

1.1 Senator ..... moves to amend S.F. No. 4225 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 AGRICULTURAL POLICY

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

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

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

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

1.14 (d) "Owner" means an individual, firm, corporation, co-partnership, or association with  
1.15 an interest in crops or fencing damaged by elk.

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

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

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

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

1.27 Subd. 2a. **Investigation and crop valuation.** (a) Upon receiving notification of crop or  
1.28 fence damage suspected to be caused by elk, an approved agent must promptly investigate  
1.29 the damage in a timely manner. An approved agent must make written findings on the claim

- 2.1 form regarding whether the crop was destroyed or damaged by elk. The approved agent's  
2.2 findings must be based on physical and circumstantial evidence, including:
- 2.3 (1) the condition of the crop or fence;  
2.4 (2) the presence of elk tracks;  
2.5 (3) the geographic area of the state where the crop or fence damage occurred;  
2.6 (4) any sightings of elk in the area; and  
2.7 (5) any other circumstances that the approved agent considers to be relevant.
- 2.8 (b) The absence of affirmative evidence may be grounds for denial of a claim.
- 2.9 (c) On a claim form, an approved agent must make written findings of the extent of crop  
2.10 or fence damage and, if applicable, the amount of crop destroyed.
- 2.11 (d) For damage to standing crops, an owner may choose to have the approved agent use  
2.12 the method in clause (1) or clause (2) to complete the claim form and determine the amount  
2.13 of crop loss:
- 2.14 (1) to submit a claim form to the commissioner at the time that the suspected elk damage  
2.15 is discovered, the approved agent must record on the claim form: (i) the field's potential  
2.16 yield per acre; (ii) the field's average yield per acre that is expected on the damaged acres;  
2.17 (iii) the estimated value of the crop; and (iv) the total amount of loss. Upon completing the  
2.18 claim form, the approved agent must submit the form to the commissioner; or
- 2.19 (2) to submit a claim form to the commissioner at the time that the crop is harvested,  
2.20 the approved agent must record on the claim form at the time of the investigation: (i) the  
2.21 percent of crop loss from damage; (ii) the actual yield of the damaged field when the crop  
2.22 is harvested; (iii) the estimated value of the crop; and (iv) the total amount of loss. Upon  
2.23 completing the claim form, the approved agent must submit the form to the commissioner.
- 2.24 (e) For damage to stored crops, an approved agent must record on the claim form: (1)  
2.25 the type and volume of destroyed stored crops; (2) the estimated value of the crop; and (3)  
2.26 the total amount of the loss.
- 2.27 (f) For damage to fencing, an approved agent must record on the claim form: (1) the  
2.28 type of materials damaged; (2) the linear feet of the damage; (3) the value of the materials  
2.29 per unit according to National Resource Conservation Service specifications; and (4) the  
2.30 calculated total damage to the fence.

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

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

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

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

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

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

**17.710 AGRICULTURAL CONTRACTS.**

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

4.1 disclosing terms, conditions, and prices contained in the contract. Any provision prohibiting  
4.2 disclosure by the producer is void.

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

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

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

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

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

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

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

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

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

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

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

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

5.3 (3) the guaranteed analysis;

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

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

5.7 (6) a derivatives statement.

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

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

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

5.15 (c) The labeled information must appear:

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

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

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

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

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

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

5.25 **18C.221 FERTILIZER PLANT FOOD CONTENT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 7. **Signage.** Food product provided through food product sampling or food product demonstrations must be accompanied by a legible sign or placard that lists the ingredients and major food allergens.

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

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

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

8.1 Sec. 18. Minnesota Statutes 2023 Supplement, section 41A.30, subdivision 1, is amended  
8.2 to read:

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

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

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

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

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

8.9 (f) "Qualifying taxpayer" means a taxpayer, as defined in section 290.01, subdivision  
8.10 6, that is engaged in the business of:

8.11 (1) producing sustainable aviation fuel; or

8.12 (2) blending sustainable aviation fuel with aviation gasoline or jet fuel.

8.13 (g) "Sustainable aviation fuel" means liquid fuel that:

8.14 (1) is derived from biomass, as defined in section 41A.15, subdivision 2e; is derived  
8.15 from gaseous carbon oxides derived from biomass or direct air capture; or is derived from  
8.16 green electrolytic hydrogen;

8.17 (2) is not derived from palm fatty acid distillates; and

8.18 (3) achieves at least a 50 percent life cycle greenhouse gas emissions reduction in  
8.19 comparison with petroleum-based aviation gasoline, aviation turbine fuel, and jet fuel as  
8.20 determined by a test that shows:

8.21 (i) that the fuel production pathway achieves at least a 50 percent life cycle greenhouse  
8.22 gas emissions reduction in comparison with petroleum-based aviation gasoline, aviation  
8.23 turbine fuel, and jet fuel utilizing the most recent version of Argonne National Laboratory's  
8.24 Greenhouse Gases, Regulated Emissions, and Energy Use in Technologies (GREET) model  
8.25 that accounts for reduced emissions throughout the fuel production process; or

8.26 (ii) that the fuel production pathway achieves at least a 50 percent reduction of the  
8.27 aggregate attributional core life cycle emissions and the positive induced land use change  
8.28 values under the life cycle methodology for sustainable aviation fuels adopted by the  
8.29 International Civil Aviation Organization with the agreement of the United States.

9.1 Sec. 19. Minnesota Statutes 2023 Supplement, section 41B.0391, subdivision 4, is amended  
9.2 to read:

9.3 Subd. 4. **Authority duties.** (a) The authority shall:

9.4 (1) approve and certify or recertify beginning farmers as eligible for the program under  
9.5 this section;

9.6 (2) approve and certify or recertify owners of agricultural assets as eligible for the tax  
9.7 credit under subdivision 2 subject to the allocation limits in paragraph (c);

9.8 (3) provide necessary and reasonable assistance and support to beginning farmers for  
9.9 qualification and participation in financial management programs approved by the authority;

9.10 (4) refer beginning farmers to agencies and organizations that may provide additional  
9.11 pertinent information and assistance; and

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

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

9.23 (c) For credits for owners of agricultural assets allowed under subdivision 2, the authority  
9.24 must not allocate more than ~~\$6,500,000 for taxable years beginning after December 31,~~  
9.25 ~~2022, and before January 1, 2024, and \$4,000,000 for each taxable years beginning after~~  
9.26 ~~December 31, 2023 year.~~ The authority must allocate credits on a first-come, first-served  
9.27 basis beginning on January 1 of each year, except that recertifications for the second and  
9.28 third years of credits under subdivision 2, paragraph (a), clauses (1) and (2), have first  
9.29 priority. Any amount authorized but not allocated for taxable years ending before January  
9.30 1, 2023, is canceled and is not allocated for future taxable years. For taxable years beginning  
9.31 after December 31, 2022, Any amount authorized but not allocated in any taxable year does  
9.32 not cancel and is added to the allocation for the next taxable year. For each taxable year,  
9.33 50 percent of newly allocated credits must be allocated to emerging farmers. Any portion

of a taxable year's newly allocated credits that is reserved for emerging farmers that is not allocated by ~~September 30~~ May 31 of the taxable year is available for allocation to other credit allocations beginning on ~~October~~ June 1.

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

Sec. 20. Minnesota Statutes 2022, section 223.17, subdivision 6, is amended to read:

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

The annual financial statement required under this subdivision must also:

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

(i) a balance sheet;

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

(iii) a statement of retained earnings;

(iv) a statement of ~~changes in financial position~~ cash flow; and

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

(2) be accompanied by a ~~compilation~~ report of the financial statement that is prepared by a grain commission firm or a management firm approved by the commissioner or by an independent public accountant, in accordance with standards established by the American Institute of Certified Public Accountants or similar international standards;

~~(3) be accompanied by a certification by the chief executive officer or the chief executive officer's designee of the licensee, and where applicable, all members of the governing board of directors under penalty of perjury, that the financial statement accurately reflects the financial condition of the licensee for the period specified in the statement;~~

~~(4) for grain buyers purchasing under \$7,500,000 of grain annually, be reviewed by a certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants, and must show that the financial statements are free from material misstatements; and~~

~~(5)~~ (3) for grain buyers purchasing \$7,500,000 or more of grain annually, be audited or reviewed by a certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants ~~and~~ or similar international standards. An audit must include an opinion statement from the certified public accountant performing the audit; and

(4) for grain buyers purchasing \$20,000,000 or more of grain annually, be audited by a certified public accountant in accordance with standards established by the American Institute of Certified Public Accountants or similar international standards. The audit must include an opinion statement from the certified public accountant performing the audit.

(b) Only one financial statement must be filed for a chain of warehouses owned or operated as a single business entity, unless otherwise required by the commissioner. All financial statements filed with the commissioner are private or nonpublic data as provided in section 13.02.

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

(d) For an entity that qualifies for the exemption in paragraph (c), the commissioner retains the right to require the entity to provide the commissioner with financial reporting based on inspections, any report of nonpayment, or other documentation related to violations of this chapter, chapter 232, or Minnesota Rules, chapter 1562.

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

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

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

Sec. 21. Minnesota Statutes 2022, section 232.21, subdivision 3, is amended to read:

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

12.1 Sec. 22. Minnesota Statutes 2022, section 232.21, subdivision 7, is amended to read:

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

12.9 Sec. 23. Minnesota Statutes 2022, section 232.21, subdivision 11, is amended to read:

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

12.13 Sec. 24. Minnesota Statutes 2022, section 232.21, subdivision 12, is amended to read:

12.14 Subd. 12. **Public grain warehouse operator.** "Public grain warehouse operator" means:  
12.15 (1) a person licensed to operate operating a grain warehouse in which grain belonging to  
12.16 persons other than the grain warehouse operator is accepted for storage or purchase, ~~or;~~ (2)  
12.17 a person who offers grain storage or grain warehouse facilities to the public for hire; or (3)  
12.18 a feed-processing plant that receives and stores grain, the equivalent of which, it processes  
12.19 and returns to the grain's owner in amounts, at intervals, and with added ingredients that  
12.20 are mutually agreeable to the grain's owner and the person operating the plant.

12.21 Sec. 25. Minnesota Statutes 2022, section 232.21, subdivision 13, is amended to read:

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

12.25 Sec. 26. [346.021] FINDER TO GIVE NOTICE.

12.26 A person who finds an estray and knows who owns the estray must notify the estray's  
12.27 owner within seven days after finding the estray, and request that the owner pay all reasonable  
12.28 charges and take the estray away. A finder who does not know who owns an estray must  
12.29 either:

12.30 (1) within ten days, file a notice with the town or city clerk and post a physical or online  
12.31 notice of the finding of the estray. The notice must briefly describe the estray or provide a

13.1 photograph of the estray, provide the residence or contact information of the finder, and  
13.2 provide the approximate location and time when the finder found the estray; or  
13.3 (2) surrender the estray to a local animal control agency within seven days.

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

13.5 Sec. 27. **LAND OWNERSHIP VIOLATION REPORTING.**

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

13.9 Sec. 28. **REPEALER.**

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

13.11 (b) Minnesota Rules, parts 1506.0010; 1506.0015; 1506.0020; 1506.0025; 1506.0030;  
13.12 1506.0035; and 1506.0040, are repealed.

## 13.13 **ARTICLE 2**

### 13.14 **PESTICIDE CONTROL POLICY**

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

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

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

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

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

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

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

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

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

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

14.8 (b) Upon the request of a registrant, the commissioner may immediately cancel  
14.9 registration of a pesticide product. The commissioner may immediately cancel registration  
14.10 of a pesticide product at the commissioner's discretion. When requesting that the  
14.11 commissioner immediately cancel registration of a pesticide product, a registrant must  
14.12 provide the commissioner with:

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

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

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

14.17 Subd. 2. **Training manual and examination development.** The commissioner, in  
14.18 consultation with University of Minnesota Extension and other higher education institutions,  
14.19 shall continually revise and update pesticide applicator training manuals and examinations.  
14.20 The manuals and examinations must be written to meet or exceed the minimum competency  
14.21 standards required by the United States Environmental Protection Agency and pertinent  
14.22 state specific information. Pesticide applicator training manuals and examinations must  
14.23 meet or exceed the competency standards in Code of Federal Regulations, title 40, part 171.  
14.24 Competency standards for training manuals and examinations must be published on the  
14.25 Department of Agriculture website. Questions in the examinations must be determined by  
14.26 the commissioner in consultation with other responsible agencies. Manuals and examinations  
14.27 must include pesticide management practices that discuss prevention of pesticide occurrence  
14.28 in groundwater and surface water of the state, and economic thresholds and guidance for  
14.29 insecticide use.

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

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

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

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

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

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

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

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

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

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

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

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

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

15.29 (1) has the necessary qualifications in the practical selection and application of pesticides;

15.30 (2) has passed a closed-book examination given by the commissioner; and

(3) is engaged as an employee of or is working under the direction of a person licensed as a master under a structural pest control license.

(d) The commissioner may license a person as a fumigator under a structural pest control license if the person:

(1) has knowledge of the practical selection and application of fumigants;

(2) has passed a closed-book examination given by the commissioner; and

(3) is licensed by the commissioner as a master or journeyman under a structural pest control license.

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

Subd. 4. **Renewal.** (a) An applicator may apply to renew a structural pest control applicator license may be renewed on or before the expiration of an existing license subject to reexamination, attendance at workshops a recertification workshop approved by the commissioner, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competency and ability to use pesticides safely and properly. A recertification workshop must meet or exceed the competency standards in Code of Federal Regulations, title 40, part 171. Competency standards for a recertification workshop must be published on the Department of Agriculture website. If the commissioner requires an applicator to attend a recertification workshop and the applicator fails to attend the workshop, the commissioner may require the applicator to pass a reexamination. The commissioner may require an additional demonstration of applicator qualification if the applicator has had a license suspended or revoked or has otherwise had a history of violations of this chapter.

(b) ~~If a person~~ an applicator fails to renew a structural pest control license within three months of its expiration, the ~~person~~ applicator must obtain a structural pest control license subject to the requirements, procedures, and fees required for an initial license.

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

Subd. 5. **Financial responsibility.** (a) ~~A structural pest control license may not be issued unless the applicant furnishes proof of financial responsibility.~~ The commissioner may suspend or revoke a structural pest control license if an applicator fails to provide proof of financial responsibility upon the commissioner's request. Financial responsibility may be demonstrated by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 21.1 (1) as a traditional exchange of services without financial compensation;
- 21.2 (2) on a site owned, rented, or managed by the person or the person's employees; or
- 21.3 (3) when the private applicator is one of two or fewer employees and the owner or
- 21.4 operator is a certified private applicator or is licensed as a noncommercial applicator.
- 21.5 (b) A person may not purchase a restricted use pesticide without presenting a license
- 21.6 card, certified private applicator card, or the card number.
- 21.7 (c) A person certified under this section is considered qualified and is not required to
- 21.8 verify, document, or otherwise prove a particular need prior to use, except as required by
- 21.9 the federal label.
- 21.10 (d) A person certified under this section must be 18 years of age or older.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.25 calendar year after the initial year of certification.

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

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

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

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

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

21.31 use pesticides. The record must include the:

- 22.1 (1) date of the pesticide use;
- 22.2 (2) time the pesticide application was completed;
- 22.3 (3) brand name of the pesticide, the United States Environmental Protection Agency
- 22.4 registration number, and rate used;
- 22.5 (4) number of units treated;
- 22.6 (5) temperature, wind speed, and wind direction;
- 22.7 (6) location of the site where the pesticide was applied;
- 22.8 (7) name and address of the customer;
- 22.9 (8) name of applicator, name of company, license number of applicator, and address of
- 22.10 applicator company; and
- 22.11 (9) any other information required by the commissioner.
- 22.12 (b) Portions of records not relevant to a specific type of application may be omitted upon
- 22.13 approval from the commissioner.
- 22.14 (c) All information for this record requirement must be contained in a document for each
- 22.15 pesticide application, except a map may be attached to identify treated areas. An invoice
- 22.16 containing the required information may constitute the required record. The commissioner
- 22.17 shall make sample forms available to meet the requirements of this paragraph.
- 22.18 (d) The record must be completed no later than five days after the application of the
- 22.19 pesticide.
- 22.20 (e) A commercial applicator must give a copy of the record to the customer.
- 22.21 (f) Records must be retained by the applicator, company, or authorized agent for five
- 22.22 years after the date of treatment.
- 22.23 (g) A record of a commercial or noncommercial applicator must meet or exceed the
- 22.24 requirements in Code of Federal Regulations, title 40, part 171.
- 22.25 Sec. 17. Minnesota Statutes 2022, section 18B.37, subdivision 3, is amended to read:
- 22.26 Subd. 3. **Structural pest control applicators.** (a) A structural pest control applicator
- 22.27 must maintain a record of each structural pest control application conducted by that person
- 22.28 or by the person's employees. The record must include the:
- 22.29 (1) date of structural pest control application;
- 22.30 (2) target pest;

- 23.1 (3) brand name of the pesticide, United States Environmental Protection Agency  
23.2 registration number, and amount used;
- 23.3 (4) for fumigation, the temperature and exposure time;
- 23.4 (5) time the pesticide application was completed;
- 23.5 (6) name and address of the customer;
- 23.6 (7) name of structural pest control applicator, name of company and address of applicator  
23.7 or company, and license number of applicator; and
- 23.8 (8) any other information required by the commissioner.
- 23.9 (b) All information for this record requirement must be contained in a document for  
23.10 each pesticide application. An invoice containing the required information may constitute  
23.11 the record.
- 23.12 (c) The record must be completed no later than five days after the application of the  
23.13 pesticide.
- 23.14 (d) Records must be retained for five years after the date of treatment.
- 23.15 (e) A copy of the record must be given to a person who ordered the application that is  
23.16 present at the site where the structural pest control application is conducted, placed in a  
23.17 conspicuous location at the site where the structural pest control application is conducted  
23.18 immediately after the application of the pesticides, or delivered to the person who ordered  
23.19 an application or the owner of the site. The commissioner must make sample forms available  
23.20 that meet the requirements of this subdivision.
- 23.21 (f) A structural applicator must post in a conspicuous place inside a renter's apartment  
23.22 where a pesticide application has occurred a list of postapplication precautions contained  
23.23 on the label of the pesticide that was applied in the apartment and any other information  
23.24 required by the commissioner.
- 23.25 (g) A record of a structural applicator must meet or exceed the requirements in Code of  
23.26 Federal Regulations, title 40, part 171."
- 23.27 Amend the title accordingly