good food access  
7.29 program under Minnesota Statutes, section  
7.30 17.1017; facilitating the start-up,  
7.31 modernization, or expansion of other  
7.32 beginning and transitioning farms including  
7.33 by providing loans under Minnesota Statutes,  
7.34 section 41B.056; sustainable agriculture  
7.35 on-farm research and demonstration;  
7.36 development or expansion of food hubs and

8.1 other alternative community-based food  
8.2 distribution systems; enhancing renewable  
8.3 energy infrastructure and use; crop research;  
8.4 Farm Business Management tuition assistance;  
8.5 and good agricultural practices/good handling  
8.6 practices certification assistance. The  
8.7 commissioner may use up to 6.5 percent of  
8.8 this appropriation for costs incurred to  
8.9 administer the program.

8.10 Of the amount appropriated for the agricultural  
8.11 growth, research, and innovation program in  
8.12 Minnesota Statutes, section 41A.12:

8.13 (1) \$1,000,000 the first year and \$1,000,000  
8.14 the second year are for distribution in equal  
8.15 amounts to each of the state's county fairs to  
8.16 preserve and promote Minnesota agriculture;  
8.17 and

8.18 (2) \$1,500,000 the first year and \$1,500,000  
8.19 the second year are for incentive payments  
8.20 under Minnesota Statutes, sections 41A.16,  
8.21 41A.17, and 41A.18. Notwithstanding  
8.22 Minnesota Statutes, section 16A.28, the first  
8.23 year appropriation is available until June 30,  
8.24 2021, and the second year appropriation is  
8.25 available until June 30, 2022. If this  
8.26 appropriation exceeds the total amount for  
8.27 which all producers are eligible in a fiscal  
8.28 year, the balance of the appropriation is  
8.29 available for the agricultural growth, research,  
8.30 and innovation program.

8.31 The commissioner may use up to \$2,000,000  
8.32 per year of the funds appropriated under this  
8.33 subdivision to award value-added agriculture  
8.34 grants of between \$200,000 and \$1,000,000  
8.35 per grant for new or expanding agricultural

9.1 production, aquaponics, or processing facilities  
9.2 that provide significant economic impact to  
9.3 the region.

9.4 Notwithstanding Minnesota Statutes, section  
9.5 16A.28, any unencumbered balance does not  
9.6 cancel at the end of the first year and is  
9.7 available for the second year and  
9.8 appropriations encumbered under contract on  
9.9 or before June 30, 2021, for agricultural  
9.10 growth, research, and innovation grants are  
9.11 available until June 30, 2024.

9.12 (c) \$325,000 the first year is for grants to  
9.13 motor fuel wholesalers and retail motor fueling  
9.14 station operators to install the equipment  
9.15 necessary to store or dispense biofuels to the  
9.16 public to meet the biofuel requirement goals  
9.17 established under Minnesota Statutes, section  
9.18 239.7911. Motor fuel wholesalers are eligible  
9.19 for grant money under this paragraph for up  
9.20 to two storage sites if each site is located in  
9.21 Minnesota and stores, or uses tank systems to  
9.22 blend, motor fuel comprised of at least 15  
9.23 percent agriculturally derived, denatured  
9.24 ethanol by volume. A retail motor fueling  
9.25 station operator is eligible for grant money  
9.26 under this paragraph for up to and including  
9.27 15 retail motor fuel dispensing sites if each  
9.28 site is located in Minnesota and the grant  
9.29 money under this paragraph is used to modify  
9.30 or install storage and dispensing components  
9.31 that dispense gasoline blended with at least  
9.32 15 percent of agriculturally derived, denatured  
9.33 ethanol by volume for use in spark ignition  
9.34 engines. A grant award under this paragraph  
9.35 must not exceed 90 percent of the cost of the

10.1 installation project. The commissioner must  
 10.2 coordinate with stakeholders to establish grant  
 10.3 criteria and distribute grants in a manner to  
 10.4 more fully attain the requirements in  
 10.5 Minnesota Statutes, section 239.7911. Of this  
 10.6 appropriation, up to \$50,000 is for grants to  
 10.7 create greater awareness among motorists of  
 10.8 the availability of motor fuel comprised of 15  
 10.9 percent agriculturally derived, denatured  
 10.10 ethanol by volume for use in spark ignition  
 10.11 engines. Notwithstanding Minnesota Statutes,  
 10.12 section 16A.28, the appropriation in this  
 10.13 paragraph is available until June 30, 2023. The  
 10.14 commissioner must report to the legislative  
 10.15 committees and divisions with jurisdiction  
 10.16 over agriculture policy and finance by  
 10.17 February 1 of each year in which funds are  
 10.18 available, detailing the number of grants  
 10.19 awarded and the projected effect of the grant  
 10.20 program on meeting the biofuel replacement  
 10.21 goals under Minnesota Statutes, section  
 10.22 239.7911.

10.23 **Subd. 5. Administration and Financial**  
 10.24 **Assistance**

7,684,000

7,519,000

10.25 (a) \$25,000 the first year and \$25,000 the  
 10.26 second year are for grants to the Southern  
 10.27 Minnesota Initiative Foundation to promote  
 10.28 local foods through an annual event that raises  
 10.29 public awareness of local foods and connects  
 10.30 local food producers and processors with  
 10.31 potential buyers.  
 10.32 (b) \$75,000 the first year is for a grant to  
 10.33 Greater Mankato Growth, Inc. for assistance  
 10.34 to agricultural-related businesses to promote  
 10.35 jobs, innovation, and synergy development.

- 11.1 (c) \$25,000 the first year and \$25,000 the  
11.2 second year are for grants to a nonprofit  
11.3 organization to provide a legal assistance  
11.4 hotline for farmers. These are onetime  
11.5 appropriations.
- 11.6 (d) \$474,000 the first year and \$474,000 the  
11.7 second year are for payments to county and  
11.8 district agricultural societies and associations  
11.9 under Minnesota Statutes, section 38.02,  
11.10 subdivision 1. Aid payments to county and  
11.11 district agricultural societies and associations  
11.12 shall be disbursed no later than July 15 of each  
11.13 year. These payments are the amount of aid  
11.14 from the state for an annual fair held in the  
11.15 previous calendar year.
- 11.16 (e) \$1,000 the first year and \$1,000 the second  
11.17 year are for grants to the Minnesota State  
11.18 Poultry Association.
- 11.19 (f) \$18,000 the first year and \$18,000 the  
11.20 second year are for grants to the Minnesota  
11.21 Livestock Breeders Association.
- 11.22 (g) \$47,000 the first year and \$47,000 the  
11.23 second year are for the Northern Crops  
11.24 Institute. These appropriations may be spent  
11.25 to purchase equipment.
- 11.26 (h) \$267,000 the first year and \$267,000 the  
11.27 second year are for farm advocate services.
- 11.28 (i) \$17,000 the first year and \$17,000 the  
11.29 second year are for grants to the Minnesota  
11.30 Horticultural Society.
- 11.31 (j) \$250,000 the first year and \$250,000 the  
11.32 second year are for transfer to the Board of  
11.33 Trustees of the Minnesota State Colleges and  
11.34 Universities for statewide mental health

- 12.1 counseling support to farm families and  
12.2 business operators through the Minnesota State  
12.3 Agricultural Centers of Excellence. South  
12.4 Central College and Central Lakes College  
12.5 shall serve as the fiscal agents.
- 12.6 (k) \$1,700,000 the first year and \$1,700,000  
12.7 the second year are for grants to Second  
12.8 Harvest Heartland on behalf of Minnesota's  
12.9 six Feeding America food banks for the  
12.10 following:
- 12.11 (1) to purchase milk for distribution to  
12.12 Minnesota's food shelves and other charitable  
12.13 organizations that are eligible to receive food  
12.14 from the food banks. Milk purchased under  
12.15 the grants must be acquired from Minnesota  
12.16 milk processors and based on low-cost bids.  
12.17 The milk must be allocated to each Feeding  
12.18 America food bank serving Minnesota  
12.19 according to the formula used in the  
12.20 distribution of United States Department of  
12.21 Agriculture commodities under The  
12.22 Emergency Food Assistance Program. Second  
12.23 Harvest Heartland may enter into contracts or  
12.24 agreements with food banks for shared funding  
12.25 or reimbursement of the direct purchase of  
12.26 milk. Each food bank that receives funding  
12.27 under this clause may use up to two percent  
12.28 for administrative expenses; and
- 12.29 (2) to compensate agricultural producers and  
12.30 processors for costs incurred to harvest and  
12.31 package for transfer surplus fruits, vegetables,  
12.32 and other agricultural commodities that would  
12.33 otherwise go unharvested, be discarded, or  
12.34 sold in a secondary market. Surplus  
12.35 commodities must be distributed statewide to

13.1 food shelves and other charitable organizations  
13.2 that are eligible to receive food from the food  
13.3 banks. Surplus food acquired under this clause  
13.4 must be from Minnesota producers and  
13.5 processors. Second Harvest Heartland may  
13.6 use up to 15 percent of each grant awarded  
13.7 under this clause to match administrative and  
13.8 transportation expenses.

13.9 Of the amount appropriated under this  
13.10 paragraph, at least \$600,000 each year must  
13.11 be allocated under clause (1). Notwithstanding  
13.12 Minnesota Statutes, section 16A.28, any  
13.13 unencumbered balance the first year does not  
13.14 cancel and is available in the second year.

13.15 Second Harvest Heartland must submit  
13.16 quarterly reports to the commissioner in the  
13.17 form prescribed by the commissioner. The  
13.18 reports must include but are not limited to  
13.19 information on the expenditure of funds, the  
13.20 amount of milk or other commodities  
13.21 purchased, and the organizations to which this  
13.22 food was distributed. The base for this  
13.23 appropriation is \$1,650,000 in fiscal year 2022  
13.24 and \$1,650,000 in fiscal year 2023.

13.25 (l) \$200,000 the first year and \$150,000 the  
13.26 second year are for grants to the Center for  
13.27 Rural Policy and Development. \$50,000 the  
13.28 first year is for the study required under  
13.29 section 22 and notwithstanding Minnesota  
13.30 Statutes, section 16A.28, is available until June  
13.31 30, 2021.

13.32 (m) \$275,000 the first year and \$235,000 the  
13.33 second year are for grants to the Minnesota  
13.34 Agricultural Education and Leadership  
13.35 Council for programs of the council under

14.1 Minnesota Statutes, chapter 41D. Of the first  
 14.2 year appropriation, \$40,000 is to facilitate  
 14.3 development of a farm transitions curriculum.  
 14.4 Notwithstanding Minnesota Statutes, section  
 14.5 16A.28, the first year appropriation is  
 14.6 available until June 30, 2021.

14.7 **Sec. 3. BOARD OF ANIMAL HEALTH**                    **\$**            **5,757,000** **\$**            **6,077,000**

14.8 (a) \$30,000 the first year and \$350,000 the  
 14.9 second year are to improve oversight of  
 14.10 farmed Cervidae.

14.11 (b) \$250,000 the first year and \$250,000 the  
 14.12 second year are for agricultural emergency  
 14.13 preparedness and response.

14.14 (c) \$6,000 the first year and \$6,000 the second  
 14.15 year are from the Cervidae inspection account  
 14.16 in the special revenue fund to develop  
 14.17 electronic forms to better track farmed  
 14.18 Cervidae movement and record keeping. These  
 14.19 are onetime appropriations.

14.20 **Sec. 4. AGRICULTURAL UTILIZATION**  
 14.21 **RESEARCH INSTITUTE**                    **\$**            **3,897,000** **\$**            **3,900,000**

14.22 \$104,000 the first year and \$107,000 the  
 14.23 second year are to maintain the current level  
 14.24 of service delivery.

14.25 Sec. 5. Minnesota Statutes 2018, section 18B.07, subdivision 2, is amended to read:

14.26 Subd. 2. **Prohibited pesticide use.** (a) A person may not use, store, handle, distribute,  
 14.27 or dispose of a pesticide, rinsate, pesticide container, or pesticide application equipment in  
 14.28 a manner:

14.29 (1) that is inconsistent with a label or labeling as defined by FIFRA;

14.30 (2) that endangers humans, damages agricultural products, food, livestock, fish, or  
 14.31 wildlife; or

14.32 (3) that will cause unreasonable adverse effects on the environment.

15.1 (b) A person may not direct a pesticide onto property beyond the boundaries of the target  
15.2 site. A person may not apply a pesticide resulting in damage to adjacent property. A person  
15.3 who applies a pesticide resulting in damage to adjacent property that is part of the state  
15.4 outdoor recreation system is subject to enhanced monetary penalties as provided in section  
15.5 18D.40.

15.6 (c) A person may not directly apply a pesticide on a human by overspray or target site  
15.7 spray, except when:

15.8 (1) the pesticide is intended for use on a human;

15.9 (2) the pesticide application is for mosquito control operations;

15.10 (3) the pesticide application is for control of gypsy moth, forest tent caterpillar, or other  
15.11 pest species, as determined by the commissioner, and the pesticide used is a biological  
15.12 agent; or

15.13 (4) the pesticide application is for a public health risk, as determined by the commissioner  
15.14 of health, and the commissioner of health, in consultation with the commissioner of  
15.15 agriculture, determines that the application is warranted based on the commissioner's  
15.16 balancing of the public health risk with the risk that the pesticide application poses to the  
15.17 health of the general population, with special attention to the health of children.

15.18 (d) For pesticide applications under paragraph (c), clause (2), the following conditions  
15.19 apply:

15.20 (1) no practicable and effective alternative method of control exists;

15.21 (2) the pesticide is among the least toxic available for control of the target pest; and

15.22 (3) notification to residents in the area to be treated is provided at least 24 hours before  
15.23 application through direct notification, posting daily on the treating organization's website,  
15.24 if any, and by sending a broadcast e-mail to those persons who request notification of such,  
15.25 of those areas to be treated by adult mosquito control techniques during the next calendar  
15.26 day. For control operations related to human disease, notice under this paragraph may be  
15.27 given less than 24 hours in advance.

15.28 (e) For pesticide applications under paragraph (c), clauses (3) and (4), the following  
15.29 conditions apply:

15.30 (1) no practicable and effective alternative method of control exists;

15.31 (2) the pesticide is among the least toxic available for control of the target pest; and

16.1 (3) notification of residents in the area to be treated is provided by direct notification  
16.2 and through publication in a newspaper of general circulation within the affected area.

16.3 (f) For purposes of this subdivision, "direct notification" may include mailings, public  
16.4 meetings, posted placards, neighborhood newsletters, or other means of contact designed  
16.5 to reach as many residents as possible. Public meetings held to meet this requirement for  
16.6 adult mosquito control, under paragraph (d), must be held within each city or town where  
16.7 the pesticide treatments are to be made, at a time and location that is convenient for residents  
16.8 of the area where the treatments will occur.

16.9 (g) A person may not apply a pesticide in a manner so as to expose a worker in an  
16.10 immediately adjacent, open field.

16.11 (h) Notwithstanding that the application is done in a manner consistent with the label  
16.12 or labeling, it is a violation of this chapter to directly apply a pesticide to a site where an  
16.13 application has not been: (1) requested, ordered, contracted for, or permitted; or (2) performed  
16.14 pursuant to paragraph (c), clause (2), (3), or (4).

16.15 Sec. 6. Minnesota Statutes 2018, section 18B.34, subdivision 5, is amended to read:

16.16 Subd. 5. **Fees.** (a) Except as provided under paragraph (b), a person initially applying  
16.17 for or renewing a noncommercial applicator license must pay a nonrefundable application  
16.18 fee of \$50, except an applicant who is a government or Conservation Corps Minnesota  
16.19 employee who uses pesticides in the course of performing official duties must pay a  
16.20 nonrefundable application fee of \$10.

16.21 (b) A government employee, a contractor providing rest area custodial services for the  
16.22 commissioner of transportation, or a Conservation Corps Minnesota employee is eligible  
16.23 for a reduced fee of \$10 if the employee or contractor uses pesticides in the course of  
16.24 performing official duties.

16.25 ~~(b)~~ (c) A license renewal application received after March 1 in the year for which the  
16.26 license is to be issued is subject to a penalty fee of 50 percent of the application fee. The  
16.27 penalty fee must be paid before the renewal license may be issued.

16.28 ~~(c)~~ (d) An application for a duplicate noncommercial applicator license must be  
16.29 accompanied by a nonrefundable application fee of \$10.

17.1 Sec. 7. Minnesota Statutes 2018, section 18C.425, subdivision 6, is amended to read:

17.2 Subd. 6. **Payment of inspection fee.** (a) The person who registers and distributes in the  
17.3 state a specialty fertilizer, soil amendment, or plant amendment under section 18C.411 shall  
17.4 pay the inspection fee to the commissioner.

17.5 (b) The person licensed under section 18C.415 who distributes a fertilizer to a person  
17.6 not required to be so licensed shall pay the inspection fee to the commissioner, except as  
17.7 exempted under section 18C.421, subdivision 1, paragraph (b).

17.8 (c) The person responsible for payment of the inspection fees for fertilizers, soil  
17.9 amendments, or plant amendments sold and used in this state must pay an inspection fee of  
17.10 39 cents per ton, and until June 30, ~~2019~~ 2024, an additional 40 cents per ton, of fertilizer,  
17.11 soil amendment, and plant amendment sold or distributed in this state, with a minimum of  
17.12 \$10 on all tonnage reports. Notwithstanding section 18C.131, the commissioner must deposit  
17.13 all revenue from the additional 40 cents per ton fee in the agricultural fertilizer research and  
17.14 education account in section 18C.80. Products sold or distributed to manufacturers or  
17.15 exchanged between them are exempt from the inspection fee imposed by this subdivision  
17.16 if the products are used exclusively for manufacturing purposes.

17.17 (d) A registrant or licensee must retain invoices showing proof of fertilizer, plant  
17.18 amendment, or soil amendment distribution amounts and inspection fees paid for a period  
17.19 of three years.

17.20 Sec. 8. Minnesota Statutes 2018, section 18C.70, subdivision 5, is amended to read:

17.21 Subd. 5. **Expiration.** This section expires June 30, ~~2020~~ 2025.

17.22 Sec. 9. Minnesota Statutes 2018, section 18C.71, subdivision 1, is amended to read:

17.23 Subdivision 1. **Eligible projects.** Eligible project activities include research, education,  
17.24 and technology transfer related to the production and application of fertilizer, soil  
17.25 amendments, and other plant amendments. Chosen projects must contain a component of  
17.26 outreach that achieves a timely dissemination of findings and their applicability to the  
17.27 production agricultural community or metropolitan fertilizer users.

17.28 Sec. 10. Minnesota Statutes 2018, section 18C.71, subdivision 2, is amended to read:

17.29 Subd. 2. **Awarding grants.** Applications for program grants must be submitted in the  
17.30 form prescribed by the Minnesota Agricultural Fertilizer Research and Education Council.  
17.31 Applications must be submitted on or before the deadline prescribed by the council. All

18.1 applications are subject to a thorough in-state review by a peer committee established and  
18.2 approved by the council. Each project meeting the basic qualifications is subject to a yes  
18.3 or no vote by each council member. Projects chosen to receive funding must achieve an  
18.4 affirmative vote from at least eight of the 12 council members or two-thirds of voting  
18.5 members present. Projects awarded program funds must submit an annual progress report  
18.6 in the form prescribed by the council. Up to ten percent of the grant dollars awarded each  
18.7 cycle may be for projects that concern fertilizer use in metropolitan areas.

18.8 Sec. 11. Minnesota Statutes 2018, section 18C.71, subdivision 4, is amended to read:

18.9 Subd. 4. **Expiration.** This section expires June 30, ~~2020~~ 2025.

18.10 Sec. 12. Minnesota Statutes 2018, section 18C.80, subdivision 2, is amended to read:

18.11 Subd. 2. **Expiration.** This section expires June 30, ~~2020~~ 2025.

18.12 Sec. 13. **[18D.40] ENHANCED PENALTIES; OUTDOOR RECREATION LANDS.**

18.13 Notwithstanding limitations placed on administrative or civil penalty amounts under  
18.14 sections 18D.315 and 18D.325, a person who applies a pesticide resulting in damage to  
18.15 adjacent land that is part of the state outdoor recreation system is subject to a monetary  
18.16 penalty equal to twice the amount that the commissioner would otherwise assess for a  
18.17 comparable violation.

18.18 Sec. 14. Minnesota Statutes 2018, section 18H.14, is amended to read:

18.19 **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

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

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

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

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

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

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

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

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

19.13 ~~(2) a concentration in its flowers greater than the no-observed adverse effect level of a~~  
 19.14 ~~systemic insecticide.~~

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

19.16 (f) For the purposes of paragraph (e):<sub>2</sub>

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

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

19.21 Sec. 15. Minnesota Statutes 2018, section 18K.02, subdivision 3, is amended to read:

19.22 Subd. 3. **Industrial hemp.** "Industrial hemp" means the plant *Cannabis sativa* L. and  
 19.23 any part of the plant, whether growing or not, including the plant's seeds, and all the plant's  
 19.24 derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether  
 19.25 growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3  
 19.26 percent on a dry weight basis. Industrial hemp is not marijuana as defined in section 152.01,  
 19.27 subdivision 9.

20.1 Sec. 16. Minnesota Statutes 2018, section 18K.03, is amended to read:

20.2 **18K.03 AGRICULTURAL CROP; POSSESSION AUTHORIZED.**

20.3 Industrial hemp is an agricultural crop in this state. A person may possess, transport,  
20.4 process, sell, or buy industrial hemp that is grown pursuant to this chapter or lawfully grown  
20.5 in another state.

20.6 Sec. 17. Minnesota Statutes 2018, section 28A.16, is amended to read:

20.7 **28A.16 PERSONS SELLING LIQUOR.**

20.8 (a) The provisions of the Minnesota consolidated food licensing law, sections 28A.01  
20.9 to 28A.16 and acts amendatory thereto, shall not apply to persons licensed to sell 3.2 percent  
20.10 malt liquor "on-sale" as provided in section 340A.403, or to persons licensed to sell  
20.11 intoxicating liquors "on-sale" or "off-sale" as provided in sections 340A.404 to 340A.407,  
20.12 provided that these persons sell only ice manufactured and packaged by another, or bottled  
20.13 or canned soft drinks and prepacked candy at retail.

20.14 (b) When an exclusive liquor store is not exempt under paragraph (a), the commissioner  
20.15 must exclude all gross sales of off-sale alcoholic beverages when determining the applicable  
20.16 license fee under section 28A.08, subdivision 3. For purposes of this paragraph, "exclusive  
20.17 liquor store" and "alcoholic beverage" have the meanings given in section 340A.101.

20.18 Sec. 18. Laws 2015, First Special Session chapter 4, article 1, section 2, subdivision 4, as  
20.19 amended by Laws 2016, chapter 184, section 11, Laws 2016, chapter 189, article 2, section  
20.20 26, and Laws 2017, chapter 88, article 1, section 5, is amended to read:

20.21 **Subd. 4. Agriculture, Bioenergy, and Bioproduct**  
20.22 **Advancement**

14,993,000

18,316,000

20.23 \$4,483,000 the first year and \$8,500,000 the  
20.24 second year are for transfer to the agriculture  
20.25 research, education, extension, and technology  
20.26 transfer account under Minnesota Statutes,  
20.27 section 41A.14, subdivision 3. The transfer in  
20.28 this paragraph includes money for plant  
20.29 breeders at the University of Minnesota for  
20.30 wild rice, potatoes, and grapes. Of these  
20.31 amounts, at least \$600,000 each year is for the  
20.32 Minnesota Agricultural Experiment Station's  
20.33 Agriculture Rapid Response Fund under

21.1 Minnesota Statutes, section 41A.14,  
21.2 subdivision 1, clause (2). Of the amount  
21.3 appropriated in this paragraph, \$1,000,000  
21.4 each year is for transfer to the Board of  
21.5 Regents of the University of Minnesota for  
21.6 research to determine (1) what is causing avian  
21.7 influenza, (2) why some fowl are more  
21.8 susceptible, and (3) prevention measures that  
21.9 can be taken. Of the amount appropriated in  
21.10 this paragraph, \$2,000,000 each year is for  
21.11 grants to the Minnesota Agriculture Education  
21.12 Leadership Council to enhance agricultural  
21.13 education with priority given to Farm Business  
21.14 Management challenge grants. The  
21.15 commissioner shall transfer the remaining  
21.16 grant funds in this appropriation each year to  
21.17 the Board of Regents of the University of  
21.18 Minnesota for purposes of Minnesota Statutes,  
21.19 section 41A.14.

21.20 To the extent practicable, funds expended  
21.21 under Minnesota Statutes, section 41A.14,  
21.22 subdivision 1, clauses (1) and (2), must  
21.23 supplement and not supplant existing sources  
21.24 and levels of funding. The commissioner may  
21.25 use up to 4.5 percent of this appropriation for  
21.26 costs incurred to administer the program. Any  
21.27 unencumbered balance does not cancel at the  
21.28 end of the first year and is available for the  
21.29 second year.

21.30 \$10,235,000 the first year and \$9,541,000 the  
21.31 second year are for the agricultural growth,  
21.32 research, and innovation program in  
21.33 Minnesota Statutes, section 41A.12. No later  
21.34 than February 1, 2016, and February 1, 2017,  
21.35 the commissioner must report to the legislative

22.1 committees with jurisdiction over agriculture  
22.2 policy and finance regarding the  
22.3 commissioner's accomplishments and  
22.4 anticipated accomplishments in the following  
22.5 areas: facilitating the start-up, modernization,  
22.6 or expansion of livestock operations including  
22.7 beginning and transitioning livestock  
22.8 operations; developing new markets for  
22.9 Minnesota farmers by providing more fruits,  
22.10 vegetables, meat, grain, and dairy for  
22.11 Minnesota school children; assisting  
22.12 value-added agricultural businesses to begin  
22.13 or expand, access new markets, or diversify  
22.14 products; developing urban agriculture;  
22.15 facilitating the start-up, modernization, or  
22.16 expansion of other beginning and transitioning  
22.17 farms including loans under Minnesota  
22.18 Statutes, section 41B.056; sustainable  
22.19 agriculture on farm research and  
22.20 demonstration; development or expansion of  
22.21 food hubs and other alternative  
22.22 community-based food distribution systems;  
22.23 incentive payments under Minnesota Statutes,  
22.24 sections 41A.16, 41A.17, and 41A.18; and  
22.25 research on bioenergy, biobased content, or  
22.26 biobased formulated products and other  
22.27 renewable energy development. The  
22.28 commissioner may use up to 4.5 percent of  
22.29 this appropriation for costs incurred to  
22.30 administer the program. Any unencumbered  
22.31 balance does not cancel at the end of the first  
22.32 year and is available for the second year.  
22.33 Notwithstanding Minnesota Statutes, section  
22.34 16A.28, the appropriations encumbered under  
22.35 contract on or before June 30, 2017, for

23.1 agricultural growth, research, and innovation  
23.2 grants are available until June 30, ~~2019~~ 2020.

23.3 The commissioner may use funds appropriated  
23.4 for the agricultural growth, research, and  
23.5 innovation program as provided in this  
23.6 paragraph. The commissioner may award  
23.7 grants to owners of Minnesota facilities  
23.8 producing bioenergy, biobased content, or a  
23.9 biobased formulated product; to organizations  
23.10 that provide for on-station, on-farm field scale  
23.11 research and outreach to develop and test the  
23.12 agronomic and economic requirements of  
23.13 diverse strands of prairie plants and other  
23.14 perennials for bioenergy systems; or to certain  
23.15 nongovernmental entities. For the purposes of  
23.16 this paragraph, "bioenergy" includes  
23.17 transportation fuels derived from cellulosic  
23.18 material, as well as the generation of energy  
23.19 for commercial heat, industrial process heat,  
23.20 or electrical power from cellulosic materials  
23.21 via gasification or other processes. Grants are  
23.22 limited to 50 percent of the cost of research,  
23.23 technical assistance, or equipment related to  
23.24 bioenergy, biobased content, or biobased  
23.25 formulated product production or \$500,000,  
23.26 whichever is less. Grants to nongovernmental  
23.27 entities for the development of business plans  
23.28 and structures related to community ownership  
23.29 of eligible bioenergy facilities together may  
23.30 not exceed \$150,000. The commissioner shall  
23.31 make a good-faith effort to select projects that  
23.32 have merit and, when taken together, represent  
23.33 a variety of bioenergy technologies, biomass  
23.34 feedstocks, and geographic regions of the  
23.35 state. Projects must have a qualified engineer  
23.36 provide certification on the technology and

24.1 fuel source. Grantees must provide reports at  
24.2 the request of the commissioner.

24.3 Of the amount appropriated for the agricultural  
24.4 growth, research, and innovation program in  
24.5 this subdivision, \$1,000,000 the first year and  
24.6 \$1,000,000 the second year are for distribution  
24.7 in equal amounts to each of the state's county  
24.8 fairs to preserve and promote Minnesota  
24.9 agriculture.

24.10 Of the amount appropriated for the agricultural  
24.11 growth, research, and innovation program in  
24.12 this subdivision, \$500,000 in fiscal year 2016  
24.13 and \$806,000 in fiscal year 2017 are for  
24.14 incentive payments under Minnesota Statutes,  
24.15 sections 41A.16, 41A.17, and 41A.18. If the  
24.16 appropriation exceeds the total amount for  
24.17 which all producers are eligible in a fiscal  
24.18 year, the balance of the appropriation is  
24.19 available to the commissioner for the  
24.20 agricultural growth, research, and innovation  
24.21 program. Notwithstanding Minnesota Statutes,  
24.22 section 16A.28, the first year appropriation is  
24.23 available until June 30, 2017, and the second  
24.24 year appropriation is available until June 30,  
24.25 2018. The commissioner may use up to 4.5  
24.26 percent of the appropriation for administration  
24.27 of the incentive payment programs.

24.28 Of the amount appropriated for the agricultural  
24.29 growth, research, and innovation program in  
24.30 this subdivision, \$250,000 the first year is for  
24.31 grants to communities to develop or expand  
24.32 food hubs and other alternative  
24.33 community-based food distribution systems.

24.34 Of this amount, \$50,000 is for the  
24.35 commissioner to consult with existing food

25.1 hubs, alternative community-based food  
25.2 distribution systems, and University of  
25.3 Minnesota Extension to identify best practices  
25.4 for use by other Minnesota communities. No  
25.5 later than December 15, 2015, the  
25.6 commissioner must report to the legislative  
25.7 committees with jurisdiction over agriculture  
25.8 and health regarding the status of emerging  
25.9 alternative community-based food distribution  
25.10 systems in the state along with  
25.11 recommendations to eliminate any barriers to  
25.12 success. Any unencumbered balance does not  
25.13 cancel at the end of the first year and is  
25.14 available for the second year. This is a onetime  
25.15 appropriation.

25.16 \$250,000 the first year and \$250,000 the  
25.17 second year are for grants that enable retail  
25.18 petroleum dispensers to dispense biofuels to  
25.19 the public in accordance with the biofuel  
25.20 replacement goals established under  
25.21 Minnesota Statutes, section 239.7911. A retail  
25.22 petroleum dispenser selling petroleum for use  
25.23 in spark ignition engines for vehicle model  
25.24 years after 2000 is eligible for grant money  
25.25 under this paragraph if the retail petroleum  
25.26 dispenser has no more than 15 retail petroleum  
25.27 dispensing sites and each site is located in  
25.28 Minnesota. The grant money received under  
25.29 this paragraph must be used for the installation  
25.30 of appropriate technology that uses fuel  
25.31 dispensing equipment appropriate for at least  
25.32 one fuel dispensing site to dispense gasoline  
25.33 that is blended with 15 percent of  
25.34 agriculturally derived, denatured ethanol, by  
25.35 volume, and appropriate technical assistance  
25.36 related to the installation. A grant award must

26.1 not exceed 85 percent of the cost of the  
 26.2 technical assistance and appropriate  
 26.3 technology, including remetering of and  
 26.4 retrofits for retail petroleum dispensers and  
 26.5 replacement of petroleum dispenser projects.  
 26.6 The commissioner may use up to \$35,000 of  
 26.7 this appropriation for administrative expenses.  
 26.8 The commissioner shall cooperate with biofuel  
 26.9 stakeholders in the implementation of the grant  
 26.10 program. The commissioner must report to  
 26.11 the legislative committees with jurisdiction  
 26.12 over agriculture policy and finance by  
 26.13 February 1 each year, detailing the number of  
 26.14 grants awarded under this paragraph and the  
 26.15 projected effect of the grant program on  
 26.16 meeting the biofuel replacement goals under  
 26.17 Minnesota Statutes, section 239.7911. These  
 26.18 are onetime appropriations.  
 26.19 \$25,000 the first year and \$25,000 the second  
 26.20 year are for grants to the Southern Minnesota  
 26.21 Initiative Foundation to promote local foods  
 26.22 through an annual event that raises public  
 26.23 awareness of local foods and connects local  
 26.24 food producers and processors with potential  
 26.25 buyers.

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

26.27 Sec. 19. Laws 2017, chapter 88, article 1, section 2, subdivision 2, is amended to read:

26.28 Subd. 2. **Protection Services** 17,821,000 17,825,000

26.29	Appropriations by Fund	
26.30	2018	2019
26.31	General	17,428,000 17,428,000
26.32	Remediation	393,000 397,000

26.33 (a) \$25,000 the first year and \$25,000 the  
 26.34 second year are to develop and maintain

27.1 cottage food license exemption outreach and  
27.2 training materials.

27.3 (b) \$75,000 the first year and \$75,000 the  
27.4 second year are to coordinate the correctional  
27.5 facility vocational training program and to  
27.6 assist entities that have explored the feasibility  
27.7 of establishing a USDA-certified or state  
27.8 "equal to" food processing facility within 30  
27.9 miles of the Northeast Regional Corrections  
27.10 Center.

27.11 (c) \$125,000 the first year and \$125,000 the  
27.12 second year are for additional funding for the  
27.13 noxious weed and invasive plant program.  
27.14 These are onetime appropriations.

27.15 (d) \$250,000 the first year and \$250,000 the  
27.16 second year are for transfer to the pollinator  
27.17 habitat and research account in the agricultural  
27.18 fund. These are onetime transfers.

27.19 (e) \$393,000 the first year and \$397,000 the  
27.20 second year are from the remediation fund for  
27.21 administrative funding for the voluntary  
27.22 cleanup program.

27.23 (f) \$200,000 the first year and \$200,000 the  
27.24 second year are for the industrial hemp pilot  
27.25 program under Minnesota Statutes, section  
27.26 18K.09. These are onetime appropriations.

27.27 (g) \$175,000 the first year and \$175,000 the  
27.28 second year are for compensation for  
27.29 destroyed or crippled livestock under  
27.30 Minnesota Statutes, section 3.737. This  
27.31 appropriation may be spent to compensate for  
27.32 livestock that were destroyed or crippled  
27.33 during fiscal year 2017. If the amount in the  
27.34 first year is insufficient, the amount in the

28.1 second year is available in the first year. The  
28.2 commissioner may use up to \$5,000 of this  
28.3 appropriation the second year to reimburse  
28.4 expenses incurred by university extension  
28.5 agents to provide fair market values of  
28.6 destroyed or crippled livestock.

28.7 (h) \$155,000 the first year and \$155,000 the  
28.8 second year are for compensation for crop  
28.9 damage under Minnesota Statutes, section  
28.10 3.7371. If the amount in the first year is  
28.11 insufficient, the amount in the second year is  
28.12 available in the first year. The commissioner  
28.13 may use up to \$30,000 of the appropriation  
28.14 each year to reimburse expenses incurred by  
28.15 the commissioner or the commissioner's  
28.16 approved agent to investigate and resolve  
28.17 claims.

28.18 If the commissioner determines that claims  
28.19 made under Minnesota Statutes, section 3.737  
28.20 or 3.7371, are unusually high, amounts  
28.21 appropriated for either program may be  
28.22 transferred to the appropriation for the other  
28.23 program.

28.24 (i) \$250,000 the first year and \$250,000 the  
28.25 second year are to expand current capabilities  
28.26 for rapid detection, identification, containment,  
28.27 control, and management of high priority plant  
28.28 pests and pathogens. These are onetime  
28.29 appropriations.

28.30 (j) \$300,000 the first year and \$300,000 the  
28.31 second year are for transfer to the noxious  
28.32 weed and invasive plant species assistance  
28.33 account in the agricultural fund to award  
28.34 grants to local units of government under  
28.35 Minnesota Statutes, section 18.90, with

29.1 preference given to local units of government  
 29.2 responding to Palmer amaranth or other weeds  
 29.3 on the eradicate list. These are onetime  
 29.4 transfers.

29.5 (k) \$120,000 the first year and \$120,000 the  
 29.6 second year are for wolf-livestock conflict  
 29.7 prevention grants under article 2, section 89.

29.8 The commissioner must submit a report to the  
 29.9 chairs and ranking minority members of the  
 29.10 legislative committees with jurisdiction over  
 29.11 agriculture policy and finance by January 15,  
 29.12 2020, on the outcomes of the wolf-livestock  
 29.13 conflict prevention grants and whether  
 29.14 livestock compensation claims were reduced  
 29.15 in the areas that grants were awarded. These  
 29.16 are onetime appropriations.

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

29.18 Sec. 20. Laws 2017, chapter 88, article 1, section 2, subdivision 4, is amended to read:

29.19 **Subd. 4. Agriculture, Bioenergy, and Bioproduct**  
 29.20 **Advancement**

22,581,000

22,636,000

29.21 (a) \$9,300,000 the first year and \$9,300,000  
 29.22 the second year are for transfer to the  
 29.23 agriculture research, education, extension, and  
 29.24 technology transfer account under Minnesota  
 29.25 Statutes, section 41A.14, subdivision 3. Of  
 29.26 these amounts: at least \$600,000 the first year  
 29.27 and \$600,000 the second year are for the  
 29.28 Minnesota Agricultural Experiment Station's  
 29.29 agriculture rapid response fund under  
 29.30 Minnesota Statutes, section 41A.14,  
 29.31 subdivision 1, clause (2); \$2,000,000 the first  
 29.32 year and \$2,000,000 the second year are for  
 29.33 grants to the Minnesota Agriculture Education  
 29.34 Leadership Council to enhance agricultural

30.1 education with priority given to Farm Business  
30.2 Management challenge grants; \$350,000 the  
30.3 first year and \$350,000 the second year are  
30.4 for potato breeding; and \$450,000 the first  
30.5 year and \$450,000 the second year are for the  
30.6 cultivated wild rice breeding project at the  
30.7 North Central Research and Outreach Center  
30.8 to include a tenure track/research associate  
30.9 plant breeder. The commissioner shall transfer  
30.10 the remaining funds in this appropriation each  
30.11 year to the Board of Regents of the University  
30.12 of Minnesota for purposes of Minnesota  
30.13 Statutes, section 41A.14. Of the amount  
30.14 transferred to the Board of Regents, up to  
30.15 \$1,000,000 each year is for research on avian  
30.16 influenza, including prevention measures that  
30.17 can be taken.

30.18 To the extent practicable, funds expended  
30.19 under Minnesota Statutes, section 41A.14,  
30.20 subdivision 1, clauses (1) and (2), must  
30.21 supplement and not supplant existing sources  
30.22 and levels of funding. The commissioner may  
30.23 use up to one percent of this appropriation for  
30.24 costs incurred to administer the program.

30.25 (b) \$13,256,000 the first year and \$13,311,000  
30.26 the second year are for the agricultural growth,  
30.27 research, and innovation program in  
30.28 Minnesota Statutes, section 41A.12. Except  
30.29 as provided below, the commissioner may  
30.30 allocate the appropriation each year among  
30.31 the following areas: facilitating the start-up,  
30.32 modernization, or expansion of livestock  
30.33 operations including beginning and  
30.34 transitioning livestock operations; developing  
30.35 new markets for Minnesota farmers by

31.1 providing more fruits, vegetables, meat, grain,  
31.2 and dairy for Minnesota school children;  
31.3 assisting value-added agricultural businesses  
31.4 to begin or expand, access new markets, or  
31.5 diversify; providing funding not to exceed  
31.6 \$250,000 each year for urban youth  
31.7 agricultural education or urban agriculture  
31.8 community development; providing funding  
31.9 not to exceed \$250,000 each year for the good  
31.10 food access program under Minnesota  
31.11 Statutes, section 17.1017; facilitating the  
31.12 start-up, modernization, or expansion of other  
31.13 beginning and transitioning farms including  
31.14 by providing loans under Minnesota Statutes,  
31.15 section 41B.056; sustainable agriculture  
31.16 on-farm research and demonstration;  
31.17 development or expansion of food hubs and  
31.18 other alternative community-based food  
31.19 distribution systems; enhancing renewable  
31.20 energy infrastructure and use; crop research;  
31.21 Farm Business Management tuition assistance;  
31.22 good agricultural practices/good handling  
31.23 practices certification assistance; establishing  
31.24 and supporting farmer-led water management  
31.25 councils; and implementing farmer-led water  
31.26 quality improvement practices. The  
31.27 commissioner may use up to 6.5 percent of  
31.28 this appropriation for costs incurred to  
31.29 administer the program.

31.30 Of the amount appropriated for the agricultural  
31.31 growth, research, and innovation program in  
31.32 Minnesota Statutes, section 41A.12:

31.33 (1) \$1,000,000 the first year and \$1,000,000  
31.34 the second year are for distribution in equal  
31.35 amounts to each of the state's county fairs to

32.1 preserve and promote Minnesota agriculture;  
32.2 and  
32.3 (2) \$1,500,000 the first year and \$1,500,000  
32.4 the second year are for incentive payments  
32.5 under Minnesota Statutes, sections 41A.16,  
32.6 41A.17, and 41A.18. Notwithstanding  
32.7 Minnesota Statutes, section 16A.28, the first  
32.8 year appropriation is available until June 30,  
32.9 2019, and the second year appropriation is  
32.10 available until June 30, 2020. If this  
32.11 appropriation exceeds the total amount for  
32.12 which all producers are eligible in a fiscal  
32.13 year, the balance of the appropriation is  
32.14 available for the agricultural growth, research,  
32.15 and innovation program.

32.16 The commissioner may use funds appropriated  
32.17 under this subdivision to award up to two  
32.18 value-added agriculture grants per year of up  
32.19 to \$1,000,000 per grant for new or expanding  
32.20 agricultural production or processing facilities  
32.21 that provide significant economic impact to  
32.22 the region. The commissioner may use funds  
32.23 appropriated under this subdivision for  
32.24 additional value-added agriculture grants for  
32.25 awards between \$1,000 and \$200,000 per  
32.26 grant.

32.27 Appropriations in clauses (1) and (2) are  
32.28 onetime. Any unencumbered balance does not  
32.29 cancel at the end of the first year and is  
32.30 available for the second year. Notwithstanding  
32.31 Minnesota Statutes, section 16A.28,  
32.32 appropriations encumbered under contract on  
32.33 or before June 30, 2019, for agricultural  
32.34 growth, research, and innovation grants are  
32.35 available until June 30, ~~2021~~ 2022.

33.1 The base budget for the agricultural growth,  
33.2 research, and innovation program is  
33.3 \$14,275,000 for fiscal years 2020 and 2021  
33.4 and includes funding for incentive payments  
33.5 under Minnesota Statutes, sections 41A.16,  
33.6 41A.17, 41A.18, and 41A.20.

33.7 The commissioner must develop additional  
33.8 innovative production incentive programs to  
33.9 be funded by the agricultural growth, research,  
33.10 and innovation program.

33.11 The commissioner must consult with the  
33.12 commissioner of transportation, the  
33.13 commissioner of administration, and local  
33.14 units of government to identify parcels of  
33.15 publicly owned land that are suitable for urban  
33.16 agriculture.

33.17 (c) \$25,000 the first year and \$25,000 the  
33.18 second year are for grants to the Southern  
33.19 Minnesota Initiative Foundation to promote  
33.20 local foods through an annual event that raises  
33.21 public awareness of local foods and connects  
33.22 local food producers and processors with  
33.23 potential buyers.

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

33.25 Sec. 21. **INDUSTRIAL HEMP; REPORT.**

33.26 (a) The commissioner of agriculture must submit a plan to the secretary of the United  
33.27 States Department of Agriculture and request primary regulatory authority over the  
33.28 production of industrial hemp in this state, as provided under section 10113 of the Agriculture  
33.29 Improvement Act of 2018.

33.30 (b) The commissioner of agriculture, in consultation with the commissioners of public  
33.31 safety and health, must develop a framework for regulating the possession and use of  
33.32 tetrahydrocannabinol resulting from industrial hemp processing, including but not limited  
33.33 to the extraction of cannabidiol or other components. No later than February 15, 2020, the

34.1 commissioner of agriculture must submit the proposed framework to the chairs and ranking  
34.2 minority members of the legislative committees and divisions with jurisdiction over  
34.3 agriculture, public safety, and health.

34.4 Sec. 22. **REPORT REQUIRED; BEGINNING FARMERS.**

34.5 No later than February 1, 2020, the commissioner of agriculture must report  
34.6 recommendations to the legislative committees and divisions with jurisdiction over agriculture  
34.7 finance regarding how best to cultivate and support beginning farmers, with priority given  
34.8 to beginning farmers who are women, veterans, and members of communities of color.  
34.9 When preparing this report, the commissioner must consult the commissioner of employment  
34.10 and economic development and consider development of a next generation farmer internship  
34.11 program.

34.12 Sec. 23. **REPORT REQUIRED; COMMUNITY SOLAR.**

34.13 The Center for Rural Policy and Development must study the economic benefits to  
34.14 farmers and the local farm economy of community solar gardens. The study must analyze  
34.15 to what extent:

34.16 (1) revenue generated by community solar garden leases has a measurable economic  
34.17 benefit for farmers and the local farm economy;

34.18 (2) activity related to community solar garden construction, operation, and maintenance,  
34.19 and the associated private investment to upgrade the utility's local distribution infrastructure,  
34.20 has a measurable economic benefit for the local farm economy;

34.21 (3) community solar gardens provide an economic benefit, helping farmers obtain  
34.22 financing for farm operations and decreasing the number of farm foreclosures; and

34.23 (4) community solar gardens provide economic benefits for land conservation, habitat,  
34.24 and soil health.

34.25 No later than January 15, 2021, the Center for Rural Policy and Development must  
34.26 submit the study and any policy recommendations to the legislative committees and divisions  
34.27 with jurisdiction over agriculture and energy.

**ARTICLE 2****FARMED CERVIDAE**

35.1

35.2

35.3 Section 1. Minnesota Statutes 2018, section 35.155, subdivision 4, is amended to read:

35.4 Subd. 4. **Fencing.** Farmed Cervidae must be confined in a manner designed to prevent  
35.5 escape. All perimeter fences for farmed Cervidae must be comprised of two or more rows  
35.6 of fencing, or one high tensile fence. All perimeter fences must be at least 96 inches in  
35.7 height and be constructed and maintained in a way that prevents the escape of farmed  
35.8 Cervidae or entry into the premises by free-roaming Cervidae. All entry areas for farmed  
35.9 Cervidae enclosure areas shall have two redundant gates, which must be maintained to  
35.10 prevent the escape of animals through an open gate. If a fence deficiency allows imminent  
35.11 entry or exit by farmed or free-roaming Cervidae, the owner must repair the deficiency  
35.12 within a reasonable period of time as determined by the board. If a fence deficiency is  
35.13 detected during an annual inspection under subdivision 7, the facility must be reinspected  
35.14 not less than two times in the subsequent six months. If the facility experiences more than  
35.15 two escape incidents in any 12-month period, the board may revoke the facility's registration  
35.16 and order the owner to remove or destroy the animals as directed by the board.

35.17 Sec. 2. Minnesota Statutes 2018, section 35.155, subdivision 6, is amended to read:

35.18 Subd. 6. **Identification.** (a) Farmed Cervidae must be identified by means approved by  
35.19 the Board of Animal Health. The identification must include a distinct number that has not  
35.20 been used during the previous three years and must be visible to the naked eye during  
35.21 daylight under normal conditions at a distance of 50 yards. Newborn animals must be  
35.22 identified ~~before December 31 of the year in which the animal is born~~ within 24 hours of  
35.23 birth or before movement from the premises, whichever occurs first. As coordinated by the  
35.24 board, the commissioner of natural resources may destroy any animal that is not identified  
35.25 as required under this subdivision.

35.26 (b) The Board of Animal Health shall register farmed Cervidae. The owner must submit  
35.27 the registration request on forms provided by the board. The forms must include sales  
35.28 receipts or other documentation of the origin of the Cervidae. The board shall provide copies  
35.29 of the registration information to the commissioner of natural resources upon request. The  
35.30 owner must keep written records of the acquisition and disposition of registered farmed  
35.31 Cervidae.

36.1 Sec. 3. Minnesota Statutes 2018, section 35.155, subdivision 7, is amended to read:

36.2 Subd. 7. **Inspection.** (a) The commissioner of agriculture and the Board of Animal  
36.3 Health may inspect farmed Cervidae, ~~farmed Cervidae facilities,~~ and farmed Cervidae  
36.4 records. ~~For each herd, the owner or owners must, on or before January 1, pay an annual~~  
36.5 inspection fee equal to \$10 for each cervid in the herd as reflected in the most recent  
36.6 inventory submitted to the Board of Animal Health, up to a maximum fee of \$100. ~~The~~  
36.7 board shall coordinate inspections authorized under this paragraph.

36.8 (b) The Board of Animal Health shall annually inspect each farmed Cervidae facility.  
36.9 Upon request by the Board of Animal Health, the commissioner of agriculture shall assist  
36.10 the board with annual inspections required under this paragraph. The annual inspection shall  
36.11 include a physical inspection of all perimeter fencing around the facility and a viewing to  
36.12 ensure all animals are tagged. The owner of a farmed Cervidae facility must present to the  
36.13 regulatory agency conducting the annual inspection an accurate inventory of the owner's  
36.14 farmed Cervidae for review. During an annual inspection, the owner must present individual  
36.15 animals in a herd for a physical inventory, if required by the board.

36.16 (c) The commissioner of natural resources may inspect farmed Cervidae, farmed Cervidae  
36.17 facilities, and farmed Cervidae records with reasonable suspicion that laws protecting native  
36.18 wild animals have been violated and must notify the owner in writing at the time of the  
36.19 inspection of the reason for the inspection and must inform the owner in writing after the  
36.20 inspection of whether (1) the cause of the inspection was unfounded; or (2) there will be an  
36.21 ongoing investigation or continuing evaluation.

36.22 (d) If the owner of a farmed Cervidae facility does not repair fence deficiencies within  
36.23 the reasonable period of time determined by the board or is not otherwise in compliance  
36.24 with this section after an inspection and review of the owner's farmed Cervidae facility, the  
36.25 board may revoke the owner's registration and order the owner to remove or destroy the  
36.26 animals as directed by the board.

36.27 Sec. 4. Minnesota Statutes 2018, section 35.155, is amended by adding a subdivision to  
36.28 read:

36.29 Subd. 7a. Fees. For each herd, the owner must, on or before January 1, pay to the board  
36.30 an annual inspection fee of \$500 unless:

36.31 (1) the owner sells the ability to shoot animals in the herd, in which case the annual  
36.32 inspection fee is \$1,000; or

37.1 (2) the herd consists of more than one species, in which case the annual inspection fee  
37.2 is \$650.

37.3 Sec. 5. Minnesota Statutes 2018, section 35.155, subdivision 9, is amended to read:

37.4 Subd. 9. **Contested case hearing.** (a) A person raising farmed Cervidae that is aggrieved  
37.5 with any decision regarding the farmed Cervidae may request a contested case hearing under  
37.6 chapter 14.

37.7 (b) A person requesting a contested case hearing regarding a registration revocation  
37.8 under this section must make the request within 30 days of the revocation notice.

37.9 Sec. 6. Minnesota Statutes 2018, section 35.155, subdivision 10, is amended to read:

37.10 Subd. 10. **Mandatory registration.** (a) A person may not possess live Cervidae in  
37.11 Minnesota unless the person is registered with the Board of Animal Health and meets all  
37.12 the requirements for farmed Cervidae under this section. Cervidae possessed in violation  
37.13 of this subdivision may be seized and destroyed by the commissioner of natural resources.

37.14 (b) A person whose registration is revoked by the board is ineligible for future registration  
37.15 under this section.

37.16 (c) Effective July 1, 2019, to July 1, 2022, the board must not approve a new registration  
37.17 under this subdivision for possession of white-tailed deer. This paragraph does not prohibit  
37.18 a person holding a valid registration under this subdivision from selling or transferring their  
37.19 herd to a family member if the person has no history of violations under this section and  
37.20 the herd is free from chronic wasting disease.

37.21 Sec. 7. Minnesota Statutes 2018, section 35.155, subdivision 11, is amended to read:

37.22 Subd. 11. **Mandatory surveillance for chronic wasting disease; herd depopulation.** (a)  
37.23 An inventory for each farmed Cervidae herd must be verified by an accredited veterinarian  
37.24 and filed with the Board of Animal Health every 12 months.

37.25 (b) Movement of farmed Cervidae from any premises to another location must be reported  
37.26 to the Board of Animal Health within ~~14 days~~ 48 hours of the movement on forms approved  
37.27 by the Board of Animal Health. If an animal in a farmed Cervidae herd tests positive for  
37.28 chronic wasting disease, the board must alert each person registered under subdivision 7 as  
37.29 soon as practicable and farmed Cervidae must not be moved from any premises in this state  
37.30 for a minimum of 72 hours. The board must examine the movement of farmed Cervidae  
37.31 and other chronic wasting disease vectors related to farmed Cervidae both in and out of the

38.1 premises where the infected herd was located and take reasonable action necessary to slow  
38.2 or prevent the spread of chronic wasting disease from the infected herd to other farmed or  
38.3 free-roaming Cervidae.

38.4 (c) All animals from farmed Cervidae herds that are over ~~46~~ 12 months of age that die  
38.5 or are slaughtered must be tested for chronic wasting disease.

38.6 (d) If an animal in a farmed Cervidae herd tests positive for chronic wasting disease,  
38.7 the entire herd must be euthanized and disposed of in a manner, and within a reasonable  
38.8 period of time, determined by the board in consultation with the commissioner of natural  
38.9 resources.

38.10 (e) The owner of a herd that euthanizes and disposes of the herd as required by paragraph

38.11 (d) must:

38.12 (1) maintain the fencing required under subdivision 4;

38.13 (2) prevent any free-roaming or farmed Cervidae from accessing the former cervid pens  
38.14 and other areas that were accessible by the farmed Cervidae; and

38.15 (3) post the premises as directed by the board.

38.16 The requirements under this paragraph must be met for at least 60 months from the date  
38.17 depopulation is completed.

38.18 (f) Before signing an agreement to sell or transfer the property, the owner of a premises  
38.19 where chronic wasting disease is detected must disclose in writing to the buyer or transferee  
38.20 the date of depopulation and the requirements incumbent upon the premises and the buyer  
38.21 or transferee under paragraph (e).

38.22 Sec. 8. **REPORT REQUIRED.**

38.23 No later than February 1, 2020, the Board of Animal Health must report to the legislative  
38.24 committees and divisions with jurisdiction over agriculture policy and finance regarding  
38.25 the board's progress in implementing recommendations in the Office of the Legislative  
38.26 Auditor's April 2018 program evaluation report "Board of Animal Health's Oversight of  
38.27 Deer and Elk Farms."

## ARTICLE 3

## GRAIN BUYERS

39.1

39.2

39.3 Section 1. Minnesota Statutes 2018, section 223.16, subdivision 1, is amended to read:

39.4 Subdivision 1. **Applicability.** For the purpose of sections 223.15 to ~~223.22~~ 223.23, the  
39.5 terms defined in this section have the meanings given them.

39.6 Sec. 2. Minnesota Statutes 2018, section 223.16, subdivision 2a, is amended to read:

39.7 Subd. 2a. **Cash sale.** "Cash sale" means:

39.8 ~~(a) a sale that is not reduced to writing as a voluntary extension of credit contract and~~  
39.9 ~~for which payment is tendered to the seller not later than the close of business on the next~~  
39.10 ~~business day after the sale, either in cash or by check, or by mailing or wiring funds to the~~  
39.11 ~~seller's account in the amount of at least 80 percent of the value of the grain at delivery; or,~~

39.12 ~~(b) a sale of a shipment of grain which is part of a multiple shipment sale, for which a~~  
39.13 ~~scale ticket clearly marked "CASH" has been received by the seller before completion of~~  
39.14 ~~the entire sale, and for which payment is tendered in cash or by check not later than ten~~  
39.15 ~~days after the sale of that shipment, except that when the entire sale is completed, payment~~  
39.16 ~~is tendered in cash or by check not later than the close of business on the next business day,~~  
39.17 ~~or within 48 hours, whichever is later.~~

39.18 Sec. 3. Minnesota Statutes 2018, section 223.16, is amended by adding a subdivision to  
39.19 read:

39.20 Subd. 2b. **Cash.** "Cash" means currency or an equivalent manner of payment, including  
39.21 but not limited to a certified check, a cashier's check, or a postal, bank, or express money  
39.22 order in which the amount of payment is verified and secured prior to issuance.

39.23 Sec. 4. Minnesota Statutes 2018, section 223.16, is amended by adding a subdivision to  
39.24 read:

39.25 Subd. 2c. **Cash buyer.** "Cash buyer" means a person that purchases grain only with cash  
39.26 and in amounts of less than \$100,000 total annually.

39.27 Sec. 5. Minnesota Statutes 2018, section 223.16, subdivision 4, is amended to read:

39.28 Subd. 4. **Grain.** "Grain" means any cereal grain, coarse grain, or oilseed in unprocessed  
39.29 form for which a standard has been established by the United States Secretary of Agriculture

40.1 ~~or the Minnesota Board of Grain Standards~~, dry edible beans, or other agricultural crops  
40.2 designated by the commissioner by rule.

40.3 Sec. 6. Minnesota Statutes 2018, section 223.17, subdivision 3, is amended to read:

40.4 Subd. 3. **Grain buyers and storage account; fees.** (a) A grain buyer must pay to the  
40.5 commissioner shall set the fees for inspections under sections 223.15 to 223.22 at levels  
40.6 necessary to pay the expenses of administering and enforcing sections 223.15 to 223.22. an  
40.7 annual license fee as follows:

40.8 ~~The fee for any license issued or renewed after June 30, 2005, shall be set according to~~  
40.9 ~~the following schedule:~~

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

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

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

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

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

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

<u>Bushel Capacity</u>	<u>Examination</u>
	<u>Fee</u>
<u>Examinations without a grain measure</u>	\$ <u>100</u>
<u>Less than 150,001</u>	\$ <u>300</u>
<u>150,001 to 250,000</u>	\$ <u>425</u>
<u>250,001 to 500,000</u>	\$ <u>545</u>
<u>500,001 to 750,000</u>	\$ <u>700</u>
<u>750,001 to 1,000,000</u>	\$ <u>865</u>
<u>1,000,001 to 1,200,000</u>	\$ <u>1,040</u>
<u>1,200,001 to 1,500,000</u>	\$ <u>1,205</u>
<u>1,500,001 to 2,000,000</u>	\$ <u>1,380</u>
<u>More than 2,000,000</u>	\$ <u>1,555</u>

41.1 The fee for any supplemental examination required by the commissioner under section  
41.2 223.23 is \$55 per hour per examiner.

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

41.5 (d) There is created the grain buyers and storage account in the agricultural fund. Money  
41.6 collected pursuant to sections 223.15 to ~~223.19~~ 223.23 shall be paid into the state treasury  
41.7 and credited to the grain buyers and storage account ~~and~~ Money in the account, including  
41.8 interest, is appropriated to the commissioner for the administration and enforcement of  
41.9 sections 223.15 to ~~223.22~~ 223.23.

41.10 Sec. 7. Minnesota Statutes 2018, section 223.17, subdivision 4, is amended to read:

41.11 Subd. 4. **Bond.** (a) Except as provided in paragraphs (c), (d), and (e), before a grain  
41.12 buyer's license is issued, the applicant for the license must file with the commissioner a  
41.13 bond in a penal sum prescribed by the commissioner but not less than the following amounts:

41.14 (1) \$10,000 for grain buyers whose gross annual purchases are \$100,000 or less;

41.15 (2) \$20,000 for grain buyers whose gross annual purchases are more than \$100,000 but  
41.16 not more than \$750,000;

41.17 (3) \$30,000 for grain buyers whose gross annual purchases are more than \$750,000 but  
41.18 not more than \$1,500,000;

41.19 (4) \$40,000 for grain buyers whose gross annual purchases are more than \$1,500,000  
41.20 but not more than \$3,000,000;

41.21 (5) \$50,000 for grain buyers whose gross annual purchases are more than \$3,000,000  
41.22 but not more than \$6,000,000;

41.23 (6) \$70,000 for grain buyers whose gross annual purchases are more than \$6,000,000  
41.24 but not more than \$12,000,000;

41.25 (7) \$125,000 for grain buyers whose gross annual purchases are more than \$12,000,000  
41.26 but not more than \$24,000,000; and

41.27 (8) \$150,000 for grain buyers whose gross annual purchases exceed \$24,000,000.

41.28 ~~(b) A grain buyer who has filed a bond with the commissioner prior to July 1, 2004, is~~  
41.29 ~~not required to increase the amount of the bond to comply with this section until July 1,~~  
41.30 ~~2005. The commissioner may postpone an increase in the amount of the bond until July 1,~~  
41.31 ~~2006, if a licensee demonstrates that the increase will impose undue financial hardship on~~

42.1 ~~the licensee, and that producers will not be harmed as a result of the postponement. The~~  
42.2 ~~commissioner may impose other restrictions on a licensee whose bond increase has been~~  
42.3 ~~postponed.~~ The amount of the bond shall be based on the most recent gross annual grain  
42.4 purchase report of the grain buyer.

42.5 (c) A first-time applicant for a grain buyer's license shall file a \$50,000 bond with the  
42.6 commissioner. This bond shall remain in effect for the first year of the license. Thereafter,  
42.7 the licensee shall comply with the applicable bonding requirements contained in paragraph  
42.8 (a), clauses (1) to (8).

42.9 (d) In lieu of the bond required by this subdivision the applicant may deposit with the  
42.10 commissioner of management and budget ~~cash, a certified check, a cashier's check, a postal,~~  
42.11 ~~bank, or express money order, assignable bonds or notes of the United States, or an~~  
42.12 ~~assignment of a bank savings account or investment certificate or an irrevocable bank letter~~  
42.13 of credit as defined in section 336.5-102, in the same amount as would be required for a  
42.14 bond.

42.15 (e) A cash buyer is exempt from the requirements under this subdivision.

42.16 (f) Bonds must be continuous until canceled. To cancel a bond, a surety must provide  
42.17 90 days' written notice of the bond's termination date to the licensee and the commissioner.

42.18 Sec. 8. Minnesota Statutes 2018, section 223.17, subdivision 5, is amended to read:

42.19 Subd. 5. **Cash sales; manner of payment.** For a cash sale of a shipment of grain ~~which~~  
42.20 ~~is part of a multiple shipment sale,~~ the grain buyer shall tender payment to the seller in cash  
42.21 or by check ~~not later than ten days after the sale of that shipment, except that when the entire~~  
42.22 ~~sale is completed, payment shall be tendered not later than the close of business on the next~~  
42.23 ~~day, or within 48 hours, whichever is later. For other cash sales the grain buyer, before the~~  
42.24 ~~close of business on the next business day after the sale, shall tender payment to the seller~~  
42.25 ~~in cash or by check, or shall wire or mail funds to the seller's account in the amount of at~~  
42.26 ~~least 80 percent of the value of the grain at the time of delivery, or wire or mail funds to the~~  
42.27 seller's account. The grain buyer shall complete final settlement after the sale of the shipment  
42.28 as rapidly as possible through ordinary diligence.

42.29 Sec. 9. Minnesota Statutes 2018, section 223.17, subdivision 6, is amended to read:

42.30 Subd. 6. **Financial statements.** (a) Except as required in paragraph (c), the commissioner  
42.31 ~~may~~ must require an annual financial statement from a licensee which has been prepared

43.1 in accordance with generally accepted accounting principles and which meets the following  
43.2 requirements:

43.3 (1) The financial statement shall include, but not be limited to the following:

43.4 (i) a balance sheet;

43.5 (ii) a statement of income (profit and loss);

43.6 (iii) a statement of retained earnings;

43.7 (iv) a statement of changes in financial position; and

43.8 (v) a statement of the dollar amount of grain purchased in the previous fiscal year of the  
43.9 grain buyer.

43.10 ~~(2) The financial statement shall be accompanied by a compilation report of the financial~~  
43.11 ~~statement that is prepared by a grain commission firm or a management firm approved by~~  
43.12 ~~the commissioner or by an independent public accountant, in accordance with standards~~  
43.13 ~~established by the American Institute of Certified Public Accountants. Grain buyers~~  
43.14 ~~purchasing less than 150,000 bushels of grain per calendar year may submit a financial~~  
43.15 ~~statement prepared by a public accountant who is not an employee or a relative within the~~  
43.16 ~~third degree of kindred according to civil law.~~

43.17 ~~(3)~~ The financial statement shall be accompanied by a certification by the chief executive  
43.18 officer or the chief executive officer's designee of the licensee, under penalty of perjury,  
43.19 that the financial statement accurately reflects the financial condition of the licensee for the  
43.20 period specified in the statement.

43.21 (3) A grain buyer purchasing less than \$2,000,000 of grain annually must have the  
43.22 financial statement reviewed by a certified public accountant in accordance with standards  
43.23 established by the American Institute of Certified Public Accountants, and must show that  
43.24 the financial statements are free from material misstatements.

43.25 (4) A grain buyer purchasing \$2,000,000 or more of grain annually must have the  
43.26 financial statement audited by a certified public accountant in accordance with standards  
43.27 established by the American Institute of Certified Public Accountants, and must submit an  
43.28 opinion statement from the certified public accountant.

43.29 (b) Only one financial statement must be filed for a chain of warehouses owned or  
43.30 operated as a single business entity, unless otherwise required by the commissioner. ~~Any~~  
43.31 ~~grain buyer having a net worth in excess of \$500,000,000 need not file the financial statement~~  
43.32 ~~required by this subdivision but must provide the commissioner with a certified net worth~~

44.1 ~~statement.~~ All financial statements filed with the commissioner are private or nonpublic  
44.2 data as provided in section 13.02.

44.3 (c) A cash buyer is exempt from the requirements of this subdivision.

44.4 Sec. 10. Minnesota Statutes 2018, section 223.177, subdivision 2, is amended to read:

44.5 Subd. 2. **Oral contracts.** Any grain buyer entering into a voluntary extension of credit  
44.6 contract orally or by phone shall give or mail to the seller a written confirmation conforming  
44.7 to the requirements of section 223.175 ~~before the close of the next business day~~ within 30  
44.8 days. Written confirmation of oral contracts must meet the requirements under section  
44.9 223.177, subdivision 3.

44.10 Sec. 11. Minnesota Statutes 2018, section 223.177, subdivision 3, is amended to read:

44.11 Subd. 3. **Contracts reduced to writing.** A voluntary extension of credit contract must  
44.12 be reduced to writing by the grain buyer ~~and,~~ mailed or given to the seller ~~before the close~~  
44.13 ~~of the next business day after the contract is entered into or, in the case of an oral or phone~~  
44.14 ~~contract, after the written confirmation is received by the seller. Provided, however, that if~~  
44.15 ~~a scale ticket has been received by the seller prior to the completion of the grain shipment,~~  
44.16 ~~the contract must be reduced to writing within ten days after the sale, but not later than the~~  
44.17 ~~close of the next business day after the completion of the entire sale,~~ and signed by both  
44.18 buyer and seller within 30 days of the date of delivery. The form of the contract shall comply  
44.19 with the requirements of section 223.175. A grain buyer may use an electronic version of  
44.20 a voluntary extension of credit contract that contains the same information as a written  
44.21 document and that conforms to the requirements of this chapter to which a seller has applied  
44.22 an electronic signature in place of a written document. There must not at any time be an  
44.23 electronic and paper voluntary extension of credit contract representing the same lot of  
44.24 grain.

44.25 Sec. 12. Minnesota Statutes 2018, section 223.19, is amended to read:

44.26 **223.19 RULES.**

44.27 The commissioner may make rules pursuant to chapter 14 to carry out the provisions of  
44.28 sections 223.15 to ~~223.22~~ 223.23.

45.1 Sec. 13. [223.23] ANNUAL EXAMINATION REQUIRED; SUPPLEMENTAL  
45.2 EXAMINATIONS.

45.3 A licensed grain buyer is subject to an annual examination conducted by the commissioner  
45.4 or the Agricultural Marketing Service of the United States Department of Agriculture.  
45.5 Examinations must include a measurement of all grain owned and maintained by the grain  
45.6 buyer. The commissioner may require supplemental examinations of a grain buyer as the  
45.7 commissioner deems necessary.

45.8 **ARTICLE 4**

45.9 **GRAIN WAREHOUSES**

45.10 Section 1. Minnesota Statutes 2018, section 232.21, subdivision 7, is amended to read:

45.11 Subd. 7. **Grain.** "Grain" means any cereal grain, coarse grain, or oilseed in unprocessed  
45.12 form for which a standard has been established by the United States Secretary of Agriculture  
45.13 ~~or the Minnesota Board of Grain Standards~~, dry edible beans, or agricultural crops designated  
45.14 by the commissioner by rule.

45.15 Sec. 2. Minnesota Statutes 2018, section 232.21, is amended by adding a subdivision to  
45.16 read:

45.17 Subd. 7a. **Grain bank.** "Grain bank" means a feed processing plant that receives and  
45.18 stores grain it processes and returns to the grain's owner in amounts, at intervals, and with  
45.19 added ingredients that are mutually agreeable to the grain's owner and the person operating  
45.20 the plant. "Grain bank" does not include a seed cleaning plant. Grain assigned to a grain  
45.21 bank is considered stored grain.

45.22 Sec. 3. Minnesota Statutes 2018, section 232.22, subdivision 3, is amended to read:

45.23 Subd. 3. **Fees; grain buyers and storage account.** (a) There is created in the agricultural  
45.24 fund an account known as the grain buyers and storage account. ~~The commissioner shall~~  
45.25 ~~set the fees for examinations, certifications, and licenses under sections 232.20 to 232.24~~  
45.26 ~~at levels necessary to pay the costs of administering and enforcing sections 232.20 to 232.24.~~  
45.27 All money collected pursuant to sections 232.20 to 232.24 shall be paid by the commissioner  
45.28 into the state treasury and credited to the grain buyers and storage account ~~and~~ Money in  
45.29 the account, including interest, is appropriated to the commissioner for the administration  
45.30 and enforcement of sections 232.20 to 232.24.

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

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

46.5 ~~(a)~~ (1) For a license to store grain, \$110 for each home rule charter or statutory city or  
 46.6 town in which a public grain warehouse is operated.

46.7 ~~(b)~~ (2) In addition to the license fee required under clause (1), a person with a license  
 46.8 to store grain in a public grain warehouse is subject to an examination fee for each licensed  
 46.9 location, based on the following schedule for one examination as follows:

46.10	Bushel Capacity	Examination
46.11		Fee
46.12	Less than 150,001	\$ 300
46.13	150,001 to 250,000	\$ 425
46.14	250,001 to 500,000	\$ 545
46.15	500,001 to 750,000	\$ 700
46.16	750,001 to 1,000,000	\$ 865
46.17	1,000,001 to 1,200,000	\$ 1,040
46.18	1,200,001 to 1,500,000	\$ 1,205
46.19	1,500,001 to 2,000,000	\$ 1,380
46.20	More than 2,000,000	\$ 1,555

46.21 ~~(e)~~ (3) The fee for the second examination supplemental examinations required by the  
 46.22 commissioner under section 232.24 is \$55 per hour per examiner for warehouse operators  
 46.23 who choose to have it performed by the commissioner.

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

46.26 Sec. 4. Minnesota Statutes 2018, section 232.22, subdivision 4, is amended to read:

46.27 Subd. 4. **Bonding.** (a) Before a license is issued, except as provided under paragraph  
 46.28 (c), the applicant for a public grain warehouse operator's license shall file with the  
 46.29 commissioner a bond in a penal sum prescribed by the commissioner based on the annual  
 46.30 average storage liability as stated on the statement of grain in storage report or on the gross  
 46.31 annual grain purchase report, whichever is greater, and applying the following amounts:

46.32 (1) \$10,000 for storages with annual average storage liability of more than \$0 but not  
 46.33 more than \$25,000;

47.1 (2) \$20,000 for storages with annual average storage liability of more than \$25,001 but  
47.2 not more than \$50,000;

47.3 (3) \$30,000 for storages with annual average storage liability of more than \$50,001 but  
47.4 not more than \$75,000;

47.5 (4) \$50,000 for storages with annual average storage liability of more than \$75,001 but  
47.6 not more than \$100,000;

47.7 (5) \$75,000 for storages with annual average storage liability of more than \$100,001  
47.8 but not more than \$200,000;

47.9 (6) \$125,000 for storages with annual average storage liability of more than \$200,001  
47.10 but not more than \$300,000;

47.11 (7) \$175,000 for storages with annual average storage liability of more than \$300,001  
47.12 but not more than \$400,000;

47.13 (8) \$225,000 for storages with annual average storage liability of more than \$400,001  
47.14 but not more than \$500,000;

47.15 (9) \$275,000 for storages with annual average storage liability of more than \$500,001  
47.16 but not more than \$600,000;

47.17 (10) \$325,000 for storages with annual average storage liability of more than \$600,001  
47.18 but not more than \$700,000;

47.19 (11) \$375,000 for storages with annual average storage liability of more than \$700,001  
47.20 but not more than \$800,000;

47.21 (12) \$425,000 for storages with annual average storage liability of more than \$800,001  
47.22 but not more than \$900,000;

47.23 (13) \$475,000 for storages with annual average storage liability of more than \$900,001  
47.24 but not more than \$1,000,000; and

47.25 (14) \$500,000 for storages with annual average storage liability of more than \$1,000,000.

47.26 (b) Bonds must be continuous until canceled. To cancel a bond, a surety must provide  
47.27 90 days' written notice of the bond's termination date to the licensee and the commissioner.

47.28 (c) In lieu of the bond required by this subdivision, the applicant may deposit with the  
47.29 commissioner of management and budget an irrevocable bank letter of credit as defined in  
47.30 section 336.5-102, in the same amount as would be required for a bond.

48.1 Sec. 5. Minnesota Statutes 2018, section 232.24, is amended to read:

48.2 **232.24 SCHEDULE OF INSPECTION, FINANCIAL REPORTS.**

48.3 Subdivision 1. **Schedule of examination.** A licensee under sections 232.20 to 232.24  
 48.4 is subject to ~~two examinations~~ an examination annually conducted by the commissioner or  
 48.5 the Agricultural Marketing Service of the United States Department of Agriculture. The  
 48.6 commissioner may, ~~by rule, authorize one examination to be conducted by a qualified~~  
 48.7 ~~nongovernmental unit~~ require supplemental examinations of a licensee as the commissioner  
 48.8 deems necessary.

48.9 Subd. 2. **Financial reports.** A licensee under sections 232.20 to 232.24 ~~upon request~~  
 48.10 must provide to the commissioner a copy of the financial reports ~~of an audit conducted by~~  
 48.11 ~~a qualified nongovernmental unit containing information the commissioner requires report~~  
 48.12 that satisfies the requirements under section 223.17, subdivision 6, paragraph (a), clause  
 48.13 (1)."

48.14 Delete the title and insert:

48.15 "A bill for an act

48.16 relating to agriculture; establishing a budget for the Department of Agriculture,  
 48.17 the Board of Animal Health, and the Agricultural Utilization Research Institute;  
 48.18 continuing the Agricultural Fertilizer Research and Education Council; continuing  
 48.19 a fertilizer fee; modifying a noncommercial pesticide applicator fee; modifying  
 48.20 definitions of hemp and marijuana; modifying requirements for Cervidae farmers,  
 48.21 grain buyers and grain warehouse operators; amending certain appropriations;  
 48.22 modifying other agricultural statutes; requiring reports; amending Minnesota  
 48.23 Statutes 2018, sections 18B.07, subdivision 2; 18B.34, subdivision 5; 18C.425,  
 48.24 subdivision 6; 18C.70, subdivision 5; 18C.71, subdivisions 1, 2, 4; 18C.80,  
 48.25 subdivision 2; 18H.14; 18K.02, subdivision 3; 18K.03; 28A.16; 35.155,  
 48.26 subdivisions 4, 6, 7, 9, 10, 11, by adding a subdivision; 223.16, subdivisions 1,  
 48.27 2a, 4, by adding subdivisions; 223.17, subdivisions 3, 4, 5, 6; 223.177, subdivisions  
 48.28 2, 3; 223.19; 232.21, subdivision 7, by adding a subdivision; 232.22, subdivisions  
 48.29 3, 4; 232.24; Laws 2015, First Special Session chapter 4, article 1, section 2,  
 48.30 subdivision 4, as amended; Laws 2017, chapter 88, article 1, section 2, subdivisions  
 48.31 2, 4; proposing coding for new law in Minnesota Statutes, chapters 18D; 223."