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Chapter 43 – Enacted Agriculture, Broadband and Rural Development (S.F. 1955)

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Unless otherwise specified, the effective date for this chapter is July 1, 2023.

Article 1: Appropriations for the Department of Agriculture, Board of Animal Health, and Agricultural Utilization Research Institute

Please see the Agriculture, Laws 2023, Ch. 43 spreadsheet for information on appropriations.

Article 2: Agriculture Statutory Changes

Section 1 [17.033] authorizes the commissioner of agriculture (the commissioner) to collect a surcharge of five percent or a minimum of \$5 on all licensing and permitting transactions. The funds must be deposited into a dedicated account and used for information technology improvements.

Section 2 (17.055, subdivision 1) amends the emerging farmer working group to include those who are LGBTQIA+.

Section 3 (17.055, subdivision 2a) adds the emerging farmers office to coordinate the working group and grants to emerging farmers.

Section 4 (17.055, subdivision 3) adds beginning farmer equipment and infrastructure grants to the emerging farmer section.

Section 5 (17.055, subdivision 4) requires the commissioner to submit an annual report to the legislature about emerging farmers by February 1 each year.

Section 6 (section 17.1016, subdivision 2) amends the cooperative grant program to expand the types of cooperatives eligible.

Section 7 (17.116, subdivision 3) amends grant awards for sustainable agriculture demonstration grants to expand allowable in-kind contributions.

Section 8 (section 17.133, subdivision 2) amends the farm down payment assistance grants to require a minimum \$8,000 match and requires the commissioner to accept applications for at least 30 days with a randomized selection process.

Section 9 (section 17.133, subdivision 3) adds disaggregated demographic data to the information that must be included in the annual report to the legislature about the farm down payment assistance grants.

Section 10 [17.134] establishes a soil health financial assistance program, describes the types of projects and entities eligible for grants, and requires a report.

Section 11 (17.457) amends the restricted species section of Minnesota Statutes relating to Eurasian wild pigs and their hybrids. It deletes outdated language and adds a requirement for insurance or a security bond for possession of a restricted species. Further, the section adds that the commissioner can enforce the restricted species section in addition to conservation enforcement officers. This section is effective August 1, 2023.

Section 12 (17.710) adds a paragraph prohibiting any requirement in a carbon storage contract that would not allow disclosure of terms, conditions, or prices contained in the contract after June 30, 2023.

Section 13 (17.983) deletes chapter 32D (Dairy Law) from the administrative penalties and enforcement section of chapter 17 (Department of Agriculture). This section is effective August 1, 2023.

Section 14 (18.78, subdivision 2) adds nonnative Phragmites to the noxious weeds control and management section. This section is effective August 1, 2023.

Section 15 (18B.01, subdivision 2b) amends the definition of "bee owner" in the pesticide control chapter.

Section 16 (18B.01, subdivision 2c) adds a definition of "bee kill incident" to the pesticide control chapter.

Section 17 (18B.01, subdivision 4d) adds a definition of "cleaning product" to the pesticide control chapter.

Section 18 (18B.01, subdivision 6c) adds a definition of "currently unavoidable use" to the pesticide control chapter.

Section 19 (18B.01, subdivision 12a) adds a definition of "intentionally added" to the pesticide control chapter.

Section 20 (18B.01, subdivision 14c) adds a definition of "minimum risk pesticide" to the pesticide control chapter.

Section 21 (18B.01, subdivision 15c) adds a definition of "perfluoroalkyl and polyfluoroalkyl substances" to the pesticide control chapter.

Section 22 (18B.03, subdivision 3) allows the commissioner to enter into data sharing agreements with other state agencies to assess adverse effects of pesticide use.

Section 23 (18B.03, subdivision 5) states that the commissioner has the sole regulatory authority over application of PFAS-containing pesticides to land.

Section 24 (18B.051) expands the allowable uses of the money in the pollinator research account. This section expires July 1, 2027.

Section 25 (18B.055) makes changes to the compensation program for bees killed by pesticide poisoning.

Section 26 (18B.065, subdivision 8) exempts minimum risk pesticides from the waste pesticide program surcharge.

Section 27 [18B.091] adds a section to the pesticide control chapter that would allow minimum risk pesticides to be used for growing medical cannabis except in certain circumstances. This section is effective August 1, 2023.

Section 28 (18B.26, subdivision 7) requires an annual statement by pesticide registrants relating to PFAS, starting January 1, 2026.

Section 29 (18B.26) prohibits the commissioner from registering a cleaning product or a pesticide product that contains intentionally added PFAS unless the commissioner determines that the PFAS use is unavoidable beginning January 1, 2026; and prohibits registration of a pesticide product containing intentionally added PFAS unless the commissioner determines that the PFAS use is unavoidable starting January 1, 2032.

Section 30 (18B.28, subdivision 3) requires an application for experimental use pesticide product registration to include information about PFAS.

Section 31 (18C.005, subdivision 6b) adds a definition of "currently unavoidable use" to the chapter on fertilizer, soil amendments, and plant amendments.

Section 32 (18C.005, subdivision 15a) adds a definition of "intentionally added" to the chapter on fertilizer, soil amendments, and plant amendments.

Section 33 (18C.005, subdivision 19a) adds a definition of "manufacturer" to the chapter on fertilizer, soil amendments, and plant amendments.

Section 34 (18C.005, subdivision 23a) adds a definition of "perfluoroalkyl and polyfluoroalkyl substances" to the chapter on fertilizer, soil amendments, and plant amendments.

Section 35 (18C.005, subdivision 26a) adds a definition of "product" to the chapter on fertilizer, soil amendments, and plant amendments.

Section 36 (18C.111, subdivision 3) allows the commissioner to enter into data sharing agreements with other state agencies to help assess potential adverse effects from fertilizer use.

Section 37 (18C.111) states that the Department of Agriculture is the lead state agency for the regulation of fertilizer containing PFAS.

Section 38 [18C.202] adds a new section relating to PFAS, requiring manufacturers to provide an annual statement regarding PFAS beginning January 1, 2026. Prohibits registration or approval for use of a product containing intentionally added PFAS unless they are a currently unavoidable use beginning January 1, 2032.

Section 39 (18C.421, subdivision 1) makes a conforming change relating to the fertilizer inspection fee.

Section 40 (18C.425, subdivision 6) amends the inspection fee to allow the commissioner to set the rate between 39 and 70 cents per ton and requires the commissioner to hold a public meeting if increasing the fee by more than five cents per ton.

Section 41 (18D.321, subdivision 1) amends the notice period from 45 to 20 days for a person to notify the commissioner that the person intends to contest an enforcement order relating to agricultural chemical liability. This section is effective August 1, 2023.

Section 42 (18F.01) updates the purpose of the genetically engineered organisms chapter to more accurately reflect the Department of Agriculture's role. This section is effective August 1, 2023.

Section 43 (18F.02, subdivision 3a) adds a definition of "Coordinated Framework" to the genetically engineered organisms chapter. This section is effective August 1, 2023.

Section 44 (18F.02, subdivision 7a) adds a definition of "regulated organism" to the genetically engineered organisms chapter. This section is effective August 1, 2023.

Section 45 (18F.07) amends the genetically engineered agriculturally related organism permit section to reflect that federal agencies issue permits. This section is effective August 1, 2023.

Section 46 (18F.13) requires the commissioner to recognize federal exemptions and allow commercial use of agricultural chemicals that have been deregulated by a federal agency. This section is effective August 1, 2023.

Section 47 (18G.02, subdivision 2) amends the definition of "biological control agent" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 48 (18G.02, subdivision 6) amends the definition of "compliance agreement" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 49 (18G.02, subdivision 12a) adds a definition of "individual" to the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 50 (18G.02, subdivision 14) amends the definition of "infested" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 51 (18G.02, subdivision 15) amends the definition of "invasive species" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 52 (18G.02, subdivision 16) amends the definition of "mark" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 53 (18G.02, subdivision 20) replaces the definition of "person" with one for "entity" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 54 (18G.02, subdivision 22) amends the definitions of "phytosanitary certificate" or "export certificate" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 55 (18G.02, subdivision 24) amends the definition of "plant pest" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 56 (18G.02, subdivision 30) amends the definition of "significant damage or harm" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 57 (18G.03, subdivision 1) removes the word "harmful" to reflect the new definition of "plant pest" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 58 (18G.04, subdivision 2) removes the phrase "harmful or dangerous" to reflect the new definition of "plant pest" in the plant protection and export certification chapter. This section is effective August 1, 2023.

Section 59 (18G.05) makes technical changes to the section relating to discovery of plant pests. This section is effective August 1, 2023.

Section 60 (18G.06, subdivision 2) makes technical changes relating to quarantine notices. This section is effective August 1, 2023.

Section 61 (18G.06, subdivision 5) makes technical changes relating to public notification of quarantine or emergency regulation. This section is effective August 1, 2023.

Section 62 (18G.10, subdivision 4) makes technical changes relating to exports. This section is effective August 1, 2023.

Section 63 (18G.10, subdivision 5) makes technical changes relating to export certificate fees. This section is effective August 1, 2023.

Section 64 (18G.10, subdivision 6) makes technical changes relating to denial or cancellation of an export certificate. This section is effective August 1, 2023.

Section 65 (18G.11, subdivision 1) makes technical changes relating to detection and control agreements. This section is effective August 1, 2023.

Section 66 (18G.12, subdivision 1) makes technical changes relating to plant and invasive species research. This section is effective August 1, 2023.

Section 67 (18G.12, subdivision 2) makes technical changes relating to the statewide program to prevent the spread of plant pests. This section is effective August 1, 2023.

Section 68 (18H.02, subdivision 2) amends the definition of "agent" in the nursery law chapter. This section is effective August 1, 2023.

Section 69 (18H.02, subdivision 3) amends the definition of "annual" in the nursery law chapter. This section is effective August 1, 2023.

Section 70 (18H.02, subdivision 8) amends the definition of "consignee" in the nursery law chapter. This section is effective August 1, 2023.

Section 71 (18H.02, subdivision 9) amends the definition of "consignor" in the nursery law chapter. This section is effective August 1, 2023.

Section 72 (18H.02, subdivision 12) amends the definition of "distribute" in the nursery law chapter. This section is effective August 1, 2023.

Section 73 (18H.02, subdivision 12b) amends the definition of "etiolated growth" in the nursery law chapter. This section is effective August 1, 2023.

Section 74 (18H.02, subdivision 12c) amends the definition of "individual" in the nursery law chapter. This section is effective August 1, 2023.

Section 75 (18H.02, subdivision 14) amends the definition of "infested" in the nursery law chapter. This section is effective August 1, 2023.

Section 76 (18H.02, subdivision 15a) adds a definition of "label" in the nursery law chapter. This section is effective August 1, 2023.

Section 77 (18H.02, subdivision 15b) adds a definition of "live plant dealer" in the nursery law chapter. This section is effective January 1, 2025.

Section 78 (18H.02, subdivision 16) amends the definition of "mark" in the nursery law chapter. This section is effective August 1, 2023.

Section 79 (18H.02, subdivision 18) amends the definition of "nursery certificate" in the nursery law chapter. This section is effective August 1, 2023.

Section 80 (18H.02, subdivision 20) amends the definition of "nursery stock" in the nursery law chapter. This section is effective August 1, 2023.

Section 81 (18H.02, subdivision 24) amends the definition of "owner" in the nursery law chapter. This section is effective August 1, 2023.

Section 82 (18H.02, subdivision 24a) amends the definition of "packaged stock" by changing it to "packaged nursery stock" in the nursery law chapter. This section is effective August 1, 2023.

Section 83 (18H.02, subdivision 25) replaces the definition of "person" with a definition of "entity" in the nursery law chapter. This section is effective August 1, 2023.

Section 84 (18H.02, subdivision 26) amends the definition of "place of origin" in the nursery law chapter. This section is effective August 1, 2023.

Section 85 (18H.02, subdivision 28) amends the definition of "plant pest" in the nursery law chapter. This section is effective August 1, 2023.

Section 86 (18H.02, subdivision 32) amends the definition of "sales location" in the nursery law chapter. This section is effective August 1, 2023.

Section 87 (18H.02, subdivision 33) amends the definition of "tree spade" in the nursery law chapter. This section is effective August 1, 2023.

Section 88 (18H.03, subdivision 6) makes technical changes relating to dissemination of information. This section is effective January 1, 2025.

Section 89 (18H.03, subdivision 6) makes technical changes relating to dissemination of information. This section is effective August 1, 2023.

Section 90 (18H.04) deletes obsolete language. This section is effective August 1, 2023.

Section 91 (18H.05) updates nursery certificate requirements. This section is effective January 1, 2025.

Section 92 (18H.05) updates nursery certificate requirements. This section is effective August 1, 2023.

Section 93 (18H.06, subdivision 2) amends provisions relating to occasional nursery stock sales. This section is effective August 1, 2023.

Section 94 (18H.07, subdivision 3a) adds a subdivision that would waive certificate fees for nonprofit organizations in certain circumstances. This section is effective August 1, 2023.

Section 95 (18H.07, subdivision 3b) adds a subdivision specifying fees for a new live plant dealer certificate, including entities that were not distributing nursery stock for the previous two years. This section is effective January 1, 2025.

Section 96 (18H.07, subdivision 3c) adds a subdivision specifying fees for live plant dealer renewal certificates, including inspection fees and late payment penalties. This section is effective January 1, 2025.

Section 97 (18H.07, subdivision 4) amends provisions relating to inspection fees. This section is effective August 1, 2023.

Section 98 (18H.08, subdivision 1) amends provisions relating to service and inspection fees. This section is effective August 1, 2023.

Section 99 (18H.08, subdivision 2) makes technical changes relating to virus disease-free certification. This section is effective January 1, 2025.

Section 100 (18H.09) makes technical changes to the section relating to nursery stock certification requirements. This section is effective January 1, 2025.

Section 101 (18H.09) makes technical changes to the section relating to nursery stock certification requirements. This section is effective August 1, 2023.

Section 102 (18H.10) makes technical changes to the section relating to nursery stock storage. This section is effective August 1, 2023.

Section 103 (18H.12) makes technical changes to the section relating to damaged, diseased, infested, or misrepresented nursery stock. This section is effective August 1, 2023.

Section 104 (18H.13) makes technical changes to the section relating to shipment of nursery stock into Minnesota. This section is effective August 1, 2023.

Section 105 (18H.13, subdivision 3) makes technical changes to the section relating to reciprocal agreements with other states. This section is effective January 1, 2025.

Section 106 (18H.14) makes technical changes to the section relating to nursery stock labeling and advertising. This section is effective August 1, 2023.

Section 107 (18H.15) makes technical changes to the section relating to nursery stock violations. This section is effective January 1, 2025.

Section 108 (18H.15) makes technical changes to the section relating to nursery stock violations. This section is effective August 1, 2023.

Section 109 (18H.18) makes technical changes to the section relating to conservation of certain wildflowers. This section is effective August 1, 2023.

Section 110 (18J.08, subdivision 1) amends the notice period from 45 to 20 days for a person to notify the commissioner that the person intends to contest an enforcement order issued under the authority of chapter 18J (Inspection and Enforcement). This section is effective August 1, 2023.

Section 111 (18K.04, subdivision 1) amends the licensing section of the industrial hemp development chapter.

Section 112 (18K.04, subdivision 2) requires first-time authorized representatives designated by applicants for industrial hemp licenses to undergo a background check.

Section 113 (18K.06) extends the period of exempt rules until August 16, 2025, or until permanent rules for industrial hemp are adopted, whichever occurs first.

Section 114 (25.39, subdivision 1) amends pet food registration to require a current label be submitted within five days of a request from the commissioner instead of annually.

Section 115 (25.391, subdivision 2) allows pet treats to be delivered by mail or commercial delivery.

Section 116 (28A.08, subdivision 4) establishes a food handler license account in the agricultural fund. Food handler license fees are to be deposited into this account, and the commissioner can use the funds for expenses relating to licensing and inspections.

Section 117 (28A.082, subdivision 1) amends application fees for food handler plan reviews.

Section 118 (28A.09, subdivision 3) establishes a vending machine inspection account in the agricultural fund. Annual inspection fees are to be paid into the account, and the proceeds may be used by the commissioner for expenses related to vending machine inspection.

Section 119 (32D.02, subd. 2) adds chapter 34A (Food Law; Inspection and Enforcement) to the commissioner's enforcement of chapter 32D. This section is effective August 1, 2023.

Section 120 (32D.09, subd. 2) deletes a sentence relating to permitting referencing section 34A.06. This section is effective August 1, 2023.

Section 121 (34A.04, subd. 1) adds chapter 32D to the chapters that the commissioner must enforce. This section is effective August 1, 2023.

Section 122 (35.02, subdivision 1) adds an additional member to the Board of Animal Health who specializes in companion animals and specifies that appointments of members should seek to achieve gender and geographic balance.

Section 123 (35.05) deletes reference to the federal chronic wasting disease account.

Section 124 (41A.14, subdivision 2) amends representation for the agriculture research, education, extension, and technology transfer grant advisory panel, giving the Minnesota Indian Affairs Council the ability to appoint a person representing the interests of Minnesota Tribal governments.

Section 125 (section 41A.19) modifies the incentive programs that must submit an annual report.

Section 126 (section 223.16, subdivision 3c) adds a definition of "failure" to the Grain Buyers chapter.

Section 127 (section 223.17, subdivision 7) modifies provisions relating to breach of contract for grain purchases.

Section 128 (section 223.17, subdivision 7a) amends the bond requirements and updates the statute reference.

Section 129 (section 223.175) modifies the statement that must be included in written voluntary extension of credit contracts.

Section 130 (section 223.19) updates the commissioner's rulemaking authority to reflect the new statute sections.

Section 131 [223.24] establishes the grain indemnity account, appropriates money to the commissioner to pay claims, issue refunds, and administer the program. The section also describes when a producer is eligible for payment, the claim process, and limits on payments; authorizes the commissioner to petition for a court order and to take legal action to recover claim payments.

Section 132 [223.25] outlines the charges, collection, and submission of grain indemnity premiums.

Section 133 [223.26] describes how a producer may opt out of the grain indemnity program.

Section 134 [223.27] states the penalties for refusing to collect premiums or pay collected premiums to the commissioner.

Section 135 [223.28] describes the bond requirements for a new grain buyer or public grain warehouse operator.

Section 136 (section 232.22, subdivision 5) modifies reporting requirements for stored grain.

Section 137 (Laws 2022, chapter 95, article 2, section 29, subdivision 6) extends the expiration date for the state healthy soil management plan.

Section 138 requires the commissioner to conduct a review of PFAS used in pesticides, and potential alternatives, and submit reports to the legislature by February 1, 2024, and February 1, 2025.

Section 139 describes the wolf-livestock conflict prevention grant program to reimburse livestock producers for costs associated with conflict prevention activities.

Section 140 requires the commissioner to convene a group of stakeholders to make recommendations about the future of the wild rice breeding program.

Section 141 requires the commissioner to convene the Grain Advisory Group and develop recommendations regarding financial statement and bonding requirements for grain buyers, and to submit a report by February 1, 2024.

Section 142 repeals provisions relating to the grain buyer chapter; sunset of the agricultural growth, research, and innovation program; the oriented strand board production incentive; expiration of the emerging farmers section; the federal fund account for chronic wasting disease; genetically engineered organisms; plant protection and nurseries; industrial hemp; and dairy law effective July 1, 2023. Additionally, provisions relating to nursery law will be repealed effective January 1, 2025.

Article 3: Broadband

Section 1 explains the broadband development appropriations.

Section 2 contains the appropriations to the Department of Employment and Economic Development, including \$350,000 each year for the Office of Broadband Development, \$55 million the first year and \$35 million the second year for the border-to-border broadband account, and \$20 million each year for the lower population density grant program.

Section 3 (section 116J.395, subdivision 7) amends the limits for the border-to-border broadband development grants.

Section 4 [116J.3952] establishes a lower population density grant program to provide broadband service to unserved and underserved areas of the state.

Section 5 (section 116J.396, subdivision 2) amends the allowable expenditures from the border-to-border broadband fund to include the lower population density grant program.

Section 6 (Laws 2022, chapter 95, article 4, section 2) extends the expiration of the lower population density pilot program to December 31, 2026.