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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **1554**

03/09/2015 Authored by Anderson, P.; Poppe and Hamilton  
The bill was read for the first time and referred to the Committee on Agriculture Policy  
03/25/2015 Adoption of Report: Placed on the General Register as Amended  
Read Second Time  
05/11/2015 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments  
05/15/2015 Passed by the Senate and returned to the House  
Presented to Governor  
05/19/2015 Governor Approval

A bill for an act

1.1 relating to agriculture; making policy and technical changes to various agriculture  
1.2 related provisions, including provisions related to reports, loans, pesticides,  
1.3 fertilizer, soil amendment, plant amendment, registrations, nursery stock,  
1.4 agricultural chemicals, seeds, grain storage, and food; extending agricultural  
1.5 growth, research, and innovation program; providing agritourism liability  
1.6 immunity; providing permissive term usage for petroleum dispensers; extending  
1.7 the protection of equity-stripping law to owners of agricultural property;  
1.8 making technical changes; amending Minnesota Statutes 2014, sections 17.03,  
1.9 subdivision 11a; 17.117, subdivision 11; 18B.055, subdivision 1; 18B.065,  
1.10 subdivisions 2a, 7; 18B.30; 18B.37, subdivisions 2, 3, 4; 18C.235, subdivision 1;  
1.11 18C.411, by adding a subdivision; 18H.14; 21.81, by adding subdivisions; 21.82,  
1.12 subdivisions 2, 4; 21.85, subdivision 2, by adding a subdivision; 21.87; 34A.11;  
1.13 41A.12, subdivision 4; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042,  
1.14 subdivision 4; 41B.043, subdivision 1b; 41B.045, subdivision 2; 41B.047,  
1.15 subdivisions 1, 3, 4; 232.22, subdivision 5; 239.751, by adding a subdivision;  
1.16 325N.01; 325N.10, subdivisions 2, 7; 325N.17; proposing coding for new law in  
1.17 Minnesota Statutes, chapter 604A; repealing Minnesota Statutes 2014, section  
1.18 18C.235, subdivision 2; Minnesota Rules, part 1510.0111.

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

1.21 Section 1. Minnesota Statutes 2014, section 17.03, subdivision 11a, is amended to read:

1.22 Subd. 11a. **Permitting efficiency goal and report.** (a) It is the goal of the  
1.23 Department of Agriculture that environmental and resource management permits be  
1.24 issued or denied within 150 days of the submission of a completed permit application.  
1.25 The commissioner of agriculture shall establish management systems designed to achieve  
1.26 the goal.

1.27 (b) The commissioner shall prepare ~~semiannual~~ an annual permitting efficiency  
1.28 ~~reports~~ report that ~~include~~ includes statistics on meeting the goal in paragraph (a). The  
1.29 ~~reports are~~ report is due February 1 ~~and August 1~~ of each year. For permit applications  
1.30 that have not met the goal, the report must state the reasons for not meeting the goal, steps

2.1 that will be taken to complete action on the application, and the expected timeline. In  
2.2 stating the reasons for not meeting the goal, the commissioner shall separately identify  
2.3 delays caused by the responsiveness of the proposer, lack of staff, scientific or technical  
2.4 disagreements, or the level of public engagement. The report must specify the number  
2.5 of days from initial submission of the application to the day of determination that the  
2.6 application is complete. The report for the final quarter of the fiscal year must aggregate  
2.7 the data for the year and assess whether program or system changes are necessary to  
2.8 achieve the goal. The report must be posted on the department Web site and submitted to  
2.9 the governor and the chairs of the house of representatives and senate committees having  
2.10 jurisdiction over agriculture policy and finance.

2.11 (c) The commissioner shall allow electronic submission of environmental review  
2.12 and permit documents to the department.

2.13 Sec. 2. Minnesota Statutes 2014, section 17.117, subdivision 11, is amended to read:

2.14 Subd. 11. **Loans issued to borrower.** (a) Local lenders may issue loans only for  
2.15 projects that are approved and certified by the local government unit as meeting priority  
2.16 needs identified in a comprehensive water management plan or other local planning  
2.17 documents, are in compliance with accepted practices, standards, specifications, or  
2.18 criteria, and are eligible for financing under Environmental Protection Agency or other  
2.19 applicable guidelines.

2.20 (b) The local lender may use any additional criteria considered necessary to  
2.21 determine the eligibility of borrowers for loans.

2.22 (c) Local lenders shall set the terms and conditions of loans to borrowers, except that:

2.23 (1) no loan to a borrower may exceed ~~\$100,000~~ \$200,000;

2.24 (2) no loan for a project may exceed ~~\$100,000~~ \$200,000; and

2.25 (3) no borrower shall, at any time, have multiple loans from this program with a total  
2.26 outstanding loan balance of more than ~~\$100,000~~ \$200,000.

2.27 (d) The maximum term length for projects in this paragraph is ten years.

2.28 (e) Fees charged at the time of closing must:

2.29 (1) be in compliance with normal and customary practices of the local lender;

2.30 (2) be in accordance with published fee schedules issued by the local lender;

2.31 (3) not be based on participation program; and

2.32 (4) be consistent with fees charged other similar types of loans offered by the local  
2.33 lender.

2.34 (f) The interest rate assessed to an outstanding loan balance by the local lender must  
2.35 not exceed three percent per year.

3.1 Sec. 3. Minnesota Statutes 2014, section 18B.055, subdivision 1, is amended to read:

3.2 Subdivision 1. **Compensation required.** (a) The commissioner of agriculture must  
3.3 compensate a person for an acute pesticide poisoning resulting in the death of bees or loss  
3.4 of bee colonies owned by the person, provided:

3.5 (1) the person who applied the pesticide cannot be determined;

3.6 (2) the person who applied the pesticide did so in a manner consistent with the  
3.7 pesticide product's label or labeling; or

3.8 (3) the person who applied the pesticide did so in a manner inconsistent with the  
3.9 pesticide product's label or labeling.

3.10 (b) Except as provided in this section, the bee owner is entitled to the fair market  
3.11 value of the dead bees and bee colonies losses as determined by the commissioner upon  
3.12 recommendation by academic experts and bee keepers. In any fiscal year, a bee owner  
3.13 must not be compensated for a claim that is less than \$100 or compensated more than  
3.14 \$20,000 for all eligible claims.

3.15 (c) To be eligible for compensation under this section, the bee owner must be  
3.16 registered with a commonly utilized pesticide registry program, as designated by the  
3.17 commissioner.

3.18 Sec. 4. Minnesota Statutes 2014, section 18B.065, subdivision 2a, is amended to read:

3.19 Subd. 2a. **Disposal site requirement.** (a) For agricultural waste pesticides, the  
3.20 commissioner must enter into a contract with a county or group of counties under a  
3.21 joint powers agreement for household hazardous waste disposal or designate a place in  
3.22 each county of the state that is available at least every other year for persons to dispose  
3.23 of unused portions of agricultural pesticides. The commissioner shall consult with the  
3.24 person responsible for solid waste management and disposal in each county not under  
3.25 contract to determine an appropriate location and to advertise each collection event.  
3.26 ~~The commissioner may provide a collection opportunity in a county more frequently~~  
3.27 Additional collection events may be provided if the commissioner determines that a  
3.28 collection is additional collections are warranted.

3.29 (b) For nonagricultural waste pesticides, the commissioner must ~~provide a disposal~~  
3.30 ~~opportunity each year in each county or~~ enter into a contract with a county or group  
3.31 of counties under a joint powers agreement or contract for household hazardous waste  
3.32 disposal or designate a place that is available at least every other year for persons to  
3.33 dispose of unused portions of nonagricultural pesticides.

3.34 (c) As provided under subdivision 7, the commissioner may enter into cooperative  
3.35 agreements with local units of government to provide the collections required under

4.1 paragraph (a) or (b) and shall provide a local unit of government, as part of the cooperative  
4.2 agreement, with funding for reasonable costs incurred including, but not limited to, related  
4.3 supplies, transportation, advertising, and disposal costs as well as reasonable overhead  
4.4 costs.

4.5 (d) A person who collects waste pesticide under this section shall, on a form  
4.6 provided or in a method approved by the commissioner, record ~~information on each~~ the  
4.7 actual or estimated weight of agricultural waste pesticide product products collected  
4.8 ~~including, but not limited to, the quantity collected and either the product name and its~~  
4.9 ~~active ingredient or ingredients or the United States Environmental Protection Agency~~  
4.10 ~~registration number.~~ The person must and submit this information to the commissioner  
4.11 at least annually ~~by January 30.~~

4.12 Sec. 5. Minnesota Statutes 2014, section 18B.065, subdivision 7, is amended to read:

4.13 Subd. 7. **Cooperative agreements.** (a) The commissioner may enter into  
4.14 cooperative agreements with state agencies and local units of government for  
4.15 administration of the waste pesticide collection program. The commissioner shall ensure  
4.16 that the program ~~is carried out in all counties~~ provides collection opportunities statewide. If  
4.17 the commissioner cannot contract with another party to administer the program in a county,  
4.18 the commissioner shall perform collections according to the provisions of this section.

4.19 (b) The commissioner, according to the terms of a cooperative agreement between  
4.20 the commissioner and a local unit of government, may establish limits for unusual types  
4.21 or excessive quantities of waste pesticide offered by pesticide end users to the local unit  
4.22 of government.

4.23 Sec. 6. Minnesota Statutes 2014, section 18B.30, is amended to read:

4.24 **18B.30 PESTICIDE USE LICENSE REQUIREMENT; INTERNET SALES**  
4.25 **PROHIBITED; RESTRICTED USE PESTICIDES.**

4.26 (a) A person may not use a restricted use pesticide without a license or certification  
4.27 required under sections 18B.29 to 18B.35 and the use may only be done under conditions  
4.28 prescribed by the commissioner.

4.29 (b) A person shall not sell any pesticide labeled for restricted use over an Internet  
4.30 Web site to a Minnesota resident who is not a licensed or certified pesticide applicator.  
4.31 A person selling a pesticide labeled for restricted use over an Internet Web site to a  
4.32 Minnesota resident must verify that the purchaser is a licensed or certified pesticide  
4.33 applicator under sections 18B.29 to 18B.35.

5.1 Sec. 7. Minnesota Statutes 2014, section 18B.37, subdivision 2, is amended to read:

5.2 Subd. 2. **Commercial and noncommercial applicators.** (a) A commercial or  
5.3 noncommercial applicator, or the applicator's authorized agent, must maintain a record of  
5.4 pesticides used on each site. Noncommercial applicators must keep records of restricted  
5.5 use pesticides. The record must include the:

5.6 (1) date of the pesticide use;

5.7 (2) time the pesticide application was completed;

5.8 (3) brand name of the pesticide, the United States Environmental Protection Agency  
5.9 registration number, and ~~dosage~~ rate used;

5.10 (4) number of units treated;

5.11 (5) temperature, wind speed, and wind direction;

5.12 (6) location of the site where the pesticide was applied;

5.13 (7) name and address of the customer;

5.14 (8) name ~~and signature~~ of applicator, name of company, license number of applicator,  
5.15 and address of applicator company; and

5.16 (9) any other information required by the commissioner.

5.17 (b) Portions of records not relevant to a specific type of application may be omitted  
5.18 upon approval from the commissioner.

5.19 (c) All information for this record requirement must be contained in a ~~single page~~  
5.20 document for each pesticide application, except a map may be attached to identify treated  
5.21 areas. ~~For the rights-of-way and wood preservative categories, the required record may~~  
5.22 ~~not exceed five pages.~~ An invoice containing the required information may constitute  
5.23 the required record. The commissioner shall make sample forms available to meet the  
5.24 requirements of this paragraph.

5.25 (d) The record must be completed no later than five days after the application of  
5.26 the pesticide.

5.27 ~~(d)~~ (e) A commercial applicator must give a copy of the record to the customer.

5.28 ~~(e)~~ (f) Records must be retained by the applicator, company, or authorized agent  
5.29 for five years after the date of treatment.

5.30 Sec. 8. Minnesota Statutes 2014, section 18B.37, subdivision 3, is amended to read:

5.31 Subd. 3. **Structural pest control applicators.** (a) A structural pest control  
5.32 applicator must maintain a record of each structural pest control application conducted by  
5.33 that person or by the person's employees. The record must include the:

5.34 (1) date of structural pest control application;

5.35 (2) target pest;

6.1 (3) brand name of the pesticide, United States Environmental Protection Agency  
6.2 registration number, and amount used;

6.3 (4) for fumigation, the temperature and exposure time;

6.4 (5) time the pesticide application was completed;

6.5 (6) name and address of the customer;

6.6 (7) name ~~and signature~~ of structural pest control applicator<sup>2</sup>; name of company  
6.7 and address of applicator or company, ~~applicator's signature~~, and license number of  
6.8 applicator; and

6.9 (8) any other information required by the commissioner.

6.10 (b) All information for this record requirement must be contained in a ~~single-page~~  
6.11 document for each pesticide application. An invoice containing the required information  
6.12 may constitute the record.

6.13 (c) The record must be completed no later than five days after the application of  
6.14 the pesticide.

6.15 ~~(e)~~ (d) Records must be retained for five years after the date of treatment.

6.16 ~~(d)~~ (e) A copy of the record must be given to a person who ordered the application  
6.17 that is present at the site where the structural pest control application is conducted, placed  
6.18 in a conspicuous location at the site where the structural pest control application is  
6.19 conducted immediately after the application of the pesticides, or delivered to the person  
6.20 who ordered an application or the owner of the site. The commissioner must make sample  
6.21 forms available that meet the requirements of this subdivision.

6.22 Sec. 9. Minnesota Statutes 2014, section 18B.37, subdivision 4, is amended to read:

6.23 Subd. 4. **Incident response plan.** A pesticide dealer, agricultural pesticide dealer,  
6.24 or a commercial, noncommercial, or structural pest control ~~business~~ company or a person  
6.25 who is required to be permitted to store or produce bulk agricultural chemicals must  
6.26 develop and maintain an incident response plan that describes the actions that will be  
6.27 taken to prevent and respond to ~~pesticide~~ agricultural chemical incidents. The plan must  
6.28 ~~contain the same information as forms provided by the commissioner~~ include information  
6.29 the commissioner deems necessary to respond to an agricultural chemical emergency  
6.30 incident. The commissioner shall make sample incident response plan forms available.  
6.31 The plan must be kept at a principal business site or location within this state and must be  
6.32 submitted to the commissioner upon request. The plan must be:

6.33 (1) updated every three years, or whenever information on the form becomes out of  
6.34 date, whichever is earlier;

- 7.1 (2) reviewed with employees at least once per calendar year and include  
 7.2 documentation of training events; and  
 7.3 (3) made available to local first responders and documented accordingly.

7.4 Sec. 10. Minnesota Statutes 2014, section 18C.235, subdivision 1, is amended to read:

7.5 Subdivision 1. **Plan required.** (a) A person required to be licensed under section  
 7.6 18C.415, or a person who stores fertilizers, soil amendment, or plant amendment products  
 7.7 in bulk must develop and maintain a contingency plan that describes the storage, handling,  
 7.8 disposal, and incident handling practices; an incident response plan that describes the  
 7.9 actions that will be taken to prevent and respond to agricultural chemical incidents.  
 7.10 The plan must include information the commissioner deems necessary to respond to an  
 7.11 agricultural chemical emergency incident. The commissioner shall make sample incident  
 7.12 response plan forms available. The plan must be kept at a principal business site or  
 7.13 location within this state and must be submitted to the commissioner upon request. The  
 7.14 plan must be:

7.15 (1) updated every three years, or whenever information on the form becomes out of  
 7.16 date, whichever is earlier;

7.17 (2) reviewed with employees at least once per calendar year and include  
 7.18 documentation of training events; and

7.19 (3) made available to local first responders and documented accordingly.

7.20 (b) A person also required to maintain an incident response plan under section  
 7.21 18B.37 is not required to maintain a separate incident response plan under this subdivision.

7.22 Sec. 11. Minnesota Statutes 2014, section 18C.411, is amended by adding a subdivision  
 7.23 to read:

7.24 Subd. 5. **Discontinuance of specialty fertilizer, soil amendment, and plant**  
 7.25 **amendment registration.** To ensure complete withdrawal from distribution or further use  
 7.26 of a specialty fertilizer, soil amendment, or plant amendment, a person who intends to  
 7.27 discontinue a specialty fertilizer, soil amendment, and plant amendment registration must:

7.28 (1) terminate any further distribution of the specialty fertilizer, soil amendment, or  
 7.29 plant amendment within the state;

7.30 (2) continue to register the specialty fertilizer, soil amendment, or plant amendment  
 7.31 annually for two successive years;

7.32 (3) initiate and complete a total recall of the specialty fertilizer, soil amendment,  
 7.33 or plant amendment from all distribution in the state within 60 days from the date of  
 7.34 notification to the commissioner of intent to discontinue registration; or

8.1 (4) submit to the commissioner evidence adequate to document that no distribution  
8.2 of the registered specialty fertilizer, soil amendment, or plant amendment has occurred in  
8.3 the state.

8.4 Sec. 12. Minnesota Statutes 2014, section 18H.14, is amended to read:

8.5 **18H.14 LABELING AND ADVERTISING OF NURSERY STOCK.**

8.6 (a) Plants, plant materials, or nursery stock must not be labeled or advertised with  
8.7 false or misleading information including, but not limited to, scientific name, variety,  
8.8 place of origin, hardiness zone as defined by the United States Department of Agriculture,  
8.9 and growth habit.

8.10 (b) All nonhardy nursery stock as designated by the commissioner must be labeled  
8.11 correctly for hardiness or be labeled "nonhardy" in Minnesota.

8.12 (c) A person may not offer for distribution plants, plant materials, or nursery stock,  
8.13 represented by some specific or special form of notation, including, but not limited to,  
8.14 "free from" or "grown free of," unless the plants are produced under a specific program  
8.15 approved by the commissioner to address the specific plant properties addressed in the  
8.16 special notation claim.

8.17 (d) Nursery stock collected from the wild state must be inspected and certified  
8.18 prior to sale and at the time of sale must be labeled "Collected from the Wild." The label  
8.19 must remain on each plant or clump of plants while it is offered for sale and during the  
8.20 distribution process. The collected stock may be grown in nursery rows at least two years,  
8.21 after which the plants may be sold without the labeling required by this paragraph.

8.22 (e) A person selling at retail or providing to an end user may not label or advertise  
8.23 an annual plant, bedding plant, or other plant, plant material, or nursery stock as beneficial  
8.24 to pollinators if the annual plant, bedding plant, plant material, or nursery stock has:

8.25 (1) been treated with ~~and has a detectable level of~~ systemic insecticide that:

8.26 (~~1~~) (i) has a pollinator protection box on the label; or

8.27 (~~2~~) (ii) has a pollinator, bee, or honey bee precautionary statement in the  
8.28 environmental hazards section of the insecticide product label; and

8.29 (2) a concentration in its flowers greater than the no observed adverse effect level  
8.30 of a systemic insecticide.

8.31 The commissioner shall enforce this paragraph as provided in chapter 18J.

8.32 (f) For the purposes of paragraph (e):

8.33 (1) "systemic insecticide" means an insecticide that is both absorbed by the plant  
8.34 and translocated through the plant's vascular system; and

9.1           (2) "no observed adverse effect level" means the level established by the United  
9.2 States Environmental Protection Agency for acute oral toxicity for adult honeybees.

9.3           Sec. 13. Minnesota Statutes 2014, section 21.81, is amended by adding a subdivision  
9.4 to read:

9.5           Subd. 1a. **Address.** "Address" means the complete primary mailing address of the  
9.6 labeler or the person or firm selling seed. A complete address includes the street address,  
9.7 post office box, or rural route, and city, state, and zip code or postal code.

9.8           Sec. 14. Minnesota Statutes 2014, section 21.81, is amended by adding a subdivision  
9.9 to read:

9.10          Subd. 27a. **Total viable.** "Total viable" means the sum of the germination  
9.11 percentage, plus hard seeds, dormant seeds, or both.

9.12          Sec. 15. Minnesota Statutes 2014, section 21.82, subdivision 2, is amended to read:

9.13          Subd. 2. **Content.** For agricultural, vegetable, flower, or wildflower seeds offered  
9.14 for sale as agricultural seed, except as otherwise provided in subdivisions 4, 5, and 6, the  
9.15 label must contain:

9.16           (a) The name of the kind or kind and variety for each seed component in excess  
9.17 of five percent of the whole and the percentage by weight of each in order of its  
9.18 predominance. The commissioner shall by rule designate the kinds that are required to be  
9.19 labeled as to variety. If the variety of those kinds generally labeled as to variety is not  
9.20 stated and it is not required to be stated, the label shall show the name of the kind and the  
9.21 words: "Variety not stated." The heading "pure seed" must be indicated on the seed label  
9.22 in close association with other required label information.

9.23           (1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure  
9.24 seed shown unless the percentage of pure seed which is hybrid seed is shown separately.  
9.25 If two or more kinds or varieties are present in excess of five percent and are named on  
9.26 the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or  
9.27 kind and variety that has pure seed which is less than 95 percent but more than 75 percent  
9.28 hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to  
9.29 show the percentage of pure seed that is hybrid seed or a statement such as "contains from  
9.30 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as  
9.31 hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be  
9.32 shown on the label in conjunction with the kind.

10.1 (2) Blends shall be listed on the label using the term "blend" in conjunction with  
10.2 the kind.

10.3 (3) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

10.4 (b) Lot number or other lot identification.

10.5 (c) Origin, if known, or that the origin is unknown.

10.6 (d) Percentage by weight of all weed seeds present. This percentage may not exceed  
10.7 one percent. The heading "weed seed" must be indicated on the seed label in close  
10.8 association with other required label information.

10.9 (e) Name and rate of occurrence per pound of each kind of restricted noxious weed  
10.10 seeds present. They must be listed under the heading "noxious weed seeds" in close  
10.11 association with other required label information.

10.12 (f) Percentage by weight of seeds other than those kinds and varieties required  
10.13 to be named on the label. They must be listed under the heading "other crop" in close  
10.14 association with other required label information.

10.15 (g) Percentage by weight of inert matter. The heading "inert matter" must be  
10.16 indicated on the seed label in close association with other required label information.

10.17 (h) Net weight of contents, to appear on either the container or the label.

10.18 (i) For each named kind or variety of seed:

10.19 (1) percentage of germination, exclusive of hard or dormant seed or both;

10.20 (2) percentage of hard or dormant seed or both, if present; and

10.21 (3) the calendar month and year the percentages were determined by test or the  
10.22 statement "sell by (month and year)" which may not be more than 12 months from the  
10.23 date of test, exclusive of the month of test.

10.24 The headings for "germination" and "hard seed or dormant seed" percentages must be  
10.25 stated separately on the seed label. A separate percentage derived from combining these  
10.26 percentages may also be stated on the seed label, ~~but the heading for this percentage must~~  
10.27 ~~be "total germination and hard seed or dormant seed when applicable." They must not be~~  
10.28 ~~stated as "total live seed," "total germination," or in any other unauthorized manner. as~~  
10.29 "total viable."

10.30 (j) Name and address of the person who labeled the seed or who sells the seed within  
10.31 this state, or a code number which has been registered with the commissioner.

10.32 Sec. 16. Minnesota Statutes 2014, section 21.82, subdivision 4, is amended to read:

10.33 Subd. 4. **Hybrid seed corn.** For hybrid seed corn purposes a label must contain:

10.34 (1) a statement indicating the number of seeds in the container may be listed along  
10.35 with or in lieu of the net weight of contents; and

11.1 (2) for each variety of hybrid seed field corn, the day classification as determined  
 11.2 by the originator or owner. The day classification must approximate the number of days  
 11.3 of growing season necessary from emergence of the corn plant above ground to relative  
 11.4 maturity and must ~~conform to the day classification established by the director of~~ be  
 11.5 within three days of maturity ratings determined in comparative trials by the Minnesota  
 11.6 agricultural experiment station for the appropriate zone.

11.7 Sec. 17. Minnesota Statutes 2014, section 21.85, subdivision 2, is amended to read:

11.8 Subd. 2. **Seed laboratory.** (a) The commissioner shall establish and maintain a seed  
 11.9 laboratory for seed testing, employing necessary agents and assistants to administer and  
 11.10 enforce sections 21.80 to 21.92, who shall be governed by chapter 43A.

11.11 (b) The laboratory procedures for testing official seed samples are the procedures  
 11.12 set forth in the Rules for Testing Seeds that is published annually by the Association of  
 11.13 Official Seed Analysts. If a laboratory procedure rule does not exist for a particular type  
 11.14 of seed, then laboratory procedures from other recognized seed testing sources may be  
 11.15 used, including procedures under the Code of Federal Regulations, title 7, part 201, or  
 11.16 the International Rules for Testing Seeds.

11.17 Sec. 18. Minnesota Statutes 2014, section 21.85, is amended by adding a subdivision  
 11.18 to read:

11.19 Subd. 15. **Prohibited and restricted seeds.** The commissioner shall determine  
 11.20 species that are considered prohibited weed seeds and restricted noxious weed seeds and  
 11.21 the allowable rate of occurrence of restricted noxious weed seeds.

11.22 Sec. 19. Minnesota Statutes 2014, section 21.87, is amended to read:

11.23 **21.87 EXEMPTION.**

11.24 (a) Sections 21.82 and 21.83 do not apply to:

11.25 ~~(a) to~~ (1) seed or grain not intended for sowing purposes;

11.26 ~~(b) to~~ (2) seed in storage in or being transported or consigned to a conditioning  
 11.27 establishment for conditioning, provided that the invoice or label accompanying any  
 11.28 shipment of the seeds bears the statement "seeds for conditioning," and provided that any  
 11.29 labeling or other representation which may be made with respect to the unconditioned  
 11.30 seed is subject to the provisions of sections 21.82 and 21.83; or

11.31 ~~(c) to~~ (3) any carrier with respect to seed transported or delivered for transportation  
 11.32 in the ordinary course of its business as a carrier, provided that the carrier is not engaged  
 11.33 in producing, conditioning, or marketing seeds subject to sections 21.82 and 21.83; or

12.1 (4) interpersonal sharing of seed for home, educational, charitable, or personal  
 12.2 noncommercial use.

12.3 (b) Notwithstanding paragraph (a), sections 21.82 and 21.83 do apply if a person  
 12.4 distributes seed found to:

12.5 (1) contain seed of patented, protected, or proprietary varieties used without  
 12.6 permission of the patent or certificate holder of the intellectual property associated with  
 12.7 the variety;

12.8 (2) have been misrepresented as certified seed; or

12.9 (3) contain prohibited or restricted weed seeds or seeds from species listed as  
 12.10 noxious by the commissioner under chapter 18.

12.11 Sec. 20. Minnesota Statutes 2014, section 34A.11, is amended to read:

12.12 **34A.11 EMBARGO, SEIZURE, AND CONDEMNATION.**

12.13 Subdivision 1. **Tag, notice, or withdrawal from distribution.** If the commissioner  
 12.14 finds probable cause to believe that any food, animal, or consumer commodity is being  
 12.15 distributed in violation of this chapter or rules under this chapter, or is adulterated or so  
 12.16 misbranded as to be dangerous or fraudulent, the commissioner shall affix to the food,  
 12.17 animal, equipment, facility, or consumer commodity a tag, withdrawal from distribution  
 12.18 order, or other appropriate marking giving notice that the food, animal, equipment,  
 12.19 facility, or consumer commodity is, or is suspected of being, adulterated, misbranded, or  
 12.20 distributed in violation of this chapter, and has been detained or embargoed, and warning  
 12.21 all persons not to remove or dispose of the food, animal, equipment, facility, or consumer  
 12.22 commodity by sale or otherwise until permission for removal or disposal is given by the  
 12.23 commissioner or the court. It is unlawful for a person to remove or dispose of a detained or  
 12.24 embargoed food, animal, equipment, food stored in a facility, or consumer commodity by  
 12.25 sale or otherwise without the commissioner's or a court's permission and each transaction  
 12.26 is a separate violation of this subdivision.

12.27 Subd. 2. **Seizure.** A carcass; part of a carcass; meat or meat food product of an  
 12.28 animal; or dead, dying, disabled, or diseased animal that is being transported in intrastate  
 12.29 commerce, or is held for sale in this state after transportation in intrastate commerce, may  
 12.30 be proceeded against, seized, and condemned if:

12.31 (1) it is or has been prepared, sold, transported, or otherwise distributed, offered, or  
 12.32 received for distribution in violation of this chapter;

12.33 (2) it is usable as human food and is adulterated or misbranded; or

12.34 (3) it is in any other way in violation of this chapter.

13.1 The commissioner may act against the article or animal at any time on a complaint  
13.2 in the district court of the judicial district where the article or animal is found.

13.3 Subd. 3. **Action for condemnation.** If food ~~or an~~, article, equipment, or animal  
13.4 detained or embargoed under subdivision 1 has been found by the commissioner to be  
13.5 adulterated or misbranded or in violation of this chapter, the commissioner shall petition  
13.6 the district court in the county in which the food, article, equipment, or animal is detained  
13.7 or embargoed for an order and decree for the condemnation of the food, article, equipment,  
13.8 or animal. The commissioner shall release the food, article, equipment, or animal when  
13.9 this chapter and rules adopted under this chapter have been complied with or the food,  
13.10 article, equipment, or animal is found to be not adulterated or misbranded.

13.11 Subd. 4. **Remedies.** If the court finds that a detained or embargoed food, article,  
13.12 equipment, or animal is adulterated, misbranded, or in violation of this chapter or rules  
13.13 adopted under this chapter, the following remedies are available:

13.14 (1) after entering a decree, the food, article, equipment, or animal may be destroyed  
13.15 at the expense of the claimant under the supervision of the commissioner, and all court  
13.16 costs, fees, storage, and other proper expenses must be assessed against the claimant of the  
13.17 food, article, equipment, or animal or the claimant's agent; and

13.18 (2) if adulteration or misbranding can be corrected by proper labeling or processing of  
13.19 the food ~~or~~, animal, or repair of the equipment, the court, after entry of the decree and after  
13.20 costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that  
13.21 the food or animal must be properly labeled or processed or equipment properly repaired,  
13.22 has been executed, may by order direct that the food or animal be delivered to the claimant  
13.23 for proper labeling or processing or repairing of equipment under the supervision of the  
13.24 commissioner. The expense of the supervision must be paid by the claimant. The food ~~or~~,  
13.25 animal, or equipment must be returned to the claimant and the bond must be discharged on  
13.26 the representation to the court by the commissioner that the food ~~or~~, animal, or equipment  
13.27 is no longer in violation and that the expenses for the supervision have been paid.

13.28 Subd. 5. **Duties of commissioner.** If the commissioner finds in any room, building,  
13.29 piece of equipment, vehicle of transportation, or other structure any meat, seafood,  
13.30 poultry, vegetable, fruit, or other perishable articles of food that are unsound, or contain  
13.31 any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to  
13.32 health or otherwise unsafe, the commissioner shall condemn or destroy the item or in any  
13.33 other manner render the item as unsalable as human food, and no one has any cause of  
13.34 action against the commissioner on account of the commissioner's action.

13.35 Subd. 6. **Emergency response.** If the governor declares an emergency order under  
13.36 section 12.31 and if the commissioner finds or has probable cause to believe that livestock,

14.1 food, or a consumer commodity within a specific area is likely to be adulterated because  
 14.2 of the emergency or so misbranded as to be dangerous or fraudulent, or is in violation of  
 14.3 section 31.131, subdivision 1, the commissioner may embargo a geographic area that is  
 14.4 included in the declared emergency. The commissioner shall provide notice to the public  
 14.5 and to those with custody of the product in as thorough a manner as is practicable under  
 14.6 the emergency circumstances.

14.7 Subd. 7. **Emergency powers.** After an emergency declaration issued under chapter  
 14.8 12, chapter 35, or the federal Stafford Act, the commissioner may restrict the movement  
 14.9 of food if the commissioner has probable cause to believe that the movement of food may:  
 14.10 threaten the agricultural economy; transport a dangerous, infectious, or communicable  
 14.11 disease; or threaten the health of animals. The commissioner may provide for the issuance  
 14.12 of permits to allow for the continued movement of food upon meeting the disease control  
 14.13 measures established by the commissioner.

14.14 Sec. 21. Minnesota Statutes 2014, section 41A.12, subdivision 4, is amended to read:

14.15 Subd. 4. **Sunset.** This section expires on June 30, ~~2015~~ 2025.

14.16 Sec. 22. Minnesota Statutes 2014, section 41B.039, subdivision 2, is amended to read:

14.17 Subd. 2. **State participation.** The state may participate in a new real estate loan  
 14.18 with an eligible lender to a beginning farmer to the extent of 45 percent of the principal  
 14.19 amount of the loan or ~~\$300,000~~ \$400,000, whichever is less. The interest rates and  
 14.20 repayment terms of the authority's participation interest may be different than the interest  
 14.21 rates and repayment terms of the lender's retained portion of the loan.

14.22 Sec. 23. Minnesota Statutes 2014, section 41B.04, subdivision 8, is amended to read:

14.23 Subd. 8. **State participation.** With respect to loans that are eligible for restructuring  
 14.24 under sections 41B.01 to 41B.23 and upon acceptance by the authority, the authority  
 14.25 shall enter into a participation agreement or other financial arrangement whereby it shall  
 14.26 participate in a restructured loan to the extent of 45 percent of the primary principal  
 14.27 or ~~\$400,000~~ \$525,000, whichever is less. The authority's portion of the loan must be  
 14.28 protected during the authority's participation by the first mortgage held by the eligible  
 14.29 lender to the extent of its participation in the loan.

14.30 Sec. 24. Minnesota Statutes 2014, section 41B.042, subdivision 4, is amended to read:

14.31 Subd. 4. **Participation limit; interest.** The authority may participate in new  
 14.32 seller-sponsored loans to the extent of 45 percent of the principal amount of the loan or

15.1 ~~\$300,000~~ \$400,000, whichever is less. The interest rates and repayment terms of the  
15.2 authority's participation interest may be different than the interest rates and repayment  
15.3 terms of the seller's retained portion of the loan.

15.4 Sec. 25. Minnesota Statutes 2014, section 41B.043, subdivision 1b, is amended to read:

15.5 Subd. 1b. **Loan participation.** The authority may participate in an agricultural  
15.6 improvement loan with an eligible lender to a farmer who meets the requirements of  
15.7 section 41B.03, subdivision 1, clauses (1) and (2), and who is actively engaged in farming.  
15.8 Participation is limited to 45 percent of the principal amount of the loan or ~~\$300,000~~  
15.9 \$400,000, whichever is less. The interest rates and repayment terms of the authority's  
15.10 participation interest may be different than the interest rates and repayment terms of  
15.11 the lender's retained portion of the loan.

15.12 Sec. 26. Minnesota Statutes 2014, section 41B.045, subdivision 2, is amended to read:

15.13 Subd. 2. **Loan participation.** The authority may participate in a livestock  
15.14 expansion loan with an eligible lender to a livestock farmer who meets the requirements  
15.15 of section 41B.03, subdivision 1, clauses (1) and (2), and who are actively engaged in  
15.16 a livestock operation. A prospective borrower must have a total net worth, including  
15.17 assets and liabilities of the borrower's spouse and dependents, of less than \$660,000 in  
15.18 2004 and an amount in subsequent years which is adjusted for inflation by multiplying  
15.19 that amount by the cumulative inflation rate as determined by the United States All-Items  
15.20 Consumer Price Index.

15.21 Participation is limited to 45 percent of the principal amount of the loan or ~~\$400,000~~  
15.22 \$525,000, whichever is less. The interest rates and repayment terms of the authority's  
15.23 participation interest may be different from the interest rates and repayment terms of  
15.24 the lender's retained portion of the loan.

15.25 Sec. 27. Minnesota Statutes 2014, section 41B.047, subdivision 1, is amended to read:

15.26 Subdivision 1. **Establishment.** The authority shall establish and implement a  
15.27 disaster recovery loan program to help farmers:

15.28 (1) clean up, repair, or replace farm structures and septic and water systems, as well  
15.29 as replace seed, other crop inputs, feed, and livestock, when damaged by high winds,  
15.30 hail, tornado, or flood; ~~or~~

15.31 (2) purchase watering systems, irrigation systems, and other drought mitigation  
15.32 systems and practices when drought is the cause of the purchase;

15.33 (3) restore farmland; or

16.1 (4) replace flocks, make building improvements, or obtain an operating line of credit  
16.2 if the loss or damage is due to the confirmed presence of highly pathogenic avian influenza  
16.3 in a commercial poultry flock in Minnesota.

16.4 Sec. 28. Minnesota Statutes 2014, section 41B.047, subdivision 3, is amended to read:

16.5 Subd. 3. **Eligibility.** To be eligible for this program, a borrower must:

16.6 (1) meet the requirements of section 41B.03, subdivision 1;

16.7 (2) certify that the damage or loss was sustained within a county that was the subject  
16.8 of (i) a state or federal disaster declaration or (ii) a peacetime emergency declaration  
16.9 made by the governor under section 12.31;

16.10 (3) demonstrate an ability to repay the loan;

16.11 (4) for loans under subdivision 1, clauses (1) to (3), have a total net worth, including  
16.12 assets and liabilities of the borrower's spouse and dependents, of less than \$660,000 in  
16.13 2004 and an amount in subsequent years which is adjusted for inflation by multiplying that  
16.14 amount by the cumulative inflation rate as determined by the Consumer Price Index; and

16.15 (5) have received at least 50 percent of average annual gross income from farming  
16.16 for the past three years.

16.17 Sec. 29. Minnesota Statutes 2014, section 41B.047, subdivision 4, is amended to read:

16.18 Subd. 4. **Loans.** (a) The authority may participate in a disaster recovery loan with  
16.19 an eligible lender to a farmer who is eligible under subdivision 3. Participation is limited  
16.20 to 45 percent of the principal amount of the loan or ~~\$50,000~~ \$200,000, whichever is less.  
16.21 The interest rates and repayment terms of the authority's participation interest may differ  
16.22 from the interest rates and repayment terms of the lender's retained portion of the loan, but  
16.23 the authority's interest rate must not exceed four percent.

16.24 (b) Standards for loan amortization shall be set by the Rural Finance Authority  
16.25 not to exceed ten years.

16.26 (c) Security for the disaster recovery loans must be a personal note executed by the  
16.27 borrower and whatever other security is required by the eligible lender or the authority.

16.28 (d) The authority may impose a reasonable nonrefundable application fee for a  
16.29 disaster recovery loan. The authority may review the fee annually and make adjustments as  
16.30 necessary. The application fee is initially \$50. Application fees received by the authority  
16.31 must be deposited in the revolving loan account established under section 41B.06.

16.32 (e) Disaster recovery loans under this program will be made using money in the  
16.33 revolving loan account established under section 41B.06.

17.1 (f) Repayments of financial assistance under this section, including principal and  
17.2 interest, must be deposited into the revolving loan account established under section  
17.3 41B.06.

17.4 Sec. 30. Minnesota Statutes 2014, section 232.22, subdivision 5, is amended to read:

17.5 Subd. 5. **Statement of grain in storage; reports.** (a) All public grain warehouse  
17.6 operators must by February 15 of each year file with the commissioner on a form approved  
17.7 by the commissioner a report showing the annual average liability of all grain outstanding  
17.8 on grain warehouse receipts, open storage, and grain stored for feed processing that  
17.9 occurred during the preceding calendar year. This report shall be used for the purpose  
17.10 of establishing the penal sum of the bond.

17.11 (b) Warehouse operators that are at a maximum bond and want to continue at  
17.12 maximum bond do not need to file this report.

17.13 (c) It is a violation of this chapter for any public grain warehouse operator to fail to  
17.14 file the report required in paragraph (a).

17.15 (d) Every public grain warehouse operator shall keep in a place of safety complete  
17.16 and accurate records and accounts relating to any grain warehouse operated. The records  
17.17 shall reflect each commodity received and shipped daily, the balance remaining in the  
17.18 grain warehouse at the close of each business day, a listing of all unissued grain warehouse  
17.19 receipts in the operator's possession, a record of all grain warehouse receipts issued which  
17.20 remain outstanding and a record of all grain warehouse receipts which have been returned  
17.21 for cancellation. Copies of grain warehouse receipts or other documents evidencing  
17.22 ownership of grain by a depositor, or other liability of the grain warehouse operator, shall  
17.23 be retained as long as the liability exists but must be kept for a minimum of three years.

17.24 (e) Every public grain warehouse operator must maintain in the grain warehouse  
17.25 at all times grain of proper grade and sufficient quantity to meet delivery obligations on  
17.26 all outstanding grain warehouse receipts.

17.27 Sec. 31. Minnesota Statutes 2014, section 239.751, is amended by adding a subdivision  
17.28 to read:

17.29 Subd. 4a. Use of term "diesel fuel." For the purposes of this section, the term  
17.30 "diesel fuel" may be used to advertise or identify a dispenser used to dispense any  
17.31 fuel approved by the United States Environmental Protection Agency for use in a  
17.32 compression-ignition engine.

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

18.1 Sec. 32. Minnesota Statutes 2014, section 325N.01, is amended to read:

18.2 **325N.01 DEFINITIONS.**

18.3 The definitions in paragraphs (a) to (h) apply to sections 325N.01 to 325N.09.

18.4 (a) "Foreclosure consultant" means any person who, directly or indirectly, makes  
18.5 any solicitation, representation, or offer to any owner to perform for compensation or  
18.6 who, for compensation, performs any service which the person in any manner represents  
18.7 will in any manner do any of the following:

18.8 (1) stop or postpone the foreclosure sale;

18.9 (2) obtain any forbearance from any beneficiary or mortgagee;

18.10 (3) assist the owner to exercise the right of reinstatement provided in section 580.30;

18.11 (4) obtain any extension of the period within which the owner may reinstate the  
18.12 owner's obligation;

18.13 (5) obtain any waiver of an acceleration clause contained in any promissory note or  
18.14 contract secured by a mortgage on a residence in foreclosure or contained in the mortgage;

18.15 (6) assist the owner in foreclosure or loan default to obtain a loan or advance of funds;

18.16 (7) avoid or ameliorate the impairment of the owner's credit resulting from the  
18.17 recording of a notice of default or the conduct of a foreclosure sale;

18.18 (8) save the owner's residence from foreclosure; or

18.19 (9) negotiate or modify the terms or conditions of an existing residential mortgage  
18.20 loan.

18.21 (b) A foreclosure consultant does not include any of the following:

18.22 (1) a person licensed to practice law in this state when the person renders service in  
18.23 the course of the person's practice as an attorney-at-law;

18.24 (2) a person licensed as a debt management services provider under chapter 332A,  
18.25 when the person is acting as a debt management services provider as defined in that chapter;

18.26 (3) a person licensed as a real estate broker or salesperson under chapter 82 when the  
18.27 person engages in acts whose performance requires licensure under that chapter unless the  
18.28 person is engaged in offering services designed to, or purportedly designed to, enable the  
18.29 owner to retain possession of the residence in foreclosure;

18.30 (4) a person licensed as an accountant under chapter 326A when the person is acting  
18.31 in any capacity for which the person is licensed under those provisions;

18.32 (5) a person or the person's authorized agent acting under the express authority  
18.33 or written approval of the Department of Housing and Urban Development or other  
18.34 department or agency of the United States or this state to provide services;

18.35 (6) a person who holds or is owed an obligation secured by a lien on any residence  
18.36 in foreclosure when the person performs services in connection with this obligation or lien

19.1 if the obligation or lien did not arise as the result of or as part of a proposed foreclosure  
19.2 reconveyance;

19.3 (7) any person or entity doing business under any law of this state, or of the United  
19.4 States relating to banks, trust companies, savings and loan associations, industrial loan and  
19.5 thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee  
19.6 which is a United States Department of Housing and Urban Development approved  
19.7 mortgagee and any subsidiary or affiliate of these persons or entities, and any agent or  
19.8 employee of these persons or entities while engaged in the business of these persons  
19.9 or entities;

19.10 (8) a person licensed as a residential mortgage originator or servicer pursuant to  
19.11 chapter 58, when acting under the authority of that license, except that the provisions of  
19.12 sections 325N.01 to 325N.06, 325N.08, and 325N.09 shall apply to any person operating  
19.13 under a mortgage originator license who negotiates or offers to negotiate the terms or  
19.14 conditions of an existing residential mortgage loan;

19.15 (9) a nonprofit agency or organization that has tax-exempt status under section  
19.16 501(c)(3) of the Internal Revenue Code that offers counseling or advice to an owner of  
19.17 a home in foreclosure or loan default if they do not contract for services with for-profit  
19.18 lenders or foreclosure purchasers, except that they shall comply with the provisions of  
19.19 section 325N.04, clause (1);

19.20 (10) a judgment creditor of the owner, to the extent that the judgment creditor's claim  
19.21 accrued prior to the personal service of the foreclosure notice required by section 580.03,  
19.22 but excluding a person who purchased the claim after such personal service; and

19.23 (11) a foreclosure purchaser as defined in section 325N.10.

19.24 (c) "Foreclosure reconveyance" means a transaction involving:

19.25 (1) the transfer of title to real property by a foreclosed homeowner during a  
19.26 foreclosure proceeding, either by transfer of interest from the foreclosed homeowner or  
19.27 by creation of a mortgage or other lien or encumbrance during the foreclosure process  
19.28 that allows the acquirer to obtain title to the property by redeeming the property as  
19.29 a junior lienholder; and

19.30 (2) the subsequent conveyance, or promise of a subsequent conveyance, of an interest  
19.31 back to the foreclosed homeowner by the acquirer or a person acting in participation with  
19.32 the acquirer that allows the foreclosed homeowner to possess either the residence in  
19.33 foreclosure or any other real property, which interest includes, but is not limited to, an  
19.34 interest in a contract for deed, purchase agreement, option to purchase, or lease.

19.35 (d) "Person" means any individual, partnership, corporation, limited liability  
19.36 company, association, or other group, however organized.

- 20.1 (e) "Service" means and includes, but is not limited to, any of the following:
- 20.2 (1) debt, budget, or financial counseling of any type;
- 20.3 (2) receiving money for the purpose of distributing it to creditors in payment or
- 20.4 partial payment of any obligation secured by a lien on a residence in foreclosure;
- 20.5 (3) contacting creditors or servicers to negotiate or offer to negotiate the terms or
- 20.6 conditions of an existing residential mortgage loan;
- 20.7 (4) arranging or attempting to arrange for an extension of the period within which
- 20.8 the owner of a residence in foreclosure may cure the owner's default and reinstate the
- 20.9 owner's obligation pursuant to section 580.30;
- 20.10 (5) arranging or attempting to arrange for any delay or postponement of the time of
- 20.11 sale of the residence in foreclosure;
- 20.12 (6) advising the filing of any document or assisting in any manner in the preparation
- 20.13 of any document for filing with any bankruptcy court; or
- 20.14 (7) giving any advice, explanation, or instruction to an owner of a residence in
- 20.15 foreclosure, which in any manner relates to the cure of a default in or the reinstatement
- 20.16 of an obligation secured by a lien on the residence in foreclosure, the full satisfaction of
- 20.17 that obligation, or the postponement or avoidance of a sale of a residence in foreclosure,
- 20.18 pursuant to a power of sale contained in any mortgage.
- 20.19 (f) "Residence in foreclosure" means residential real property consisting of one to
- 20.20 four family dwelling units, one of which the owner occupies as the owner's principal
- 20.21 place of residence, or real property that is principally used for farming, as defined in
- 20.22 section 500.24, subdivision 2, whether or not parcels are contiguous, so long as the owner
- 20.23 occupies one of the parcels as the owner's principal place of residence, where there is
- 20.24 a delinquency or default on any loan payment or debt secured by or attached to the
- 20.25 residential real property including, but not limited to, contract for deed payments.
- 20.26 (g) "Owner" means the record owner of the residential real property in foreclosure at
- 20.27 the time the notice of pendency was recorded, or the summons and complaint served.
- 20.28 (h) "Contract" means any agreement, or any term in any agreement, between
- 20.29 a foreclosure consultant and an owner for the rendition of any service as defined in
- 20.30 paragraph (e).

20.31 Sec. 33. Minnesota Statutes 2014, section 325N.10, subdivision 2, is amended to read:

20.32 Subd. 2. **Foreclosed homeowner.** "Foreclosed homeowner" means an owner of

20.33 residential real property, including a condominium, or an owner of real property that is

20.34 principally used for farming as defined in section 500.24, subdivision 2, that is the primary

20.35 residence of the owner and whose mortgage on the real property is or was in foreclosure.

21.1 Sec. 34. Minnesota Statutes 2014, section 325N.10, subdivision 7, is amended to read:

21.2 Subd. 7. **Residence in foreclosure.** "Residence in foreclosure" means residential real  
21.3 property consisting of one to four family dwelling units, one of which the owner occupies  
21.4 as the owner's principal place of residence, or real property that is principally used for  
21.5 farming, as defined in section 500.24, subdivision 2, whether or not parcels are contiguous,  
21.6 so long as the owner occupies one of the parcels as the owner's principal place of residence,  
21.7 where there is a delinquency or default on any loan payment or debt secured by or attached  
21.8 to the residential real property, including, but not limited to, contract for deed payments.

21.9 Sec. 35. Minnesota Statutes 2014, section 325N.17, is amended to read:

21.10 **325N.17 PROHIBITED PRACTICES.**

21.11 A foreclosure purchaser shall not:

21.12 (a) enter into, or attempt to enter into, a foreclosure reconveyance with a foreclosed  
21.13 homeowner unless:

21.14 (1) the foreclosure purchaser verifies and can demonstrate that the foreclosed  
21.15 homeowner has a reasonable ability to pay for the subsequent conveyance of an interest  
21.16 back to the foreclosed homeowner. In the case of a lease with an option to purchase,  
21.17 payment ability also includes the reasonable ability to make the lease payments and  
21.18 purchase the property within the term of the option to purchase. There is a rebuttable  
21.19 presumption that a homeowner is reasonably able to pay for the subsequent conveyance  
21.20 if the owner's payments for primary housing expenses and regular principal and interest  
21.21 payments on other personal debt, on a monthly basis, do not exceed 60 percent of  
21.22 the owner's monthly gross income. For the purposes of this section, "primary housing  
21.23 expenses" means the sum of payments for regular principal, interest, rent, utilities, hazard  
21.24 insurance, real estate taxes, and association dues. There is a rebuttable presumption that  
21.25 the foreclosure purchaser has not verified reasonable payment ability if the foreclosure  
21.26 purchaser has not obtained documents other than a statement by the foreclosed homeowner  
21.27 of assets, liabilities, and income;

21.28 (2) the foreclosure purchaser and the foreclosed homeowner complete a closing  
21.29 for any foreclosure reconveyance in which the foreclosure purchaser obtains a deed or  
21.30 mortgage from a foreclosed homeowner. For purposes of this section, "closing" means an  
21.31 in-person meeting to complete final documents incident to the sale of the real property  
21.32 or creation of a mortgage on the real property conducted by a closing agent, as defined  
21.33 in section 82.55, who is not employed by or an affiliate of the foreclosure purchaser, or  
21.34 employed by such an affiliate, and who does not have a business or personal relationship  
21.35 with the foreclosure purchaser other than the provision of real estate settlement services;

22.1 (3) the foreclosure purchaser obtains the written consent of the foreclosed  
22.2 homeowner to a grant by the foreclosure purchaser of any interest in the property during  
22.3 such times as the foreclosed homeowner maintains any interest in the property; and

22.4 (4) the foreclosure purchaser complies with the requirements for disclosure, loan  
22.5 terms, and conduct in the federal Home Ownership Equity Protection Act, United States  
22.6 Code, title 15, section 1639, or its implementing regulation, Code of Federal Regulations,  
22.7 title 12, sections 226.31, 226.32, and 226.34, for any foreclosure reconveyance in which  
22.8 the foreclosed homeowner obtains a vendee interest in a contract for deed, regardless of  
22.9 whether the terms of the contract for deed meet the annual percentage rate or points and  
22.10 fees requirements for a covered loan in Code of Federal Regulations, title 12, sections  
22.11 226.32 (a) and (b);

22.12 (b) fail to either:

22.13 (1) ensure that title to the subject dwelling has been reconveyed to the foreclosed  
22.14 homeowner; or

22.15 (2) make a payment to the foreclosed homeowner such that the foreclosed homeowner  
22.16 has received consideration in an amount of at least 82 percent of the fair market value of the  
22.17 property within 150 days of either the eviction or voluntary relinquishment of possession of  
22.18 the dwelling by the foreclosed homeowner. The foreclosure purchaser shall make a detailed  
22.19 accounting of the basis for the payment amount, or a detailed accounting of the reasons  
22.20 for failure to make a payment, including providing written documentation of expenses,  
22.21 within this 150-day period. The accounting shall be on a form prescribed by the attorney  
22.22 general, in consultation with the commissioner of commerce, without being subject to the  
22.23 rulemaking procedures of chapter 14. For purposes of this provision, the following applies:

22.24 (i) there is a rebuttable presumption that an appraisal by a person licensed or certified  
22.25 by an agency of the federal government or this state to appraise real estate constitutes the  
22.26 fair market value of the property;

22.27 (ii) the time for determining the fair market value amount shall be determined in the  
22.28 foreclosure reconveyance contract as either at the time of the execution of the foreclosure  
22.29 reconveyance contract or at resale. If the contract states that the fair market value shall  
22.30 be determined at the time of resale, the fair market value shall be the resale price if it is  
22.31 sold within 120 days of the eviction or voluntary relinquishment of the property by the  
22.32 foreclosed homeowner. If the contract states that the fair market value shall be determined  
22.33 at the time of resale, and the resale is not completed within 120 days of the eviction or  
22.34 voluntary relinquishment of the property by the foreclosed homeowner, the fair market  
22.35 value shall be determined by an appraisal conducted during this 120-day period and  
22.36 payment, if required, shall be made to the homeowner, but the fair market value shall be

23.1 recalculated as the resale price on resale and an additional payment amount, if appropriate  
23.2 based on the resale price, shall be made to the foreclosed homeowner within 15 days  
23.3 of resale, and a detailed accounting of the basis for the payment amount, or a detailed  
23.4 accounting of the reasons for failure to make additional payment, shall be made within 15  
23.5 days of resale, including providing written documentation of expenses. The accounting  
23.6 shall be on a form prescribed by the attorney general, in consultation with the commissioner  
23.7 of commerce, without being subject to the rulemaking procedures of chapter 14;

23.8 (iii) "consideration" shall mean any payment or thing of value provided to the  
23.9 foreclosed homeowner, including unpaid rent or contract for deed payments owed by the  
23.10 foreclosed homeowner prior to the date of eviction or voluntary relinquishment of the  
23.11 property, reasonable costs paid to third parties necessary to complete the foreclosure  
23.12 reconveyance transaction, payment of money to satisfy a debt or legal obligation of the  
23.13 foreclosed homeowner, or the reasonable cost of repairs for damage to the dwelling caused  
23.14 by the foreclosed homeowner; or a penalty imposed by a court for the filing of a frivolous  
23.15 claim under section 325N.18, subdivision 6, but

23.16 (iv) "consideration" shall not include amounts imputed as a down payment or fee  
23.17 to the foreclosure purchaser, or a person acting in participation with the foreclosure  
23.18 purchaser, incident to a contract for deed, lease, or option to purchase entered into as part  
23.19 of the foreclosure reconveyance, except for reasonable costs paid to third parties necessary  
23.20 to complete the foreclosure reconveyance;

23.21 (c) enter into repurchase or lease terms as part of the subsequent conveyance that are  
23.22 unfair or commercially unreasonable, or engage in any other unfair conduct;

23.23 (d) represent, directly or indirectly, that:

23.24 (1) the foreclosure purchaser is acting as an advisor or a consultant, or in any other  
23.25 manner represents that the foreclosure purchaser is acting on behalf of the homeowner;

23.26 (2) the foreclosure purchaser has certification or licensure that the foreclosure  
23.27 purchaser does not have, or that the foreclosure purchaser is not a member of a licensed  
23.28 profession if that is untrue;

23.29 (3) the foreclosure purchaser is assisting the foreclosed homeowner to "save the  
23.30 house" or substantially similar phrase; or

23.31 (4) the foreclosure purchaser is assisting the foreclosed homeowner in preventing a  
23.32 completed foreclosure if the result of the transaction is that the foreclosed homeowner will  
23.33 not complete a redemption of the property;

23.34 (e) make any other statements, directly or by implication, or engage in any other  
23.35 conduct that is false, deceptive, or misleading, or that has the likelihood to cause confusion  
23.36 or misunderstanding, including, but not limited to, statements regarding the value of

24.1 the residence in foreclosure, the amount of proceeds the foreclosed homeowner will  
 24.2 receive after a foreclosure sale, any contract term, or the foreclosed homeowner's rights or  
 24.3 obligations incident to or arising out of the foreclosure reconveyance; or

24.4 (f) do any of the following until the time during which the foreclosed homeowner  
 24.5 may cancel the transaction has fully elapsed:

24.6 (1) accept from any foreclosed homeowner an execution of, or induce any foreclosed  
 24.7 homeowner to execute, any instrument of conveyance of any interest in the residence  
 24.8 in foreclosure;

24.9 (2) record with the county recorder or file with the registrar of titles any document,  
 24.10 including but not limited to, any instrument of conveyance, signed by the foreclosed  
 24.11 homeowner;

24.12 (3) transfer or encumber or purport to transfer or encumber any interest in  
 24.13 the residence in foreclosure to any third party, provided no grant of any interest or  
 24.14 encumbrance is defeated or affected as against a bona fide purchaser or encumbrance for  
 24.15 value and without notice of a violation of sections 325N.10 to 325N.18, and knowledge  
 24.16 on the part of any such person or entity that the property was "~~residential~~ real property  
 24.17 in foreclosure" does not constitute notice of a violation of sections 325N.10 to 325N.18.  
 24.18 This section does not abrogate any duty of inquiry which exists as to rights or interests of  
 24.19 persons in possession of the ~~residential~~ real property in foreclosure; or

24.20 (4) pay the foreclosed homeowner any consideration.

24.21 **Sec. 36. [604A.40] AGRITOURISM; IMMUNITY FROM LIABILITY.**

24.22 **Subdivision 1. Definitions.** (a) For the purposes of this section, the terms in  
 24.23 paragraphs (b) to (g) have the meanings given them.

24.24 (b) "Agricultural products" means livestock, aquacultural, poultry, horticultural,  
 24.25 floricultural, viticultural, silvicultural, or other products of a farm or ranch.

24.26 (c) "Agritourism activity" means activity carried out on a farm or ranch that allows  
 24.27 organizations or members of the general public, for recreational, entertainment, charitable,  
 24.28 or educational purposes, to view, enjoy, or participate in rural activities, including, but  
 24.29 not limited to: farming; viticulture; winemaking; ranching; and historical, cultural, farm  
 24.30 stay, gleaning, harvest-your-own, or natural activities and attractions. An activity is an  
 24.31 agritourism activity whether or not the participant pays to participate in the activity.

24.32 (d) "Agritourism professional" means a person who is engaged in providing one or  
 24.33 more agritourism activities, whether or not for compensation.

24.34 (e) "Farm or ranch" means one or more areas of land used for the production,  
 24.35 cultivation, growing, harvesting, or processing of agricultural products.

25.1 (f) "Inherent risks of agritourism activity" mean dangers or conditions that are an  
25.2 integral part of an agritourism activity including but not limited to:

25.3 (1) natural hazards and conditions of land, vegetation, and waters including surface  
25.4 and subsurface conditions;

25.5 (2) the behavior of wild or domestic animals; and

25.6 (3) ordinary dangers of structures or equipment ordinarily used in farming or  
25.7 ranching operations.

25.8 (g) "Participant" means a person, other than an agritourism professional, who  
25.9 engages in an agritourism activity and who has the capacity to understand the inherent  
25.10 risks of agricultural tourism.

25.11 Subd. 2. **Liability limited.** (a) Except as provided in paragraphs (b) and (c), an  
25.12 agritourism professional is not liable for injury, damage, or death of a participant resulting  
25.13 from the inherent risks of agritourism activities.

25.14 (b) Nothing in paragraph (a) prevents or limits the liability of an agritourism  
25.15 professional if the agritourism professional:

25.16 (1) commits an act or omission that constitutes negligence or willful or wanton  
25.17 disregard for the safety of the participant, and that act or omission proximately causes  
25.18 injury, damage, or death of the participant;

25.19 (2) has actual knowledge or reasonably should have known of a dangerous condition  
25.20 on the land or in the facilities or equipment used in the activity, or the dangerous  
25.21 propensity of a particular animal used in such activity;

25.22 (3) intentionally injures the participant; or

25.23 (4) fails to comply with the notice requirement of subdivision 3.

25.24 (c) Nothing in paragraph (a) affects a claim under chapter 340A, or a claim arising  
25.25 out of the sale or use of alcohol at an agritourism facility.

25.26 Subd. 3. **Posting notice.** An agritourism professional shall post plainly visible signs  
25.27 at one or more prominent locations in the premises where the agritourism activity takes  
25.28 place that include a warning of the inherent risks of agritourism activity.

25.29 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to  
25.30 actions arising from incidents occurring on or after that date.

25.31 Sec. 37. **REPEALER.**

25.32 Minnesota Statutes 2014, section 18C.235, subdivision 2, and Minnesota Rules, part  
25.33 1510.0111, are repealed.

APPENDIX  
Repealed Minnesota Statutes: H1554-2

**18C.235 STORAGE, HANDLING, DISPOSAL, AND INCIDENT RESPONSE  
PLAN.**

No active language found for: 18C.235.2

APPENDIX  
Repealed Minnesota Rule: H1554-2

**1510.0111** [Repealed, L 2015 c 44 s 37]