

Subject Agriculture
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Overview

This is the 2020 omnibus agriculture policy bill as proposed by Governor Tim Walz and the Minnesota Department of Agriculture (MDA). It would modify state seed and noxious weed law, as well as provisions governing state loan programs, eggs, meat and poultry inspections, and pet food.

Article 1: Department of Agriculture; Seed Law

This article modifies state laws concerning noxious weed seeds and creates a Seed Program Advisory Committee to advise the MDA.

Section Description – Article 1: Department of Agriculture; Seed Law

- 1 Screenings.**
Expands the definition of “screenings” to include broken seed.
- 2 Noxious weed seeds.**
Expands the definition of “noxious weed seeds” to include both restricted and prohibited noxious weed seeds.
- 3 Restricted weed seeds.**
Modifies the definition of “restricted weed seeds” to mean weed seeds that MDA, in consultation with a new Seed Program Advisory Committee, has designated as restricted.
- 4 Prohibited noxious weed seeds.**
Defines the term to mean weed seeds that MDA, in consultation with a new Seed Program Advisory Committee, has designated as prohibited.
- 5 Infested feed grain; screenings.**
Makes it unlawful for a person to feed, sell, or transport weed seeds that MDA has designated as prohibited noxious weed seeds.

Section Description – Article 1: Department of Agriculture; Seed Law

- 6 **Exceptions.**
Provides that seeds produced by a farmer and fed on the farmer’s own farm are not exempt from state seed law if the farmer’s seed contains any prohibited noxious weed seeds.
- 7 **Enforcement; rulemaking.**
Eliminates language requiring MDA to maintain the state list of restricted noxious weed seeds via rulemaking.
- 8 **Labeler.**
Defines the term “labeler” for purposes of state seed law.
- 9 **Recommended uniform state seed law.**
Defines the term by reference to the seed law guidelines produced by the Association of American Seed Control Officials.
- 10 **Hemp seed.**
Requires hemp seed labelers to test and obtain certification that the seed’s parent plants had a THC concentration of less than 0.3 percent.
- 11 **Records.**
Establishes that recordkeeping requirements for seed labelers apply to all seed subject to labeling requirements. Specifies information that labelers must retain for each seed lot sold.
- 12 **Seed laboratory.**
Requires MDA to apply certain laboratory tolerances when verifying seed label claims.
- 13 **Prohibited and restricted seeds.**
Requires MDA to consult the new Seed Program Advisory Committee when determining prohibited and restricted weed seed species. Requires MDA to publish, distribute, and periodically revise an official list of prohibited and restricted noxious weed seeds. Permits MDA to accept and consider petitions to designate certain weed seeds. Establishes zero tolerance for prohibited noxious weed seeds and a limit of 90 seeds/pound for restricted weed seeds in agricultural seeds, grains, or screenings.
- 14 **Advisory committee; membership.**
Requires MDA to consult the Seed Program Advisory Committee. Requires the committee to evaluate plant species and recommend when a species should be listed as restricted or prohibited. Requires listed seeds to be reevaluated every three years.

Section Description – Article 1: Department of Agriculture; Seed Law

- Requires the committee to also advise MDA regarding seed law implementation. Establishes two-year terms and prohibits reimbursement of expenses and payment of per diem. Requires MDA to appoint members who represent certain organizations and industries. Requires the committee to elect a chair from among its membership.
- 15 **Miscellaneous violations.**
Prohibits advertising or selling patented, protected, or proprietary seed without permission of the parent or certificate holder.
- 16 **Exemptions.**
Provides that any labeler, not just an initial labeler, must have a seed fee permit.
- 17 **Seed fee permits.**
Specifies that seed permit fees are based on the initial sale of the seed in Minnesota. Provides that the fee for native grass and wildflower seed is \$1/hundredweight.
- 18 **Repealer.**
Repeals the existing definition of “initial labeler” for purposes of state seed law.

Article 2: Department of Agriculture; Noxious Weeds

This article modifies state noxious weed law, including the regulatory lists and management plans used to control noxious weeds.

Section Description – Article 2: Department of Agriculture; Noxious Weeds

- 1 **Noxious weed management plan.**
Modifies the definition of “noxious weed management plan” by specifying that the plan applies to the location, rather than an area or site, where a noxious weed infestation is found.
- 2 **Noxious weed management site.**
Renames “weed management area” as a “noxious weed management site” for purposes of state noxious weed law.
- 3 **Cooperative weed management areas or CWMA’s.**
Defines this term for purposes of state noxious weed law.

Section Description – Article 2: Department of Agriculture; Noxious Weeds

- 4 **Biological control of plants.**
Defines this term for purposes of state noxious weed law.
- 5 **Appropriate disposal site.**
Defines this term for purposes of state noxious weed law.
- 6 **Invasive plant.**
Defines this term for purposes of state noxious weed law.
- 7 **Noxious weed categories.**
Modifies the existing “prohibited noxious weeds” list by spitting it into two categories: “prohibited-eradicate” and “prohibited-control,” as defined. Provides that weeds on the prohibited-eradicate list must be eradicated and are either not currently known to be in Minnesota or not widely established. Defines prohibited-control weeds as those that must be controlled but are already established throughout the state or its regions. Modifies the criteria MDA must use to place weeds on the restricted list. Provides that specially regulated plants could be nonnative species as well.
- 8 **Generally.**
Modifies landowner responsibilities to reflect that required management can include actions other than controlling or eradicating the weeds.
- 9 **Noxious weed management plan.**
Modifies the name of a weed-control agreement between a landowner and the responsible government unit from “weed control agreement” to “noxious weed management plan.”
- 10 **Training for control or eradication of noxious weeds.**
Updates a reference to the head of University of Minnesota Extension.
- 11 **Prosecution.**
Authorizes MDA or a weed inspector employed by a city or township to initiate court proceedings against a landowner.
- 12 **Noxious weed management plan.**
Requires MDA to develop management strategies and criteria for each individually listed noxious weed species.
- 13 **Noxious weed education and notification.**
Allows MDA to notify appropriate media outlets—currently MDA must alert them.

Section Description – Article 2: Department of Agriculture; Noxious Weeds

- 14 **Noxious weed management site.**
Modifies terminology from “weed management area” to “noxious weed management site.”
- 15 **Transportation of noxious weed propagating parts.**
Prohibits transporting noxious weed propagating parts generally. Specifies that a permit is required to transport them on a public roadway of any kind. Expands the exemption for transportation for the purpose of destroying propagating parts to include any appropriate disposal site, not just those sites approved by MDA. Requires a person transporting propagating parts for this purpose to comply with yard waste disposal requirements that differ depending on whether the activity occurs in a metropolitan county or greater Minnesota. Requires transportation permit applicants to agree to follow permit guidelines.
- 16 **Grant program.**
Modifies terminology from “weed management area” to “noxious weed management site.”
- 17 **Membership.**
Modifies membership of the Noxious Weeds Advisory Committee by specifying representation by the University of Minnesota Departments of Agronomy and Forest Resources, townships, and counties.

Article 3: Department of Agriculture; Miscellaneous Provisions

This article modifies miscellaneous agriculture policy provisions.

Section Description – Article 3: Department of Agriculture; Miscellaneous Provisions

- 1 **Definitions.**
Modifies the definition of “committed project” for purposes of the Agricultural Best Management Practices Loan Program by removing conditions that a local lender must have obligated itself to loan money for the project, and that the local unit of government has certified the project. Eliminates language limiting eligibility to rural landowners. Expands eligible local lenders to include watershed districts, drainage authorities, townships, and other local units of government with taxing or special assessment authority.

Section Description – Article 3: Department of Agriculture; Miscellaneous Provisions

- 2 Uses of funds.**
Specifies that if a law appropriating money for the Agricultural Best Management Practices Loan Program conflicts with the program’s statute, the appropriation law governs.
- 3 Liens against property.**
Expands the applicability of real property liens under the Agricultural Best Management Practices Loan Program to include loans issued by cities and towns, as well as counties. Specifies that the lien is a special assessment that may be collected in the same manner as other special assessments.
- 4 Shipment of plant pests and biological control agents.**
Specifies that a permit is not required for interstate shipments of organisms that the United States Department of Agriculture has specified as not requiring a movement permit. Extends the movement permit requirement to include noxious weeds.
- 5 Adoption.**
Incorporates the Association of American Feed Control Officials’ Model Pet and Specialty Pet Food Regulation as Minnesota’s pet and specialty pet food rules.
- 6 Notice; public comment.**
Provides that if the Association of American Feed Control Officials revises the Model Pet and Specialty Pet Food Regulation, said revisions are automatically adopted in Minnesota.
- 7 Custom processor.**
Links the definition of “custom processor” for purposes of food handler licensing to a similar definition in state meat and poultry inspection law.
- 8 Egg temperature.**
Allows egg retailers to hold the eggs at up to 45 degrees Fahrenheit, rather than 41. Eliminates language grandfathering-in egg equipment in use prior to August 1, 1991.
- 9 Meat food product; poultry food product.**
Expands the definition of meat food product and poultry food product for purposes of state meat and poultry inspection law to include wild game or fowl.
- 10 Prohibitions.**
Allows a person to give away custom-processed, noninspected deer, wild game, and fowl via donation or gift.

Section Description – Article 3: Department of Agriculture; Miscellaneous Provisions

11 Inspection.

Specifies that meat and poultry inspection requirements do not apply to any custom-processed animals, wild game, or fowl.

12 Establishment.

Modifies eligibility for the Rural Finance Authority’s disaster recovery loan program by lifting a condition that the damage or loss be caused by specified natural events, and by authorizing loans to poultry and game producers for losses attributable to any highly contagious poultry or game flock disease. Authorizes loans to livestock producers for the same purposes.



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