

1.1 Senator ..... moves to amend the delete-everything amendment (SCS1674A-2)  
1.2 to S.F. No. 1674 as follows:

1.3 Page 4, after line 26, insert:

1.4 "Sec. 3. Minnesota Statutes 2016, section 17.53, subdivision 2, is amended to read:

1.5 Subd. 2. **Agricultural commodity.** (a) Except as provided in paragraph (b), "agricultural  
1.6 commodity" means any agricultural product, including, without limitation, animals and  
1.7 animal products, grown, raised, produced, or fed within Minnesota for use as food, feed,  
1.8 seed, or any industrial or chemurgic purpose.

1.9 (b) For wheat, barley, corn, and cultivated wild rice, "agricultural commodity" means  
1.10 wheat, barley, and cultivated wild rice including, without limitation, wheat, barley, and  
1.11 cultivated wild rice grown or produced within or outside Minnesota, for use as food, feed,  
1.12 seed, or any industrial or chemurgic purpose.

1.13 Sec. 4. Minnesota Statutes 2016, section 17.53, subdivision 8, is amended to read:

1.14 Subd. 8. **First purchaser.** (a) Except as provided in paragraph (b), "first purchaser"  
1.15 means any person that buys agricultural commodities for movement into commercial channels  
1.16 from the producer; or any lienholder, secured party or pledgee, public or private, or assignee  
1.17 of said lienholder, secured party or pledgee, who gains title to the agricultural commodity  
1.18 from the producer as the result of exercising any legal rights by the lienholder, secured  
1.19 party, pledgee, or assignee thereof, regardless of when the lien, security interest or pledge  
1.20 was created and regardless of whether the first purchaser is domiciled within the state or  
1.21 without. "First purchaser" does not mean the Commodity Credit Corporation when a  
1.22 commodity is used as collateral for a federal nonrecourse loan unless the commissioner  
1.23 determines otherwise.

1.24 (b) For wheat, barley, corn, and cultivated wild rice, "first purchaser" means a person  
1.25 who buys, receives delivery of, or provides storage for the agricultural commodity from a  
1.26 producer for movement into commercial channels; or a lienholder, secured party, or pledgee,  
1.27 who gains title to the agricultural commodity from the producers as the result of exercising  
1.28 any legal rights by the lienholder, secured party, pledgee, or assignee, regardless of when  
1.29 the lien, security interest, or pledge was created and regardless of whether or not the first  
1.30 purchaser is domiciled in the state. "First purchaser" does not mean the Commodity Credit  
1.31 Corporation when the wheat, barley, or cultivated wild rice is used as collateral for a federal  
1.32 nonrecourse loan unless the commissioner determines otherwise.

2.1 Sec. 5. Minnesota Statutes 2016, section 17.53, subdivision 13, is amended to read:

2.2 Subd. 13. **Producer.** (a) Except as provided in paragraph (b), "producer" means any  
2.3 person who owns or operates an agricultural producing or growing facility for an agricultural  
2.4 commodity and shares in the profits and risk of loss from such operation, and who grows,  
2.5 raises, feeds or produces the agricultural commodity in Minnesota during the current or  
2.6 preceding marketing year.

2.7 (b) For wheat, barley, corn, and cultivated wild rice, "producer" means in addition to  
2.8 the meaning in paragraph (a) and for the purpose of the payment or the refund of the checkoff  
2.9 fee paid pursuant to sections 17.51 to 17.69 only, a person who delivers into, stores within,  
2.10 or makes the first sale of the agricultural commodity in Minnesota.

2.11 Sec. 6. Minnesota Statutes 2016, section 17.983, subdivision 1, is amended to read:

2.12 Subdivision 1. **Administrative penalties; citation.** If a person has violated a provision  
2.13 of chapter 25, 31B, or ~~32~~ 32D, the commissioner may issue a written citation to the person  
2.14 by personal service or by certified mail. The citation must describe the nature of the violation  
2.15 and the statute or rule alleged to have been violated; state the time for correction, if  
2.16 applicable; and the amount of any proposed fine. The citation must advise the person to  
2.17 notify the commissioner in writing within 30 days if the person wishes to appeal the citation.  
2.18 If the person fails to appeal the citation, the citation is the final order and not subject to  
2.19 further review.

2.20 Sec. 7. Minnesota Statutes 2016, section 17.984, subdivision 1, is amended to read:

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

- 3.1 Page 27, after line 4, insert:
- 3.2 "Sec. 52. Minnesota Statutes 2016, section 34A.01, subdivision 1, is amended to read:
- 3.3 Subdivision 1. **Applicability.** The definitions in this section and chapters 28, 28A, 29,
- 3.4 30, 31, 31A, ~~32~~ 32D, and 34 apply to this chapter. The definitions in this section apply to
- 3.5 chapter ~~32~~ 32D."
- 3.6 Page 46, delete lines 6 and 7
- 3.7 Page 46, line 8, delete "(4)" and insert "(3)"
- 3.8 Page 46, line 9, delete "(5)" and insert "(4)"
- 3.9 Page 46, line 11, delete "(6)" and insert "(5)"
- 3.10 Renumber the sections in sequence and correct the internal references
- 3.11 Amend the title accordingly