

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2611

(SENATE AUTHORS: PUTNAM)

DATE	D-PG	OFFICIAL STATUS
03/17/2025	858	Introduction and first reading Referred to Agriculture, Veterans, Broadband, and Rural Development See HF2446

1.1A bill for an act

1.2relating to agriculture; modifying livestock market agency and dealer licensing

1.3provisions; modifying farmers' market or community event food sampling and

1.4demonstration provisions; modifying food certificate payment provisions; repealing

1.5obsolete provisions; amending Minnesota Statutes 2024, sections 17A.03,

1.6subdivisions 8, 10, 11, by adding a subdivision; 17A.04, subdivisions 1, 2, 4, 6,

1.77, 8; 17A.06, subdivisions 2, 3; 17A.07; 17A.08; 28A.081, subdivision 1; 28A.151,

1.8subdivision 2; 31B.03; 34A.04, subdivision 1; repealing Minnesota Statutes 2024,

1.9sections 35.68; 35.830.

1.10BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11Section 1. Minnesota Statutes 2024, section 17A.03, subdivision 8, is amended to read:

1.12Subd. 8. **Livestock dealer agent.** "Livestock dealer agent" means any individual who

1.13is engaged by a livestock dealer to act as the dealer's representative.

1.14Sec. 2. Minnesota Statutes 2024, section 17A.03, subdivision 10, is amended to read:

1.15Subd. 10. **Meat packing plants companies, packers, and slaughtering houses.** "Meat

1.16packing plants companies," "packers," and "slaughtering houses" means places of business

1.17~~where livestock purchased or acquired is slaughtered~~ that have the meaning of "packers"

1.18as defined in section 31B.02, subdivision 8.

1.19Sec. 3. Minnesota Statutes 2024, section 17A.03, subdivision 11, is amended to read:

1.20Subd. 11. **Buying station.** "Buying station" means any stockyard or concentration point,

1.21other than a public stockyard, at which livestock is bought and sold or assembled for shipment

1.22to a meat packing plant company or a public stockyard, or graded or weighed for the purpose

1.23of establishing a basis for sale or reshipment.

Sec. 4. Minnesota Statutes 2024, section 17A.03, is amended by adding a subdivision to read:

Subd. 16. Meat packing company agent. "Meat packing company agent" means an individual who is engaged by a meat packing company to act as the company's representative.

Sec. 5. Minnesota Statutes 2024, section 17A.04, subdivision 1, is amended to read:

Subdivision 1. **Licensing provisions.** Licenses shall be issued to livestock market agencies and public stockyards annually and shall expire on December 31 each year, renewable annually thereafter. A separate license must be obtained for each separate geographical location even though operated under the same management or same person, partnership, firm, corporation, or livestock market. The license issued to a livestock market agency and public stockyard shall be conspicuously posted at the licensee's place of business. Licenses shall be required for livestock dealers and their agents and meat packing companies and their agents for the period beginning July 1 each year and ending June 30. A license issued under this subdivision is renewable annually thereafter. The license issued to a livestock dealer or the agent of a livestock dealer, a meat packing company, or the agent of a meat packing company shall be carried by the person ~~so~~ who is licensed. ~~The~~ A livestock dealer or meat packing company shall be responsible for the acts of the dealer's agents. Licensed livestock market agencies, public stockyards, and livestock dealers shall be responsible for the faithful performance of duty of the public livestock weighers at their places of business. The license issued to a livestock market agency, public stockyard, meat packing company or agent of a meat packing company, or livestock dealer or agent of a livestock dealer is not transferable. The operation of livestock market agencies, livestock dealers, agents, ~~and packers~~ meat packing companies at a public stockyard are exempt from sections 17A.01 to 17A.09 and 17A.12 to 17A.17.

Sec. 6. Minnesota Statutes 2024, section 17A.04, subdivision 2, is amended to read:

Subd. 2. **Application.** Any person desiring to carry on the business of a livestock market agency or livestock dealer, or both, or a public stockyard, livestock dealer agent, a meat packing company, or meat packing company agent shall make application to the commissioner on a form or forms provided by the commissioner.

Sec. 7. Minnesota Statutes 2024, section 17A.04, subdivision 4, is amended to read:

Subd. 4. **Surety bonds required.** Each livestock market agency and livestock dealer applying for a license ~~under Laws 1974, chapter 347~~ shall file with the commissioner a

valid and effective bond issued by a surety company licensed to do business in this state, or meeting the requirements of section 17A.05, in the form and amount set forth in section 17A.05. No bond shall be required of a public stockyard or any agent of a bonded livestock dealer. The commissioner may at any time raise or lower bond requirements if it appears that a modification of such bond requirements is justified and will protect the public. The bonds of livestock market agencies and dealers whose residence or principal place of business is within the state of Minnesota shall name the commissioner as the trustee. ~~Any~~ A license issued under Laws 1974, chapter 347 shall automatically become void upon the termination of the surety bond covering the licensed operations.

Sec. 8. Minnesota Statutes 2024, section 17A.04, subdivision 6, is amended to read:

Subd. 6. **Refusal to license.** The commissioner shall refuse to issue or renew a livestock market agency, meat packing company, or livestock dealer license if the applicant has not filed a surety bond in the form and amount required under this section and section 17A.05; the commissioner may refuse to issue or renew a license if the applicant (1) has not satisfactorily demonstrated by a current balance sheet and financial statement that the applicant's assets exceed liabilities; (2) has been found by the department to have failed to pay, without reasonable cause, obligations incurred in connection with livestock transactions; (3) has failed to maintain and operate livestock or monorail scales in a manner to ensure accurate and correct weights; or (4) has failed to comply with other statutes, rules, or regulations enforced by the commissioner, the Board of Animal Health, the Division of Weights and Measures of the Department of Commerce, or the federal Packers and Stockyards Administration.

Sec. 9. Minnesota Statutes 2024, section 17A.04, subdivision 7, is amended to read:

Subd. 7. **Revocation of license.** Whenever the commissioner finds that any livestock market agency, meat packing company, or livestock dealer has violated the provisions of this chapter, or has failed to comply with other laws, rules, or regulations enforced by the Board of Animal Health, the Division of Weights and Measures of the Department of Commerce, or the federal Packers and Stockyards Administration, the commissioner may, by order, pursuant to the provisions of chapter 14, and this subdivision, revoke the license of the offender. ~~Before any such license shall be revoked, the licensee shall be furnished with a statement of the complaints made against the licensee, and a hearing shall be had before the commissioner upon at least ten days' notice to the licensee to determine whether such license shall be revoked, which notice may be served either by certified mail addressed to the address of the licensee as shown in the license application or in the manner provided~~

4.1 ~~by law for the service of a summons. At the time and place fixed for hearing, the~~
4.2 ~~commissioner or any official, employee or agent of the department authorized by the~~
4.3 ~~commissioner, shall receive evidence, administer oaths, examine witnesses, hear the~~
4.4 ~~testimony and thereafter file an order either dismissing the proceedings or revoking the~~
4.5 ~~license.~~

4.6 Sec. 10. Minnesota Statutes 2024, section 17A.04, subdivision 8, is amended to read:

4.7 Subd. 8. **Suspension of license.** Whenever the commissioner finds that the licensee has
4.8 violated provisions of this chapter, or has failed to comply with other laws, rules, or
4.9 regulations enforced by the Board of Animal Health, the Division of Weights and Measures
4.10 of the Department of Commerce, or the federal Packers and Stockyards Administration,
4.11 and that the continued activity of a licensee may cause irreparable injury or loss to persons
4.12 engaged in business with the licensee, the commissioner may, without hearing, suspend the
4.13 license of the licensee, provided that when a license is so suspended, the commissioner shall
4.14 immediately initiate procedures to afford the licensee a hearing pursuant to subdivision 7
4.15 ~~except that the ten days' notice required in subdivision 7 may be waived by the licensee.~~

4.16 Sec. 11. Minnesota Statutes 2024, section 17A.06, subdivision 2, is amended to read:

4.17 Subd. 2. **Hearing on claims.** In case of default by the licensee, the commissioner shall
4.18 have the power to have the matter heard as a contested case pursuant to procedures outlined
4.19 in chapter 14. ~~No hearing shall be required if all affected parties to a bond claim proceeding~~
4.20 ~~waive their right to a hearing and agree to accept the commissioner's determination as to~~
4.21 ~~the validity of the claim and the allocation of the proceeds of the bond. The commissioner~~
4.22 must first determine whether a claim is valid. If the commissioner determines that a claim
4.23 is valid, the commissioner must notify the licensee of the determination and that the licensee
4.24 has 15 days to either pay the claim or appeal the determination. If the licensee does not
4.25 respond within 15 days, the determination must be considered a final order by the
4.26 commissioner. If the commissioner determines that a claim is not valid, the commissioner
4.27 must notify the claimant of the determination and that the claimant has 15 days to appeal
4.28 the determination. If the claimant does not respond within 15 days, the determination must
4.29 be considered a final order by the commissioner.

4.30 Sec. 12. Minnesota Statutes 2024, section 17A.06, subdivision 3, is amended to read:

4.31 Subd. 3. **Public notice.** ~~Prior to a hearing~~ After the commissioner determines that a
4.32 claim is valid, the commissioner shall publish a notice setting forth the default of the licensee
4.33 and requiring all claimants to file proof of claim with the commissioner within 45 days of

the date such notice is published or be barred from participating in the proceeds of the bond. Such publication shall be made in a newspaper published in the county in which the licensee's principal place of business is located. The commissioner shall also fulfill any notice requirements prescribed by chapter 14 and rules of the Office of Administrative Hearings. No claim shall be allowed unless it is filed with the commissioner within one year of the date of the transaction. If a livestock market agency, meat packing company, or livestock dealer has on file a Packers and Stockyards Act bond and is registered with the Packers and Stockyards Administration, the terms of the bond or that federal agency's regulations will control.

Sec. 13. Minnesota Statutes 2024, section 17A.07, is amended to read:

17A.07 PROHIBITED CONDUCT.

It shall be unlawful for any person to (1) carry on the business of a livestock market agency, livestock dealer, livestock dealer agent, meat packing company, meat packing company agent, or public stockyard without a valid and effective license issued by the commissioner under the provisions of section 17A.04; (2) carry on the business of a livestock market agency, meat packing company, or livestock dealer without filing and maintaining a valid and effective surety bond in conformity with sections 17A.04 and 17A.05; (3) carry on the business of a livestock market agency, meat packing company, or livestock dealer if the person cannot pay debts as they become due or ceases to pay debts in the ordinary course of business as they become due; (4) use or allow to be used any livestock scale or monorail scale which has not been certified and approved for official use or has been found to be inaccurate; (5) fail to maintain and operate livestock or monorail scales in a manner to ensure accurate and correct weights; (6) weigh livestock or carcasses at other than true and correct weights or issue accounts and records on the basis of inaccurate or incorrect weights; (7) engage in or use any unfair or deceptive practice or device in connection with marketing of livestock; (8) willfully make or cause to be made any false entry or statement of fact in any application, financial statement or report filed with the department under this chapter.

Sec. 14. Minnesota Statutes 2024, section 17A.08, is amended to read:

17A.08 RECORD KEEPING.

Every person shall make and retain such accounts, records, and memoranda necessary to fully and correctly disclose all transactions involved in the person's business, including the true ownership of such business by stockholding or otherwise. Whenever the

6.1 commissioner finds that the accounts, records, and memoranda of any such person do not
6.2 fully and correctly disclose all transactions involved in the person's business, the
6.3 commissioner may ~~prescribe~~ take enforcement actions in addition to prescribing the manner
6.4 or form and length of time for retention which such accounts, records, and memoranda shall
6.5 be kept. The commissioner shall at all reasonable times have access to, for the purpose of
6.6 examination, and the right to copy any documentary evidence of any person being
6.7 investigated or proceeded against.

6.8 Sec. 15. Minnesota Statutes 2024, section 28A.081, subdivision 1, is amended to read:

6.9 Subdivision 1. **Fee.** A fee of \$125 for each certificate shall be charged to any person
6.10 who requests a certificate issued by the Minnesota Department of Agriculture to facilitate
6.11 the movement of Minnesota processed and manufactured foods destined for export from
6.12 the state of Minnesota. Certificates include, but are not limited to, a certificate of free sale,
6.13 certificate of export, certificate of sanitation, sanitary certificate, certificate of origin and/or
6.14 free sale, certificate of health and/or free sale, sanitation, and purity, certificate of free trade,
6.15 certificate of free sale, sanitation, purity, and origin, certificate of health, sanitation, purity,
6.16 and free sale, and letter of plant certification.

6.17 The commissioner ~~shall~~ must receive payment with the request or bill the requesting
6.18 person within seven days after issuing a certificate to the person. The requesting person
6.19 must submit payment for a certificate at the time of receiving the request or within ten days
6.20 of the billing date. If a certificate fee payment is not received within 15 days of the billing
6.21 date, the commissioner may not issue any future certificates to the requesting person until
6.22 previous fees due are paid in full. Fees paid under this section must be deposited in the food
6.23 certificate account established under subdivision 2 or another account in the agricultural
6.24 fund if the expenses for the certificate will be paid from that other account.

6.25 Sec. 16. Minnesota Statutes 2024, section 28A.151, subdivision 2, is amended to read:

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

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

6.29 (c) Food product sampling or food product demonstrations, ~~including that contain~~ including that contain cooked
6.30 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~~ originate from animals slaughtered under continuous inspection, either by the USDA or through 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.

Sec. 17. Minnesota Statutes 2024, section 31B.03, is amended to read:

31B.03 REPORTING REQUIREMENTS.

A packer, stockyard owner, market agency, and dealer and grain and feed businesses with livestock contracts shall file annually with the commissioner a copy of the annual report form of the federal packers and stockyards regulations filed with the federal packers and stockyards administration and any additional information that may be required on a form prescribed by the commissioner. The report and any additional information must be filed with the commissioner not later than April 15 following the end of the calendar year or, if the records are kept on a fiscal year basis, not later than 90 days after the close of the fiscal year.

The commissioner ~~shall~~ may require: (1) a packer to annually complete a form showing the maximum capacity of each of the packer's packing plants; and (2) a copy of each contract a packer has entered into with a livestock producer and each agreement that will become part of the contract that a packer has with a livestock producer for the purchase or contracting of livestock.

Sec. 18. Minnesota Statutes 2024, section 34A.04, subdivision 1, is amended to read:

Subdivision 1. **Enforcement required.** (a) The commissioner shall enforce this chapter and chapters 17A, 28, 28A, 29, 30, 31, 31A, 32D, and 34. To carry out the enforcement duties under these chapters, the commissioner may, upon presenting appropriate credentials, during regular working hours and at other reasonable times, inspect premises subject to the commissioner's enforcement and licensing authority; require information from persons with information relevant to an inspection; and inspect and copy relevant papers and records, including business records.

(b) The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which the premises is located to compel compliance with subpoenas or to permit an inspection.

8.1 (c) Violations of chapters 17A, 28, 28A, 29, 30, 31, 31A, 32D, and 34, or rules adopted
8.2 under chapters 17A, 28, 28A, 29, 30, 31, 31A, 32D, and 34, are a violation of this chapter.

8.3 (d) Upon the request of the commissioner, county attorneys, sheriffs, and other officers
8.4 having authority in the enforcement of the general criminal laws shall take action to the
8.5 extent of their authority necessary or proper for the enforcement of this chapter or standards,
8.6 stipulations, and agreements of the commissioner.

8.7 Sec. 19. **REPEALER.**

8.8 Minnesota Statutes 2024, sections 35.68; and 35.830, are repealed.

35.68 RABIES PROCLAMATION.

If a community health board as defined in section 145A.02, subdivision 5, investigates and finds that rabies does exist in a town or city the community health board shall make and file a proclamation of the investigation and determination which prohibits the owner or custodian of any dog from allowing the dog to be at large within the town or city unless the dog is effectively muzzled so that it cannot bite any other animal or person.

If the executive director of the Board of Animal Health, after investigation, has determined that rabies exists in any territory in the state, similar proclamations must be issued in all towns and cities within the territory or area in which it is necessary to control the outbreak and prevent the spread of the disease. The proclamation must prohibit the owner or custodian of any dog within the designated territory from permitting or allowing the dog to be at large within the territory unless the dog is effectively muzzled so that it cannot bite any other animal or person.

All local peace officers and community health boards shall enforce sections 35.67 to 35.69.

A proclamation issued by the community health board must be filed with the clerk of the political subdivision responsible for the community health board. One issued by the executive director of the Board of Animal Health must be filed with the clerk of each town and city within the territory it covers.

Each officer with whom the proclamation is filed shall publish a copy of it in one issue of a legal newspaper published in the clerk's town or city if one is published there. If no newspaper is published there, the clerk must post a copy of the proclamation in three public places. Publication is at the expense of the municipality.

Proof of publication must be by affidavit of the publisher and proof of posting must be by the person doing the posting. The affidavit must be filed with the proclamation. The proclamation is effective five days after the publication or posting and remains effective for the period of time not exceeding six months specified in it by the community health board making the proclamation.

35.830 SALE OF BRANDED LIVESTOCK; WRITTEN BILL OF SALE.

Persons selling animals marked or branded with their mark or brand recorded in a current state brand book or its supplement or registered with the board shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of animals sold, a description of each animal sold as to sex and kind, and all registered brands. The bill of sale must be kept by the purchaser for two years and for as long afterwards as the purchaser owns any of the animals described in the bill of sale. A copy of the bill of sale must be given to each hauler of the animals, other than railroads, and must accompany the shipment of animals while in transit. The bill of sale or a copy must be shown by the possessor on demand to any peace officer or compliance representative of the board. The bill of sale is prima facie evidence of the sale of the animals described by the bill of sale.