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Overview

This is the 2018 omnibus agriculture policy bill. It includes language from the Minnesota Department of Agriculture's proposed omnibus policy bill (H.F. 4133, as introduced). It also includes H.F.s 3472 (Swedzinski, saltwater aquaculture), 3374 (Munson, noncommercial pesticide applicators), and 2887 (Backer, nitrogen fertilizer rule).

Section

- 1 Eligible projects.** Expands eligible project categories under the Agricultural Best Management Practices (AgBMP) loan program to include feasibility studies for energy conservation projects.
- 2 Aquaculture permits; rules.** Requires the Minnesota Pollution Control Agency (MPCA) to classify saltwater aquatic farms and facilities that process saltwater aquatic life as agricultural operations for purposes of any construction, discharge, or other permit issued by the agency.
- 3 Saltwater aquaculture.** Defines this term for purposes of the transportation and importation permit requirements established below.
- 4 Saltwater aquatic farm.** Defines this term for purposes of the MPCA permit language above and the transportation and importation permit requirements established below.
- 5 Saltwater aquatic life.** Defines this term for purposes of the MPCA permit language above and the transportation and importation requirements established below.

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- 6 Transportation or importation of saltwater aquatic life; quarantine requirement.**
- Subd. 1. Purpose.** Establishes a legislative finding that it is in the public interest to increase private saltwater aquaculture under the coordination of the Minnesota Department of Agriculture (MDA).
- Subd. 2. Transportation permit.** Provides that mandatory transportation and importation permits for saltwater aquatic life are issued by the DNR and governed by this section. Establishes permit requirements.
- Subd. 3. Exemptions.** Establishes exemptions for the permit requirement established above.
- 7 Expenses; reimbursements.** Modifies the state Noxious Weed Law by eliminating language providing that any claim for weed control against public land must first be approved by MDA.
- 8 Fees.** Provides that a contractor performing rest area custodial services for the Minnesota Department of Transportation is eligible to receive a noncommercial pesticide applicator license from MDA and can pay a lower license fee.
- 9 Drug.** Clarifies the definition of “drug” for purposes of commercial feed law.
- 10 Application; date of issuance.** Establish the license period for a new food-handler license category available only to certain custom-exempt food handlers.
- 11 Classification.** Creates the new custom-exempt license category. Custom-exempt businesses are those that slaughter and/or process animals (e.g, livestock, wild game) or poultry for consumption by the animal or bird’s owner. Businesses eligible for this new license category would be those that mark all products as “Not For Sale” and do not conduct retail or wholesale sales in the same facility.
- 12 Fees effective July 1, 2003.** Provides that those who receive the new custom-exempt food handler license would pay the same fee as those with a retail food handler license.
- 13 Eggs in possession of retailer.** Establishes separate shelf-life limits for Grade A and Grade AA eggs sold at retail, allowing Grade A eggs to stay on the shelf almost 50 percent longer than Grade AA eggs before they must be removed from sale.
- 14 Milk storage requirement.** Prohibits haulers from picking up milk from a dairy farm unless the farm’s bulk tank is in proper working order. Prohibits a hauler from picking up milk stored for more than 72 hours at a farm; authorizes MDA to waive this 72-hour limit in cases of hardship, emergency, or natural disaster.
- 15 Labels.** Modifies requirements for labeling milk and dairy products that were produced in a state where official milk plant numbers are not assigned.
- 16 Manufacture of cheese; requirements in process.** Requires cheese produced from unpasteurized milk and aged for at least 60 days at a temperature of 35 degrees or more to be labeled as more than 60 days old.
- 17 Emergency powers.** Allows MDA to issue permits, in the event of a disaster, to move food if the applicant satisfies all disease and other control measures established by the agency.

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- 18** **Biomass.** Defines this term expansively for purposes of the Advanced Biofuel Production Incentive, Renewable Chemical Production Incentive, and Biomass Thermal Production Incentive programs.
- 19** **Renewable chemical.** Modifies the definition of “renewable chemical” for purposes of determining a facility’s eligibility for the Renewable Chemical Production Incentive Program. Eliminates the term “biobased content” from the definition – the definition for that term would be repealed in the final section of this bill.
- 20** **Eligibility.** Expands eligibility for the Advanced Biofuel Production Incentive Program to include facilities that produce advanced biofuel from any biomass, as defined above.
- 21** **Cellulosic forestry biomass requirements.** Modifies requirements that apply to forestry biomass used to produce advanced biofuel under the Advanced Biofuel Production Incentive Program. Provides a definition of “forest management plan” by referencing the corresponding definition in the Sustainable Forest Incentive Act administered by the Department of Revenue.
- 22** **Eligibility.** Similar to section 20, this section would expand eligibility for the Renewable Chemical Production Incentive Program to include renewable chemical produced from any biomass, as defined in section 18.
- 23** **Payment amounts; bonus; limits.** Clarifies that when a facility blends both renewable and nonrenewable chemicals, only the percentage of the blended product that is attributable to renewable chemicals is eligible for payment under the Renewable Chemical Production Incentive Program.
- 24** **Cellulosic forestry biomass requirement.** Modifies requirements that apply to forestry biomass used to produce renewable chemicals under the Renewable Chemical Production Incentive Program. Provides a definition of forest management plan by referencing the corresponding definition in the Sustainable Forest Incentive Act administered by the Department of Revenue.
- 25** **Eligibility.** Similar to sections 20 and 22, this section would expand eligibility for the Biomass Thermal Production Incentive Program to include biomass thermal energy produced from any biomass, as defined in section 18.
- 26** **Cellulosic forestry biomass requirement.** Modifies requirements that apply to forestry biomass used to produce advanced biofuel under the Biomass Thermal Production Incentive Program. Provides a definition of forest management plan by referencing the corresponding definition in the Sustainable Forest Incentive Act administered by the Department of Revenue.
- 27** **Livestock expansion.** Authorizes the Rural Finance Authority to participate in Livestock Expansion loans that facilitate the purchase of a livestock farm.
- 28** **Definitions.** Modifies eligibility for the Beginning Farmer Tax Credit Programs enacted in 2017. Authorizes tax credits for the sale or rental of land, livestock, buildings, or machinery between family members. Authorizes MDA to waive the financial management curriculum requirement if the farmer has a four-year degree in an agricultural program or related field,

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reasonable agricultural job-related experience, or certification as an adult farm business management instructor.

Effective date: This section would be effective January 1, 2019.

- 29 Appeals of authority determinations.** Modifies the procedure for contesting an adverse decision by the Rural Finance Authority. Allows the aggrieved party 20 days to request an expedited hearing. Requires the hearing to be held no later than 60 days after the hearing request is filed with the Office of Administrative Hearings, unless both parties agree to a later date.
- 30 Establishment.** Expands eligibility for the Rural Finance Authority's Disaster Recovery Loan Program by eliminating language restricting loan eligibility to farmers who experience damage caused by high winds, hail, tornado, or flood.
- 31 Eligibility.** Similar to the prior section, this section expands eligibility for the Rural Finance Authority's Disaster Recovery Loan Program by authorizing loans to farmers who experience damage or loss caused by any MDA-determined market disaster or emergency.
- 32 Loan criteria.** Eliminates language preventing a borrower from receiving more than one methane digester loan through the Rural Finance Authority.
- 33 Loans.** Increases the cap on the Rural Finance Authority's participation in a livestock equipment loan from \$40,000 to \$100,000.
- 34 Loan participation.** Increases the cap on the Rural Finance Authority's participation in a farm opportunity loan from \$45,000 to \$100,000 per individual, and from \$180,000 to \$250,000 for a group of four or more individuals.
- 35 Areas where groundwater pollution is detected.** Prevents MDA from adopting mandatory rules, or "water resource protection requirements," for nitrogen fertilizer under authority of the Groundwater Protection Act (Minn. Stat. ch. 103H) unless the proposed requirements are specifically approved by law.
- 36 Repealer.** Repeals existing definitions of "biobased content" and "biobased formulated product" for purposes of the Advanced Biofuel Production Incentive, Renewable Chemical Production Incentive, and Biomass Thermal Production Incentive programs. These definitions would be replaced, in essence, by the new definition of "biomass" established in this bill.