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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3231

03/16/2016 Authored by Anderson, P.; Hamilton and Poppe
The bill was read for the first time and referred to the Committee on Agriculture Policy
04/07/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time

1.1 A bill for an act
1.2 relating to agriculture; making various policy and technical changes to
1.3 agriculture-related provisions; establishing a Farmer-Lender Mediation Task
1.4 Force and a Farm Safety Initiative; requiring reports; amending Minnesota
1.5 Statutes 2014, sections 18B.345; 28A.085, subdivision 1; 31.122; 31.94;
1.6 Minnesota Statutes 2015 Supplement, section 583.215; repealing Laws 2015,
1.7 First Special Session chapter 4, article 2, section 81.

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

1.9 Section 1. Minnesota Statutes 2014, section 18B.345, is amended to read:

1.10 18B.345 PESTICIDE APPLICATION ON GOLF COURSES.

1.11 (a) Application of a pesticide to the property of a golf course must be performed by:

1.12 (1) a structural pest control applicator; or

1.13 (2) a commercial or noncommercial pesticide applicator with appropriate use
1.14 certification.

1.15 (b) Pesticides determined by the commissioner to be sanitizers and disinfectants are
1.16 exempt from the requirements in paragraph (a).

1.17 Sec. 2. Minnesota Statutes 2014, section 28A.085, subdivision 1, is amended to read:

1.18 Subdivision 1. Violations; prohibited acts. The commissioner may charge a
1.19 reinspection fee for each reinspection of a food handler that:

1.20 (1) is found with a major violation of requirements in chapter 28, 29, 30, 31, 31A,
1.21 32, 33, or 34, or rules adopted under one of those chapters; or

1.22 (2) is found with a violation of section 31.02, 31.161, or 31.165, and requires a
1.23 follow-up inspection after an administrative meeting held pursuant to section 34A.06; or

2.1 ~~(3)~~ (2) fails to correct equipment and facility deficiencies as required in rules adopted
2.2 under chapter 28, 29, 30, 31, 31A, 32, or 34.

2.3 The first reinspection of a firm with gross food sales under \$1,000,000 must be
2.4 assessed at \$150. The fee for a firm with gross food sales over \$1,000,000 is \$200. The
2.5 fee for a subsequent reinspection of a firm for the same violation is 50 percent of their
2.6 current license fee or \$300, whichever is greater. The establishment must be issued written
2.7 notice of violations with a reasonable date for compliance listed on the notice. An initial
2.8 inspection relating to a complaint is not a reinspection.

2.9 Sec. 3. Minnesota Statutes 2014, section 31.122, is amended to read:

2.10 **31.122 FOOD; TOLERANCES FOR ADDED POISONOUS INGREDIENTS.**

2.11 Any added poisonous or deleterious substance, any food additive, any pesticide
2.12 chemical in or on a raw agricultural commodity or any color additive, shall with respect
2.13 to any particular use or intended use be deemed unsafe for the purpose of application of
2.14 section ~~31.121, clause (b)~~ 34A.02, clause (2), with respect to any food, unless there is in
2.15 effect a rule pursuant to section 31.101 limiting the quantity of such substance, and the use
2.16 or intended use of such substance conforms to the terms prescribed by such rule. While
2.17 such rules relating to such substance are in effect, a food shall not, by reason of bearing or
2.18 containing such substance in accordance with the rules, be considered adulterated within
2.19 the meaning of section ~~31.121, clause (a)~~ 34A.02, clause (1). This section also applies
2.20 to food prepared and sold by an individual who is exempt from food handler licensing
2.21 requirements pursuant to the cottage foods exemption in section 28A.152.

2.22 Sec. 4. Minnesota Statutes 2014, section 31.94, is amended to read:

2.23 **31.94 ORGANIC AGRICULTURE; COMMISSIONER DUTIES.**

2.24 (a) In order to promote opportunities for organic agriculture in Minnesota, the
2.25 commissioner shall:

2.26 (1) survey producers and support services and organizations to determine
2.27 information and research needs in the area of organic agriculture practices;

2.28 (2) work with the University of Minnesota and other research and education
2.29 institutions to demonstrate the on-farm applicability of organic agriculture practices to
2.30 conditions in this state;

2.31 (3) direct the programs of the department so as to work toward the promotion of
2.32 organic agriculture in this state;

2.33 (4) inform agencies of how about state or federal programs ~~could utilize and that~~
2.34 support organic agriculture practices; and

3.1 (5) work closely with producers, producer organizations, the University of
3.2 Minnesota, ~~the Minnesota Trade Office~~, and other appropriate agencies and organizations
3.3 to identify opportunities and needs as well as ensure coordination and avoid duplication of
3.4 state agency efforts regarding research, teaching, marketing, and extension work relating
3.5 to organic agriculture.

3.6 (b) By November 15 of each year that ends in a zero or a five, the commissioner,
3.7 in conjunction with the task force created in paragraph (c), shall report on the status of
3.8 organic agriculture in Minnesota to the legislative policy and finance committees and
3.9 divisions with jurisdiction over agriculture. The report must include available data on
3.10 organic acreage and production, available data on the sales or market performance of
3.11 organic products, and recommendations regarding programs, policies, and research efforts
3.12 that will benefit Minnesota's organic agriculture sector.

3.13 (c) A Minnesota Organic Advisory Task Force shall advise the commissioner and the
3.14 University of Minnesota on policies and programs that will improve organic agriculture in
3.15 Minnesota, including how available resources can most effectively be used for outreach,
3.16 education, research, and technical assistance that meet the needs of the organic agriculture
3.17 community sector. The task force must consist of the following residents of the state:

- 3.18 (1) three organic farmers;
- 3.19 (2) one wholesaler or distributor of organic products;
- 3.20 (3) one representative of organic certification agencies;
- 3.21 (4) two organic processors;
- 3.22 (5) one representative from University of Minnesota Extension;
- 3.23 (6) one University of Minnesota faculty member;
- 3.24 (7) one representative from a nonprofit organization representing producers;
- 3.25 (8) two public members;
- 3.26 (9) one representative from the United States Department of Agriculture;
- 3.27 (10) one retailer of organic products; and
- 3.28 (11) one organic consumer representative.

3.29 The commissioner, in consultation with the director of the Minnesota Agricultural
3.30 Experiment Station; the dean and director of University of Minnesota Extension and the
3.31 dean of the College of Food, Agricultural and Natural Resource Sciences, shall appoint
3.32 members to serve three-year terms.

3.33 Compensation and removal of members are governed by section 15.059, subdivision
3.34 6. The task force must meet at least twice each year and expires on June 30, ~~2016~~ 2019.

3.35 (d) For the purposes of expanding, improving, and developing production and
3.36 marketing of the organic products of Minnesota agriculture, the commissioner may

4.1 receive funds from state and federal sources and spend them, including through grants or
4.2 contracts, to assist producers and processors to achieve certification, to conduct education
4.3 or marketing activities, to enter into research and development partnerships, or to address
4.4 production or marketing obstacles to the growth and well-being of the industry.

4.5 (e) The commissioner may facilitate the registration of state organic production
4.6 and handling operations including those exempt from organic certification according to
4.7 Code of Federal Regulations, title 7, section 205.101, and accredited certification agents
4.8 agencies operating within the state.

4.9 Sec. 5. Minnesota Statutes 2015 Supplement, section 583.215, is amended to read:

4.10 **583.215 EXPIRATION.**

4.11 Sections 336.9-601, subsections (h) and (i); 550.365; 559.209; 582.039; and 583.20
4.12 to 583.32, expire June 30, ~~2016~~ 2018.

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

4.14 Sec. 6. **FARMER-LENDER MEDIATION TASK FORCE.**

4.15 The commissioner of agriculture must convene an advisory task force to provide
4.16 recommendations to the legislature regarding the state's Farmer-Lender Mediation Act.

4.17 The task force must be comprised of 12 members, including one adult farm business
4.18 management instructor appointed by the commissioner and three farmers appointed by
4.19 the commissioner, at least one of whom is a beginning or nontraditional farmer and at
4.20 least one of whom has personal experience with the farmer-lender mediation program.

4.21 The remaining membership of the task force consists of one member appointed by each
4.22 of the following entities:

4.23 (1) Minnesota Farm Bureau;

4.24 (2) Minnesota Farmers Union;

4.25 (3) Minnesota Bankers Association;

4.26 (4) Independent Community Bankers of Minnesota;

4.27 (5) Farm Credit Services - Minnesota State Federation;

4.28 (6) Minnesota Credit Union Network;

4.29 (7) Minnesota-South Dakota Equipment Dealers Association; and

4.30 (8) University of Minnesota Extension.

4.31 No later than February 1, 2017, the commissioner must report the task force's
4.32 recommendations to the legislative committees with jurisdiction over agriculture policy
4.33 and finance.

5.1 Sec. 7. **FARM SAFETY INITIATIVE.**

5.2 (a) The commissioner of agriculture shall analyze the range of safety challenges
5.3 presented in the operation of a farm. The commissioner's analysis shall include
5.4 consultation with organizations in Minnesota that address issues of farm safety. The
5.5 commissioner shall report the findings to the legislative committees with jurisdiction over
5.6 agricultural policy by February 1, 2017. The report must, at a minimum:

5.7 (1) provide information on how other states in the Midwest, including but not limited
5.8 to Wisconsin, Iowa, and Nebraska, address farm safety issues;

5.9 (2) identify common safety issues faced by Minnesota farmers that need attention,
5.10 including common causes of farm-related accidents;

5.11 (3) identify how farm safety programs can better serve the growing farm labor
5.12 population; and

5.13 (4) make recommendations to the legislature on how to improve farm safety efforts
5.14 in Minnesota.

5.15 (b) By October 1, 2016, the commissioner of agriculture shall compile an inventory
5.16 of farm safety programs and resources that are currently available in Minnesota. After
5.17 compiling the inventory, the commissioner shall make available the inventory and promote
5.18 to farm operators in Minnesota the farm safety programs and resources contained in
5.19 the inventory.

5.20 Sec. 8. **REPEALER.**

5.21 Laws 2015, First Special Session chapter 4, article 2, section 81, is repealed.

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

APPENDIX
Repealed Minnesota Session Laws: H3231-1

Laws 2015, First Special Session chapter 4, article 2, section 81

Sec. 81. Minnesota Statutes 2014, section 583.215, is amended to read:

583.215 EXPIRATION.

Sections 336.9-601, subsections (h) and (i); 550.365; 559.209; 582.039; and 583.20 to 583.32, expire June 30, 2017.

EFFECTIVE DATE. This section is effective May 23, 2016, if the legislature does not meet in regular session in calendar year 2016 before May 23, 2016. If the legislature meets in regular session in calendar year 2016 before May 23, 2016, this section is void.