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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1799

02/15/2023 Authored by Cha, Sencer-Mura and Vang
The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

1.1 A bill for an act
1.2 relating to agriculture; modifying provisions regulating the dairy industry; amending
1.3 Minnesota Statutes 2022, sections 17.983, subdivision 1; 32D.02, subdivision 2;
1.4 32D.09, subdivision 2; 34A.04, subdivision 1; repealing Minnesota Statutes 2022,
1.5 sections 17.984; 32D.03, subdivision 5.

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

1.7 Section 1. Minnesota Statutes 2022, section 17.983, subdivision 1, is amended to read:

1.8 Subdivision 1. Administrative penalties; citation. If a person has violated a provision
1.9 of chapter 25, or 31B, or 32D, the commissioner may issue a written citation to the person
1.10 by personal service or by certified mail. The citation must describe the nature of the violation
1.11 and the statute or rule alleged to have been violated; state the time for correction, if
1.12 applicable; and the amount of any proposed fine. The citation must advise the person to
1.13 notify the commissioner in writing within 30 days if the person wishes to appeal the citation.
1.14 If the person fails to appeal the citation, the citation is the final order and not subject to
1.15 further review.

1.16 Sec. 2. Minnesota Statutes 2022, section 32D.02, subdivision 2, is amended to read:

1.17 Subd. 2. Power and authority. For the purpose of enforcing this chapter, the
1.18 commissioner and the commissioner's assistants, agents, and employees have the power
1.19 and authority granted under chapter 34A and sections 31.02 to 31.171.

1.20 Sec. 3. Minnesota Statutes 2022, section 32D.09, subdivision 2, is amended to read:

1.21 Subd. 2. Permitting. No person shall operate a dairy plant in this state unless the dairy
1.22 plant, equipment, and water supply and plumbing system have been first approved by the

2.1 commissioner and a permit issued to operate the same. ~~A permit may be revoked by the~~  
2.2 ~~commissioner for due cause pursuant to section 34A.06.~~

2.3 Sec. 4. Minnesota Statutes 2022, section 34A.04, subdivision 1, is amended to read:

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

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

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

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

2.20 Sec. 5. **REPEALER.**

2.21 Minnesota Statutes 2022, sections 17.984; and 32D.03, subdivision 5, are repealed.

**17.984 INVESTIGATION.**

Subdivision 1. **Authority.** To carry out the commissioner's enforcement duties under chapter 32D, the commissioner may, upon presenting appropriate credentials, during regular working hours and at other reasonable times, inspect premises subject to the commissioner's enforcement and licensing authority for reasons related to the commissioner's enforcement and licensing authority; request information from persons with information relevant to an inspection; and inspect relevant papers and records, including business records. The commissioner may issue notices in lieu of citations for minor violations if a notice is in the public interest.

Subd. 2. **Failure to comply.** The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which the premises is located to compel compliance with subpoenas or to permit an inspection.

**32D.03 BULK MILK HAULER AND SAMPLER LICENSE.**

Subd. 5. **Suspension or cancellation.** The commissioner is empowered to conduct enforcement action, suspend, or cancel any bulk milk hauler and sampler license pursuant to section 34A.06.