

**CHAPTER 265—S.F.No. 3236**

*An act relating to agriculture; providing for inspections; requiring fees; requiring a market impact study; requiring a report; modifying financial statement requirements for grain buyers; appropriating money; amending Minnesota Statutes 2004, section 28A.15, subdivision 4; Minnesota Statutes 2005 Supplement, section 223.17, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Minnesota Statutes 2004, sections 17.10; 19.50, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a, 13, 14, 15, 17, 18; 19.51, subdivisions 1, 2; 19.52; 19.53; 19.55; 19.56; 19.561; 19.57; 19.58, subdivisions 1, 2, 4, 5, 9; 19.59; 19.61, subdivision 1; 19.63; 19.65; Minnesota Statutes 2005 Supplement, section 19.64, subdivision 1.*

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

Section 1. **[17.445] INSPECTIONS AND SERVICES; FEES.**

Subdivision 1. **Definitions.** For the purposes of this section, the definitions in this subdivision have the meanings given them.

(a) "Apiary" means a place where a collection of one or more hives or colonies of bees or the nuclei of bees are kept.

(b) "Bee equipment" means hives, supers, frames, veils, gloves, and any apparatus, tool, machine, vehicle, or other device used in the handling, moving, or manipulating of bees, honey, wax, or hives, including containers of honey or wax, which may be used in an apiary or in transporting bees and their products and apiary supplies.

(c) "Bees" means any stage of the common honey bee, Apis mellifera (L).

(d) "Commissioner" means the commissioner of agriculture or the commissioner's designees or authorized agents.

Subd. 2. **Purpose.** To ensure continued access to foreign and domestic markets, the commissioner shall provide requested bee inspections and other necessary services.

Subd. 3. **Inspections and other services.** On request, the commissioner may make inspections for sale of bees, bee equipment, or appliances or perform other necessary services.

Subd. 4. **Fees.** The commissioner shall charge a fee or charge for expenses so as to recover the cost of performing the inspections and services in subdivision 3. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged. All fees and charges collected under this section shall be deposited in the state treasury and credited to the agricultural fund. Revenue from inspection fees and other charges deposited in the agricultural fund, including any interest earned, is appropriated to the commissioner to perform the services provided for under this section.

Sec. 2. Minnesota Statutes 2004, section 28A.15, subdivision 4, is amended to read:

Subd. 4. **Chapter 19 or 221 licensees permittees; warehouse operators.** ~~Any persons required to be licensed under chapter 19 or Trucks operating under a certificate or permit issued pursuant to chapter~~

221 or warehouse operators, other than cold storage warehouse operators, offering storage or warehouse facilities for compensation.

Sec. 3. Minnesota Statutes 2005 Supplement, section 223.17, subdivision 6, is amended to read:

Subd. 6. **Financial statements.** For the purpose of fixing or changing the amount of a required bond or for any other proper reason, the commissioner shall require an annual financial statement from a licensee which has been prepared in accordance with generally accepted accounting principles and which meets the following requirements:

(a) The financial statement shall include, but not be limited to the following: (1) a balance sheet; (2) a statement of income (profit and loss); (3) a statement of retained earnings; (4) a statement of changes in financial position; and (5) a statement of the dollar amount of grain purchased in the previous fiscal year of the grain buyer.

(b) The financial statement shall be accompanied by a ~~reviewed financial statement or audit compilation report of the financial statement that is prepared by a grain commission firm or a management firm approved by the commissioner or by an independent public accountant or a compilation report prepared by a grain commission firm approved by the commissioner,~~ in accordance with standards established by the American Institute of Certified Public Accountants. Grain buyers purchasing less than 150,000 bushels of grain per calendar year may submit a financial statement prepared by a public accountant who is not an employee or a relative within the third degree of kindred according to civil law.

(c) The financial statement shall be accompanied by a certification by the chief executive officer or the chief executive officer's designee of the licensee, under penalty of perjury, that the financial statement accurately reflects the financial condition of the licensee for the period specified in the statement.

Only one financial statement must be filed for a chain of warehouses owned or operated as a single business entity, unless otherwise required by the commissioner. Any grain buyer having a net worth in excess of \$500,000,000 need not file the financial statement required by this subdivision but must provide the commissioner with a certified net worth statement. All financial statements filed with the commissioner are private or nonpublic data as provided in section 13.02.

Sec. 4. **UNIVERSITY OF MINNESOTA LICENSING AND MINNESOTA MARKET IMPACT STUDY.**

The University of Minnesota shall establish a task force to study the market impact on Minnesota producers of agricultural products from the University of Minnesota licensing germplasm and to make recommendations to the legislature and the Board of Regents on ways to mitigate any negative impacts on Minnesota businesses that arise from University of Minnesota license agreements. The task force must include a representative of the University serving as the chair, and representatives of the Minnesota Farm Bureau, the Minnesota Farmers Union, agricultural commodity organizations, the Minnesota Apple Growers Association, the Minnesota Fruit and Vegetable Growers Association, the Minnesota Nursery Landscape Association, the Minnesota Department of Agriculture, and the Minnesota Grown Program. Members serve on the task force on a voluntary basis. The chair may also invite participation from other staff and faculty of the University of Minnesota as necessary to fulfill the purpose of the task force. The task force must, as a first priority, study the license agreement for the MN#1914 apple selection. The Board of Regents and the licensee are requested, in good faith, to refrain from implementing the MN#1914 license until the task force has reported its findings to the legislature with a mitigation plan approved by the task force. The task force must report to the committees of the legislature with responsibility for higher education no later than January 15, 2007.

Sec. 5. **APPROPRIATION.**

(\$21,000) in 2006 and (\$21,000) in 2007 are subtracted from the general fund appropriation to the Department of Agriculture enacted into law by the legislature in 2005.

Sec. 6. **REPEALER.**

Minnesota Statutes 2004, sections 17.10; 19.50, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a, 13, 14, 15, 17, and 18; 19.51, subdivisions 1 and 2; 19.52; 19.53; 19.55; 19.56; 19.561; 19.57; 19.58, subdivisions 1, 2, 4, 5, and 9; 19.59; 19.61, subdivision 1; 19.63; and 19.65, and Minnesota Statutes 2005 Supplement, section 19.64, subdivision 1, are repealed.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 5 are effective the day following final enactment.

Presented to the governor May 22, 2006

Signed by the governor June 2, 2006, 11:46 a.m.