

(1) for a violation of sections 1 to 4, actual damages only, plus costs; and

(2) for a violation of section 5, actual damages, back pay, and reinstatement or other make-whole, equitable relief, plus reasonable attorney fees.

Subd. 2. LIMITATIONS PERIOD. Any civil action maintained by the employee under this section must be commenced within one year of the actual or constructive discovery of the alleged violation.

**Sec. 7. [181.966] ADDITIONAL RIGHT OF ACCESS TO RECORDS.**

Sections 1 to 6 do not prevent an employer from providing additional rights to employees and do not diminish a right of access to records under chapter 13.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 11:16 p.m.

**CHAPTER 350—H.F.No. 878**

*An act relating to agriculture; providing for certain federal crop insurance payments, a community needs assessment model, certain task forces, agriculture promotion, checkoff rates, land transfers, certain boards, reforestation, preservation policy, grasshopper control, federal uniformity, soy-based ink, food coupons, weed control, certain studies, mediation and first refusal, motor fuel labeling, and wild rice labeling; appropriating money; amending Minnesota Statutes 1988, sections 17.49; 17.59, by adding a subdivision; 18.022, subdivision 2; 30.49; 31.101; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 31.11; 116O.09, subdivisions 1, 2, and by adding a subdivision; 239.79, subdivision 2; 500.24, subdivision 6; 550.37, subdivisions 4a, 5, and 7; 583.24, subdivision 4; 583.26, subdivision 1; Laws 1983, chapter 215, section 16, as amended; Laws 1985, chapter 19, sections 2, subdivision 2, as amended; and 6, subdivision 6, as amended; Laws 1986, chapter 398, article 1, section 18, as amended; and Laws 1988, chapter 688, article 3, sections 1, subdivision 3; 2; and 3; proposing coding for new law in Minnesota Statutes, chapters 16B; 17; 18; and 84; repealing Minnesota Statutes 1988, section 84.152, subdivision 5.*

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

**ARTICLE 1**

**FEDERAL CROP INSURANCE**

**Section 1. FINDING OF PUBLIC PURPOSE.**

The legislature finds that federal crop insurance represents the lowest cost, most economically feasible mechanism for protecting farm families from severe

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economic stress caused by drought and other natural disasters. The legislature further finds that costs to the state for rural disaster relief are greatly reduced when a majority of farmers carry federal crop insurance. In order to encourage all farmers to carry federal crop insurance, it is a valid public purpose for state funds to be used to make grants for a portion of the premium costs of the crop insurance.

**Sec. 2. GRANTS FOR PARTIAL PAYMENT OF FEDERAL CROP INSURANCE.**

Subdivision 1. ELIGIBLE CROPS. Crops eligible for partial payment of federal crop insurance are barley, corn, flax, oats, soybeans, sugar beets, canning crops grown under contract, and wheat.

Subd. 2. ELIGIBILITY. A farmer is eligible for state assistance if:

(1) the farmer experienced a 65 percent or greater loss in the yield of at least one of the eligible crops grown during the 1988 growing season;

(2) the farmer was required to purchase federal crop insurance as a condition for participation in federal agriculture programs for 1989; and

(3) the farmer submits an application to the commissioner of agriculture on or before September 1, 1989.

Subd. 3. APPLICATION. To receive reimbursement under this article a farmer must submit an application for reimbursement of federal crop insurance premiums to the commissioner on forms provided by the commissioner. The application must include documentation of crop losses and other factors relevant to eligibility.

Subd. 4. REIMBURSEMENT RATE AND MAXIMUM. From within funds appropriated for this program, the commissioner must not later than December 1, 1989, reimburse an eligible farmer for up to 20 percent of the total premium cost for federal crop insurance on the 1989 crop. The maximum reimbursement to any eligible farmer is \$300.

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## ARTICLE 2

## COMMUNITY NEEDS ASSESSMENT

## Section 1. COMMUNITY NEEDS ASSESSMENT MODEL.

Subdivision 1. MODEL DEVELOPMENT. The rural development board, as part of its rural investment strategy, shall select an organization to develop, test, and implement a rural community needs assessment model. The commissioner of trade and economic development shall publish in the State Register a request for proposals for the community needs assessment model project. The organization must select five rural communities in 1990 and ten rural communities in 1991 within which to perform community needs assessments using the model developed. At least one of the rural communities selected in 1990 must have a population of 1,000 or less.

Subd. 2. ORGANIZATION. The organization selected must meet the following criteria:

(1) knowledge of the concerns and needs of rural Minnesota residents and their communities;

(2) demonstrated expertise in performing needs assessments;

(3) ability to develop, test, refine, demonstrate, and implement a community needs assessment process; and

(4) experience in gathering, classifying, analyzing, reporting, and interpreting data.

Subd. 3. MODEL REQUIREMENTS. The community needs assessment model must identify community needs in the areas of social services, transportation, housing, education, health care, recreation, employment, public infrastructure, and economic development. In order to identify those needs, information must be collected from the most recent existing statistical data bases, experts, and community residents. After needs are identified, the community needs assessment model must establish priorities, assist the community in analyzing existing resources, develop strategies to meet community needs, and assist the community in considering available options and in deciding what alternatives to act upon.

Subd. 4. COMMUNITY PARTICIPATION. The community needs assessment model must be designed to maximize community involvement and participation in the community needs assessment process. The model must be capable of guiding the community through a strategy of information collection, discussion, refinement, and consensus. To encourage community involvement in this process, the organization may provide incentive grants to assist rural community leaders and residents to implement the model.

Subd. 5. REPORT. The rural development board shall report to the legisla-

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ture by January 1, 1990, regarding the development and implementation of the model. A second report must be submitted to the legislature by January 1, 1991.

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### ARTICLE 3

#### AGRICULTURAL DATA COLLECTION TASK FORCE

##### Section 1. REACTIVATION OF THE AGRICULTURAL DATA COLLECTION TASK FORCE.

The agricultural data collection task force created by Laws 1985, chapter 19, as reactivated and amended by Laws 1986, chapter 398, article 11, and Laws 1987, chapter 396, article 5, is reactivated.

Sec. 2. Laws 1985, chapter 19, section 2, subdivision 2, as amended by Laws 1986, chapter 398, article 11, section 2, and Laws 1987, chapter 396, article 5, section 2, is amended to read:

Subd. 2. **DUTIES.** The duties of the agricultural data collection task force are to:

(1) continue the uniform procedure for collecting data on the financial status of agriculture in Minnesota;

(2) report the results of the program to the legislature no later than December 31 of each fiscal year the agricultural data collection task force is funded.

Sec. 3. Laws 1985, chapter 19, section 6, subdivision 6, as amended by Laws 1986, chapter 398, article 11, section 4, and Laws 1987, chapter 396, article 5, section 3, is amended to read:

Subd. 6. **EXPIRATION.** The agricultural data collection task force expires April 15, ~~1989~~ 1991, or 15 days after reporting to the legislature, whichever date comes later, but in no circumstance later than June 1, ~~1989~~ 1991.

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### ARTICLE 4

#### AQUICULTURE

Section 1. Minnesota Statutes 1988, section 17.49, is amended to read:

##### 17.49 AQUICULTURE PROGRAM ESTABLISHMENT AND PROMOTION.

Subdivision 1. PROGRAM ESTABLISHED. The commissioner shall establish and promote a program for the commercial raising of fish in fish farms in

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consultation with an advisory committee consisting of the University of Minnesota, the commissioner of natural resources, the commissioner of agriculture, the commissioner of trade and economic development, the commissioner of the state planning agency, representatives of private fish raising industry, and the chairs of the environment and natural resources committees of the house of representatives and senate.

Subd. 2. COORDINATION. Aquiculture programs in the state must be coordinated through the commissioner of agriculture. The commissioner of agriculture shall direct the development of aquiculture in the state. Aquiculture research, projects, and demonstrations must be reported to the commissioner before state appropriations for the research, projects, and demonstrations are encumbered. The commissioner shall maintain a data base of aquiculture research, demonstrations, and other related information pertaining to agriculture in the state.

Sec. 2. **[17.491] AQUICULTURE IS AGRICULTURAL PURSUIT.**

Aquiculture is an agricultural pursuit.

Sec. 3. **[17.492] AQUICULTURE DEFINITION.**

"Aquiculture" means to cultivate plants and animals in water for harvest, including hydroponics and raising fish in fish farms.

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ARTICLE 5

DAIRY INDUSTRY CHECKOFF RATE

Section 1. Minnesota Statutes 1988, section 17.59, is amended by adding a subdivision to read:

Subdivision 1a. DAIRY INDUSTRY CHECKOFF RATE. (a) Notwithstanding subdivision 1, the Minnesota dairy research and promotion order, or any provision to the contrary in this chapter or rules adopted under this chapter, the checkoff rate applicable to the dairy research and promotion council must be equal to the maximum credit allowed under the Dairy Promotion and Research Order, adopted under the Dairy Production Stabilization Act of 1983, United States Code, title 7, sections 4501 to 4538, for producers participating in a qualified state or regional dairy product promotion or nutrition education program. The checkoff rate provided in this subdivision is effective and must be automatically adjusted without amendment to the Minnesota dairy research and promotion order.

(b) Subdivision 1 applies for the establishment of the checkoff rate applicable to the dairy research and promotion council if:

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(1) the Dairy Production Stabilization Act of 1983 is repealed;

(2) the Dairy Promotion and Research Order is suspended or terminated, in which case subdivision 1 applies only during the period of suspension or termination; or

(3) the federal credit for participation in a qualified state or regional dairy product or nutrition education program is eliminated.

Sec. 2. Laws 1988, chapter 688, article 3, section 1, subdivision 3, is amended to read:

Subd. 3. **DUTIES.** The Minnesota dairy task force shall by June 1, ~~1989~~ 1990:

(1) gather existing information on increasing milk production efficiency of dairy cow herds, reducing input costs, and increasing profitability of dairy farms;

(2) establish a mechanism to disseminate gathered information to dairy farmers in a practical form;

(3) examine computerized analysis of dairy records and the available software, and recommend practical alternatives for dairy farmers to use computerized analysis;

(4) develop a preliminary draft of long-range goals, objectives, and time line achievement strategies for the dairy industry;

(5) study alternatives for component pricing of milk;

(6) recommend legislation needed to accomplish the objectives and goals in subdivision 2; and

(7) examine available data on patterns and relationships between changes in the purchase price of raw milk from dairy farmers and changes in the retail price of dairy products purchased by the consumer.

Sec. 3. Laws 1988, chapter 688, article 3, section 2, is amended to read:

Sec. 2. **REPORT.**

The Minnesota dairy task force shall prepare and submit an interim report on its activities, accomplishments, and recommendations to the committees on agriculture of the senate and house of representatives by February 1, ~~1989~~ 1990.

Sec. 4. Laws 1988, chapter 688, article 3, section 3, is amended to read:

Sec. 3. **REPEALER.**

Section 1 is repealed effective June 30, ~~1990~~ 1991.

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## ARTICLE 6

## LAND TRANSFERS FROM FEDERAL AGENCIES

## Section 1. [84.0276] LAND TRANSFERS BY A FEDERAL AGENCY.

Before the commissioner of natural resources accepts agricultural land or a farm homestead transferred in fee by a federal agency, the commissioner must consult with the board of water and soil resources for a determination of marginal land, tillable farmland, and farm homestead. The commissioner must comply with the acquisition procedure under section 97A.145, subdivision 2, if the agricultural land or farm homestead was in an agricultural preserve as provided in section 40A.10.

## ARTICLE 7

## AGRICULTURAL UTILIZATION AND RESEARCH INSTITUTE

Section 1. Minnesota Statutes 1988, section 116O.09, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT.** The agricultural utilization research institute is established as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended. The corporation shall establish an agricultural utilization research institute to shall promote the establishment of new products and product uses and the expansion of existing markets for the state's agricultural commodities and products. The institute must be located near an existing agricultural research facility in the agricultural region of the state.

Sec. 2. Minnesota Statutes 1988, section 116O.09, is amended by adding a subdivision to read:

Subd. 1a. BOARD OF DIRECTORS. The board of directors of the agricultural utilization research institute is comprised of:

(1) the chairs of the senate agriculture and rural development committee and the house of representatives agriculture committee;

(2) two representatives of statewide farm organizations;

(3) two representatives of agribusiness, one of whom is a member of the greater Minnesota corporation board representing agribusiness; and

(4) three representatives of the commodity promotion councils.

A member of the board of directors under clauses (1) to (4) may designate a permanent or temporary replacement member representing the same constituency.

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Sec. 3. Minnesota Statutes 1988, section 116O.09, subdivision 2, is amended to read:

Subd. 2. **DUTIES.** (a) In addition to the duties and powers assigned to the institutes in section 116O.08, the agricultural utilization research institute shall:

(1) identify the various market segments characterized by Minnesota's agricultural industry, address each segment's individual needs, and identify development opportunities in each segment;

(2) develop and implement a utilization program for each segment that addresses its development needs and identifies techniques to meet those needs;

(3) coordinate research among the public and private organizations and individuals specifically addressing procedures to transfer new technology to businesses, farmers, and individuals; and

(4) provide research grants to public and private educational institutions and other organizations that are undertaking basic and applied research that would promote the development of the various agricultural industries.

(b) The agricultural utilization research institute board of directors, with the concurrence of the advisory board, shall have the sole approval authority for establishing agricultural utilization research priorities, requests for proposals to meet those priorities, awarding of grants, hiring and direction of personnel, and other expenditures of funds consistent with the adopted and approved mission and goals of the agricultural utilization research institute. The actions and expenditures of the agricultural utilization research institute are subject to audit and regular annual report to the legislature in general and specifically the house of representatives agriculture committee, the senate agriculture and rural development committee, the house of representatives appropriations committee, and the senate finance committee.

Sec. 4. **ADVISORY BOARD AND AURI BOARD.**

The advisory board is the permanent advisory board, and the present steering committee as constituted with elective positions from the advisory board is the governing board of the agricultural utilization research institute.

Sec. 5. **EFFECTIVE DATE.**

This article is effective the day following final enactment.

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## ARTICLE 8

## COMMUNITY AND URBAN REFORESTATION

## Section 1. COMMUNITY AND URBAN REFORESTATION STUDY.

Subdivision 1. LEGISLATIVE FINDINGS. The legislature recognizes that the perils of disease and, increasingly in recent times, commercial and residential development present a serious threat to the prosperity and even survival of our community and urban forests. Prompt action must be taken to reverse this trend.

Subd. 2. STUDY. A main step in assuring preservation and prosperity of our community and urban forests is the prompt identification of the exact nature of the threat and a logical order of measures to be taken to relieve the threat. To this end, the Minnesota shade tree advisory committee, in conjunction with the University of Minnesota and the state department of agriculture shall conduct a study of problems presently facing our community and urban forests. The study shall focus upon such aspects of the problem as preserving the cooling effect of forestation with resulting energy savings, filtration of harmful particulate matter and absorption of harmful emissions, noise reduction, strategic planting and preservation of existing trees to maximize the benefits trees contribute to our environment, and such other aspects of the problem as the committee considers advisable.

Subd. 3. RECOMMENDATIONS. The committee shall make its recommendations to the appropriate committees of the legislature in January of 1990. Recommendations shall take the form of specific steps to halt the decline in community and urban forestation and to promote planting and preservation. The recommendations shall be prioritized to stress the more critical needs and shall be accompanied by cost estimates wherever possible.

## Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

## ARTICLE 9

## AGRICULTURAL INTERPRETIVE CENTER

## Section 1. POLICY OF PRESERVING HISTORY OF BASIC INDUSTRIES.

Minnesota's historic basic industries are agriculture, mining, and forestry. The history of these great human enterprises reaches back to and beyond the settlement of Minnesota by Minnesotans from other continents. Throughout their long history each has evolved in ways that no single generation could foresee and no individual alone can remember. Their history holds intense fascination for contemporary Minnesotans. It is the policy of the state to

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preserve and present that history in ways that do justice to its dramatic past and dynamic future. For these reasons the maintenance of a living history agricultural interpretive center is a desirable public purpose.

## ARTICLE 10

### GRASSHOPPER CONTROL PROGRAM

Section 1. Minnesota Statutes 1988, section 18.022, subdivision 2, is amended to read:

Subd. 2. COST. (a) ~~In order~~ To defray the cost of ~~such the~~ activities under subdivision 1, the governing body of ~~any such the~~ political subdivision may levy a special tax which, except when levied by a county, ~~shall~~ must not exceed ~~two-thirds mill~~ a gross tax capacity rate of .55 percent or a net tax capacity rate of .68 percent in any year in excess of charter ~~or statutory millage tax capacity rate~~ limitations, but not in any event more than 50 cents per capita, ~~and any such except that the levy for the grasshopper control program under sections 23 to 26 is not subject to the 50 cents per capita limitation.~~ The political subdivision may make ~~such a~~ the levy, where necessary, separate from the general levy and at any time of the year. (b) If, because of the prevalence of Dutch elm disease, the governing body of such a political subdivision is unable to defray the cost of control activities authorized by this section within the limits set by this subdivision, the limits set by this subdivision are increased to ~~4-1/3 mills a~~ gross tax capacity rate of 1.1 percent or a net tax capacity rate of 1.36 percent, but not in any event more than one dollar per capita.

#### Sec. 2. [18.0223] GRASSHOPPER CONTROL ZONES.

The commissioner of agriculture shall designate townships of counties that have had grasshopper surveys showing economic damage or potential economic damage as a grasshopper control zone where control programs under sections 2 to 4 will be undertaken.

#### Sec. 3. [18.0225] GRASSHOPPER CONTROL PROGRAM.

(a) The commissioner of agriculture shall develop and implement a grasshopper control program to prevent crop damage in the grasshopper control zone. Within grasshopper control zones the commissioner, landowners, and local weed inspectors have the same authorities and duties under chapter 18 for grasshoppers as if grasshoppers are noxious weeds under chapter 18. After consultation and cooperation with the state entomologist, the commissioner must develop the program to economically and efficiently control grasshoppers and to minimize adverse environmental impact, including the selection of pesticides and prescription of application rates.

(b) The grasshopper control program must utilize proven methods of grass-

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hopper control and the commissioner may make grants for experimental methods of control in selected areas.

**Sec. 4. COST-SHARE.**

Subdivision 1. ELIGIBILITY. Private landowners are eligible for a 50 percent cost-share reimbursement for grasshopper control methods approved by the commissioner that are used on areas within the grasshopper control zone.

Subd. 2. INSPECTION. (a) A county agricultural inspector and local weed inspectors shall inspect the property where the grasshopper control is to occur and approve the control method to be used.

(b) The local weed inspectors shall inspect areas for grasshopper infestation in grasshopper control zones.

Subd. 3. REIMBURSEMENT. (a) An eligible private landowner may receive reimbursement for grasshopper control costs by presenting to the local weed inspector or the county agricultural inspector:

(1) an inspection statement that the property was inspected prior to the control method being used; and

(2) approval by the county agricultural inspector or local weed inspector that an approved method was used.

(b) The county agricultural inspector shall forward the reimbursement request to the county treasurer for payment.

(c) The county treasurer shall pay the reimbursement requests received from the county agricultural inspectors and local weed inspectors.

Subd. 4. PAYMENTS TO COUNTIES FOR COST-SHARE. From within funds appropriated for the grasshopper control program, the commissioner of agriculture shall make payments to counties to pay for the cost-share payments under subdivision 3. The commissioner shall make funds available in advance based on anticipated need to allow reimbursement payments to be made as quickly as possible.

Subd. 5. ADMINISTRATION. (a) The commissioner of agriculture shall adopt procedures, guidelines, and forms to implement the grasshopper control cost-share program under this section. The procedures, guidelines, and forms may be adopted notwithstanding chapter 14, except section 14.38, subdivisions 7 and 8, must be complied with.

(b) The commissioner of agriculture may require accounting procedures and reports to implement the program.

**Sec. 5. EXPERIMENTAL GRASSHOPPER CONTROL.**

Subdivision 1. AUTHORIZATION. The commissioner of agriculture may

New language is indicated by underline, deletions by ~~strikeout~~.

designate certain areas or types of controls for an experimental control program for methods that are not commonly used in the state or have not been proven to be effective.

Subd. 2. ELIGIBLE PARTICIPANTS. Public and private entities willing to participate in the experimental grasshopper control program may not be required to pay more than 20 percent of the cost of the experimental control methods on property they are responsible for controlling.

Subd. 3. ADMINISTRATION. The commissioner shall develop the experimental grasshopper control program and may adopt rules, guidelines, and procedures notwithstanding chapter 14 to implement the program, except the commissioner must comply with section 14.38, subdivisions 7 and 8.

**Sec. 6. EFFECTIVE DATE.**

This article is effective the day following final enactment.

**ARTICLE 11**

**FEDERAL UNIFORMITY**

Section 1. Minnesota Statutes 1988, section 31.101, is amended to read:

**31.101 RULES; HEARINGS; UNIFORMITY WITH FEDERAL LAW.**

Subdivision 1. The authority to promulgate and amend rules for the efficient administration and enforcement of the Minnesota food law is vested in the commissioner and is in addition to authority granted in sections 31.10, 31.11, and 31.12. Such rules when applicable shall conform, insofar as practicable and consistent with state law, with those promulgated under the federal law.

Subd. 2. Hearings authorized or required by law shall be conducted by the commissioner or such officer, agent, or employee as the commissioner may designate for the purpose.

Subd. 3. Federal pesticide chemical regulations and amendments thereto in effect on April 1, ~~1987~~ 1988, adopted under authority of the Federal Insecticide, Fungicide and Rodenticide Act, as provided by United States Code, title 7, chapter 6, are the pesticide chemical rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 4. Federal food additive regulations and amendments thereto in effect on April 1, ~~1987~~ 1988, as provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

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Subd. 5. Federal color additive regulations and amendments thereto in effect on April 1, ~~1987~~ 1988, as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 6. Federal special dietary use regulations and amendments thereto in effect on April 1, ~~1987~~ 1988, as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 7. Federal regulations and amendments thereto in effect on April 1, ~~1987~~ 1988, adopted under the Fair Packaging and Labeling Act, as provided by United States Code, title 15, sections 1451 to 1461, are the rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act; provided that the commissioner shall not adopt amendments to such rules or adopt other rules which are contrary to the labeling requirements for the net quantity of contents required pursuant to section 4 of the Fair Packaging and Labeling Act and the regulations promulgated thereunder.

Subd. 8. Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, parts 0-1299, Food and Drugs, in effect April 1, ~~1987~~ 1988, and not otherwise adopted herein, also are adopted as food rules of this state. Such rules may be amended by the commissioner in accordance with the administrative procedure act.

Sec. 2. Minnesota Statutes 1988, section 31.102, subdivision 1, is amended to read:

Subdivision 1. Federal definitions and standards of identity, quality and fill of container and amendments thereto, in effect on April 1, ~~1975~~ 1988, adopted under authority of the federal act, are the definitions and standards of identity, quality and fill of container in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Sec. 3. Minnesota Statutes 1988, section 31.103, subdivision 1, is amended to read:

Subdivision 1. All labels of consumer commodities shall conform with the requirements for the declaration of net quantity of contents of section 4 of the Fair Packaging and Labeling Act (United States Code, title 15, section 1451 et seq.) and federal regulations in effect on April 1, ~~1975~~ 1988, promulgated pursuant thereto, except to the extent that the commissioner shall exercise authority to amend such rules in accordance with the administrative procedure act. Consumer commodities exempted from the requirements of section 4 of the Fair Packaging and Labeling Act shall also be exempt from this subdivision.

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Sec. 4. Minnesota Statutes 1988, section 31.104, is amended to read:

**31.104 FOOD LABELING EXEMPTION RULES.**

The commissioner shall promulgate rules exempting from any labeling requirement food which is, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded upon removal from such processing, labeling or repacking establishment.

Federal regulations in effect on April 1, ~~1975~~ 1988, adopted under authority of the federal act relating to such exemptions are effective in this state unless the commissioner shall exercise authority to amend such regulations. The commissioner also may promulgate amendments to existing rules concerning exemptions in accordance with the administrative procedure act.

Sec. 5. Minnesota Statutes 1988, section 31.11, is amended to read:

**31.11 RULES.**

Subdivision 1. FOOD LAWS. For the purpose of preventing fraud and deception in the manufacture, use, sale, and transportation of food, or for the purpose of protecting and preserving the public health, it shall also be the duty of the commissioner to make and publish uniform rules, not inconsistent with law, for carrying out and enforcing the provisions of laws now or hereafter enacted relating to food; which rules shall be made in the manner provided by law. Until such rules are made and published, the rules heretofore made by the commissioner shall remain in full force and effect, except as otherwise prescribed by law. Any person who shall manufacture, use, sell, transport, offer for use, sale or transportation, or have in possession with intent to use, sell or transport, any article of food contrary to the provisions of any such rule, or who shall fail to comply with any such rule, shall be guilty of a misdemeanor.

Subd. 2. PLAN REVIEW FEES. The commissioner shall, by rule, set plan review fees that will approximate the cost to the department of its review of plans and specifications submitted by food handlers.

There is created in the state treasury an account known as the food handler plan review fund. Fees paid under this subdivision must be deposited in the food handler plan review fund. Money in the food handler plan review fund is annually appropriated to the commissioner to pay the costs of the food handler plan and specifications review program.

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## ARTICLE 12

## SOY-BASED INK

## Section 1. [16B.125] PRINTING INKS; STATE PRINTING.

Subdivision 1. DEFINITION; SOY-BASED INK. For the purposes of this section, "soy-based ink" means printing ink made from soy oil.

Subd. 2. STATE PRINTER. Whenever practical and economically feasible, the state printer shall consider the use of soy-based ink for printing orders or projects. The printer shall also advise state agencies on and encourage them to use materials and printing processes that allow for the use of soy-based ink.

Subd. 3. STATE AGENCIES; PRINTING CONTRACTS. When a state agency seeks to enter a contract for printing with, or otherwise purchases printing from, the state or another printer, the agency shall consider, when practical and economically feasible, specifying the use of soy-based ink when it can specify use of a newsprint product that is printed on a non-heat-set web press or a sheet-fed press. Whenever practical, a state agency shall consider specifying materials and printing processes that enable use of soy-based ink.

Subd. 4. DETERMINATION OF USE. When the state printer or a state agency is making a determination whether to use soy-based ink or not, the state printer or agency shall consider the practicality of soy-based ink with regard to the type of paper to be used in the project, the production schedule required, the type of printing equipment likely to be used, the availability of ink, the relative total project costs for using conventional ink versus soy-based ink, and any other relevant considerations.

## ARTICLE 13

## MINNESOTA-GROWN WIC COUPONS

## Section 1. MINNESOTA-GROWN COUPONS FOR WIC RECIPIENTS.

The commissioner of agriculture, in cooperation with the commissioner of health, shall conduct demonstration projects in conjunction with federal programs to give Minnesota-grown coupons redeemable for food identified with a Minnesota-grown logo or labeling statement at selected sites to participants in the federal supplemental food program for women, infants, and children. The commissioner shall conduct an evaluation of the demonstration projects, prepare a report, and submit the report to the legislature by January 15, 1990.

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## ARTICLE 14

## NOXIOUS WEED CONTROL

## Section 1. [18.192] LOCAL SUSPENSION OF NOXIOUS WEED CONTROL.

During a drought, a town board may suspend the duty of owners and occupants of land and road maintenance personnel to control noxious weeds if the vegetation is to be harvested for livestock feed under sections 18.191 to 18.272, except under order by the commissioner or the local weed inspector.

## ARTICLE 15

## CHEESE MARKETING STUDY

## Section 1. INVESTIGATION OF CHEESE MARKETING; REPORT.

(a) The commissioner of agriculture shall conduct an investigation and economic analysis of cheese marketing practices within the state, the upper midwest region, and the United States. The purpose of the investigation is to evaluate the extent to which dairy farmers and cheese producers in Minnesota are benefited by local and regional institutions and practices through which cheese and cheese products are marketed.

(b) In conducting the investigation and economic analysis of cheese marketing practices and institutions, the commissioner shall, to the greatest practicable extent, solicit the cooperation and participation of dairy farmer producers, dairy processors, farm cooperatives, and agricultural businesses involved in the dairy industry.

(c) Not later than March 1, 1990, the commissioner shall report to the agriculture committees of the senate and the house of representatives the findings from the investigation and economic analysis of cheese marketing institutions and practices. The commissioner may also recommend legislation to improve cheese marketing conditions for Minnesota dairy farmers and cheese producers.

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## ARTICLE 16

## MEDIATION AND FIRST REFUSAL

Section 1. Minnesota Statutes 1988, section 500.24, subdivision 6, is amended to read:

Subd. 6. **DISPOSAL OF LAND.** (a) A state or federal agency, limited partnership, or a corporation; ~~other than a family farm corporation or an authorized farm corporation;~~ may not lease or sell agricultural land or a farm homestead ~~that was acquired by enforcing a debt against the agricultural land or farm homestead, including foreclosure of a mortgage, accepting a deed in lieu of foreclosure, terminating a contract for deed, or accepting a deed in lieu of terminating a contract for deed;~~ before offering or making a good faith effort to offer the land for sale or lease to the immediately preceding former owner at a price no higher than the highest price offered by a third party that is acceptable to the seller or lessor. The offer must be made on the notice to offer form under subdivision 7. The requirements of this subdivision do not apply to a sale or lease by a corporation that is a family farm corporation or an authorized farm corporation. This subdivision applies only to a sale or lease when the seller or lessor acquired the property by enforcing a debt against the agricultural land or farm homestead, including foreclosure of a mortgage, accepting a deed in lieu of foreclosure, terminating a contract for deed, or accepting a deed in lieu of terminating a contract for deed. Selling or leasing property to a third party at a price is prima facie evidence that the price is acceptable to the seller or lessor. The seller must provide written notice to the immediately preceding former owner that the agricultural land or farm homestead will be offered for sale at least 14 days before the agricultural land or farm homestead is offered for sale.

(b) An immediately preceding former owner is the entity with record legal title to the agricultural land or farm homestead before acquisition by the state or federal agency or corporation except: if the immediately preceding former owner is a bankruptcy estate, the debtor in bankruptcy is the immediately preceding former owner; and if the agricultural land or farm homestead was acquired by termination of a contract for deed or deed in lieu of termination of a contract for deed, the immediately preceding former owner is the purchaser under the contract for deed. For purposes of this subdivision, only a family farm, family farm corporation, or family farm partnership can be an immediately preceding former owner.

(c) An immediately preceding former owner may elect to purchase or lease the entire property or an agreed to portion of the property. If the immediately preceding former owner elects to purchase or lease a portion of the property, the election must be reported in writing to the seller or lessor prior to the time the property is first offered for sale or lease. If election is made to purchase or lease a portion of the property, the portion must be contiguous and compact so that it does not unreasonably reduce access to or the value of the remaining property.

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(d) For purposes of this subdivision, the term "a price no higher than the highest price offered by a third party" means the acceptable cash price offered by a third party or the acceptable time-price offer made by a third party. A cash price offer is one that involves simultaneous transfer of title for payment of the entire amount of the offer. If the acceptable offer made by a third party is a time-price offer, the seller or lessor must make the same time-price offer or an equivalent cash offer to the immediately preceding former owner. An equivalent cash offer is equal to the total of the payments made over a period of the time-price offer discounted by yield curve of the United States treasury notes and bonds of similar maturity on the first business day of the month in which the offer is personally delivered or mailed for time periods similar to the time period covered by the time-price offer, plus 2.0 percent. A time-price offer is an offer that is financed entirely or partially by the seller and includes an offer to purchase under a contract for deed or mortgage. An equivalent cash offer is not required to be made if the state participates in an offer to a third party through the rural finance authority.

(e) This subdivision applies to a seller when the property is sold and to a lessor each time the property is leased, for five years after the agricultural land is acquired except:

(1) an offer to lease to the immediately preceding former owner is required only until the immediately preceding owner fails to accept an offer to lease the property or the property is sold;

(2) an offer to sell to the immediately preceding former owner is required until the property is sold; and

(3) if the immediately preceding former owner elects to lease or purchase a portion of the property, this subdivision does not apply to the seller with regard to the balance of the property after the election is made under paragraph (c).

(f) The notice of an offer under subdivision 7 that is personally delivered with a signed receipt or sent by certified mail with a receipt of mailing to the immediately preceding former owner's last known address is a good faith offer.

(g) This subdivision does not apply to a sale or lease that occurs after the seller or lessor has held the property for five years or longer.

(h) For purposes of this subdivision, if the immediately preceding former owner is a bankruptcy estate the debtor in the bankruptcy is the immediately preceding owner.

(i) The immediately preceding former owner must exercise the right to lease all or a portion of the agricultural land or a homestead located on agricultural land in writing within 15 days after an offer to lease under this subdivision is mailed with a receipt of mailing or personally delivered. If election is made to lease only the homestead or a portion of the agricultural land, the portion to be leased must be clearly identified in writing. The immediately preceding former

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owner must exercise the right to buy the agricultural land, a portion of the agricultural land, or a farm homestead located on agricultural land, in writing, within 65 days after an offer to buy under this subdivision is mailed with a receipt of mailing or is personally delivered. Within ten days after exercising the right to lease or buy by accepting the offer, the immediately preceding owner must fully perform according to the terms of the offer including paying the amounts due. A seller may sell and a lessor may lease the agricultural land or farm homestead subject to this subdivision to the third party in accordance with their lease or purchase agreement if:

(1) the immediately preceding former owner does not accept an offer to lease or buy before the offer terminates; or

(2) the immediately preceding former owner does not perform the obligations of the offer, including paying the amounts due, within ten days after accepting the offer.

(j) A certificate indicating whether or not the property contains agricultural land or a farm homestead that is signed by the county assessor where the property is located and recorded in the office of the county recorder or the registrar of titles where the property is located is prima facie evidence of whether the property is agricultural land or a farm homestead.

(k) As prima facie evidence that an offer to sell or lease agricultural land or a farm homestead has terminated, a receipt of mailing the notice under subdivision 7 and an affidavit, signed by a person authorized to act on behalf of a state, federal agency, or corporation selling or leasing the agricultural land or a farm homestead may be filed in the office of the county recorder or registrar of titles of the county where the agricultural land or farm homestead is located. The affidavit must state that:

(1) notice of an offer to buy or lease the agricultural land or farm homestead was provided to the immediately preceding former owner at a price not higher than the highest price offered by a third party that is acceptable;

(2) the time during which the immediately preceding former owner is required to exercise the right to buy or lease the agricultural land or farm homestead has expired;

(3) the immediately preceding former owner has not exercised the right to buy or lease the agricultural land or farm homestead as provided in this subdivision or has accepted an offer and has not fully performed according to the terms of the offer; and

(4) the offer to the immediately preceding former owner has terminated.

(l) The right of an immediately preceding former owner to receive an offer to lease or purchase agricultural land under this subdivision or to lease or purchase at a price no higher than the highest price offered by a third party that

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is acceptable to the seller or lessor may be extinguished or limited by an express statement signed by the immediately preceding owner that complies with the plain language requirements of section 325G.31. The right may not be extinguished or limited except by:

(1) an express statement in a deed in lieu of foreclosure of the agricultural land;

(2) an express statement in a deed in lieu of a termination of a contract for deed for the agricultural land;

(3) an express statement conveying the right to the state or federal agency or corporation owning the agricultural land that is required to make an offer under this subdivision, however, the preceding former owner may rescind the conveyance by notifying the state or federal agency or corporation in writing within 20 calendar days after signing the express statement;

(4) to cure a title defect, an express statement conveying the right may be made to a person to whom the agricultural land has been transferred by the state or federal agency or corporation; or

(5) an express statement conveying the right to a contract for deed vendee to whom the agricultural land or farm homestead was sold under a contract for deed by the immediately preceding former owner if the express statement and the contract for deed are recorded.

(m) The right of an immediately preceding former owner to receive an offer to lease or purchase agricultural land under this subdivision may not be assigned or transferred except as provided in paragraph (l), but may be inherited.

(n) An immediately preceding former owner, except a former owner who is actively engaged in farming as defined in subdivision 2, paragraph (a), and who agrees to remain actively engaged in farming on a portion of the agricultural land or farm homestead for at least one year after accepting an offer under this subdivision, may not sell agricultural land acquired by accepting an offer under this subdivision if the arrangement of the sale was negotiated or agreed to prior to the former owner accepting the offer under this subdivision. A person who sells property in violation of this paragraph is liable for damages plus reasonable attorney fees to a person who is damaged by a sale in violation of this paragraph. There is a rebuttable presumption that a sale by an immediately preceding former owner is in violation of this paragraph if the sale takes place within ~~180~~ 270 days of the former owner accepting the offer under this subdivision. This paragraph does not apply to a sale by an immediately preceding former owner to the owner's spouse, the owner's parents, the owner's sisters and brothers, the owner's spouse's sisters and brothers, or the owner's children.

Sec. 2. Minnesota Statutes 1988, section 550.37, subdivision 4a, is amended to read:

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Subd. 4a. **ADJUSTMENT OF DOLLAR AMOUNTS.** (a) Except for subdivisions 5 and 7, the dollar amounts in this section shall change periodically as provided in this subdivision to the extent of changes in the implicit price deflator for the gross national product, 1972 = 100, compiled by the United States Department of Commerce, and hereafter referred to as the index. The index for December, 1980, is the reference base index.

(b) The designated dollar amounts shall change on July 1 of each even-numbered year if the percentage of change, calculated to the nearest whole percentage point, between the index for December of the preceding year and the reference base index is ten percent or more. The portion of the percentage change in the index in excess of a multiple of ten percent shall be disregarded and the dollar amounts shall change only in multiples of ten percent of the amounts stated in this section.

(c) If the index is revised, the percentage of change pursuant to this section shall be calculated on the basis of the revised index. If a revision of the index changes the reference base index, a revised reference base index shall be determined by multiplying the reference base index then applicable by the rebasing factor furnished by the department of commerce. If the index is superseded, the index referred to in this section is the one represented by the department of commerce as reflecting most accurately changes in the purchasing power of the dollar for consumers.

(d) The commissioner of commerce shall announce and publish:

(1) on or before April 30 of each year in which dollar amounts are to change, the changes in dollar amounts required by paragraph (b); and

(2) promptly after the changes occur, changes in the index required by paragraph (c) including, if applicable, the numerical equivalent of the reference base index under a revised reference base index and the designation or title of any index superseding the index.

(e) A person does not violate this chapter with respect to a transaction otherwise complying with this chapter if the person relies on dollar amounts either determined according to paragraph (b) or appearing in the last publication of the commissioner announcing the then current dollar amounts.

Sec. 3. Minnesota Statutes 1988, section 550.37, subdivision 5, is amended to read:

Subd. 5. Farm machines and implements used in farming operations by a debtor engaged principally in farming, livestock, farm produce, and standing crops, not exceeding ~~\$40,000~~ \$13,000 in value. When a debtor is a partnership of spouses or a partnership of natural persons related to each other within the third degree of kindred according to the rules of the civil law, for the purposes of the exemption in this subdivision, the partners may elect to treat the assets of the partnership as assets of the individual partners.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1988, section 550.37, subdivision 7, is amended to read:

Subd. 7. The total value of property selected by a debtor pursuant to subdivisions 5 and 6 shall not exceed ~~\$10,000~~ \$13,000, if the exemptions under subdivisions 5 and 6 are combined.

Sec. 5. Minnesota Statutes 1988, section 583.24, subdivision 4, is amended to read:

Subd. 4. **DEBTS.** ~~(a)~~ The farmer-lender mediation act does not apply to a debt:

(1) for which a proof of claim form has been filed in bankruptcy by a creditor or that was listed as a scheduled debt, of a debtor who has filed a petition in bankruptcy after July 1, 1987, under United States Code, title 11, chapter 7, 11, 12, or 13;

(2) if the debt was in default when the creditor received a mediation proceeding notice under the farmer-lender mediation act and the creditor filed a claim form, the debt was mediated during the mediation period under section 583.26, subdivision 8, and (i) the mediation was unresolved; or (ii) a mediation agreement with respect to that debt was signed;

(3) for which the creditor has served a mediation notice, the debtor has failed to make a timely request for mediation, and within ~~30~~ 45 days after the debtor failed to make a timely request the creditor began a proceeding to enforce the debt against the agricultural property of the debtor;

(4) for which a creditor has received a mediation proceeding notice and the creditor and debtor have restructured the debt and have signed a separate mediation agreement with respect to that debt; or

(5) for which there is a lien for rental value of farm machinery under section 514.661 or a lien for rental value relating to a contract for deed subject to the farmer-lender mediation act under section 559.2091.

~~(b) For purposes of paragraph (a), clause (3), providing a copy of a forbearance policy is considered beginning a proceeding to enforce a debt if the board of an institution has adopted a forbearance policy that provides for deferring or rescheduling payments of principal or interest, renewal or extension of loan terms, reduction in the amount or rate of principal or interest due on a loan, or other similar actions; and requires that the debtor must receive a copy of the policy at least 20 days prior to loan acceleration or debt collection proceedings.~~

Sec. 6. Minnesota Statutes 1988, section 583.26, subdivision 1, is amended to read:

Subdivision 1. **MEDIATION NOTICE.** (a) A creditor desiring to start a proceeding to enforce a debt against agricultural property under chapter 580 or

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581 or sections 336.9-501 to 336.9-508, to terminate a contract for deed to purchase agricultural property under section 559.21, or to garnish, levy on, execute on, seize, or attach agricultural property, must serve an applicable mediation notice under sections 336.9-501, 550.365, 559.209, and 582.039 on the debtor and the director. The creditor must also file with the director proof of the date the mediation notice was served on the debtor. The creditor may not begin the proceeding until the stay of the creditor's remedies is lifted under subdivision 5, or as allowed under sections 583.20 to 583.32.

(b) For purposes of the farmer-lender mediation act, starting a proceeding to enforce a debt means initiating a proceeding under chapter 550, 580, or 581; sections 336.9-501 to 336.9-508; or section 559.21.

(c) The director shall combine all mediation notices for the same debtor that are received prior to the initial mediation meeting into one mediation proceeding.

Sec. 7. Laws 1983, chapter 215, section 16, as amended by Laws 1984, chapter 474, section 7, as amended by Laws 1985, chapter 306, section 26, as amended by Laws 1987, chapter 292, section 36, is amended to read:

**Sec. 16. REPEALER.**

Sections 1 to 15 are repealed effective July 1, ~~1989~~ 1990, but any postponement or other relief ordered by a court continues to be valid for the period ordered by the court.

Sec. 8. Laws 1986, chapter 398, article 1, section 18, as amended by Laws 1987, chapter 292, section 37, is amended to read:

**Sec. 18. REPEALER.**

Sections 1 to 17 and Minnesota Statutes, section 336.9-501, subsections (6) and (7), and sections 583.284, 583.285, and 583.305, are repealed on July 1, ~~1989~~ 1990.

**Sec. 9. FAMILY FARM SECURITY PROGRAM TRANSFER STUDY.**

A joint senate and house committee shall study the efficiency and appropriateness of terminating the family farm security program and transferring its loans, acquired properties, and personnel to the rural finance authority.

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## ARTICLE 17

## ADVISORY TASK FORCE ON FARM SAFETY

## Section 1. ADVISORY TASK FORCE ON FARM SAFETY.

Subdivision 1. PURPOSE AND DUTIES. An advisory task force on farm safety consisting of 11 members is established. The principal purpose of the task force is to determine ways in which the very high risks of accident and injury to farm operators and their families and employees can be minimized. The task force may review relevant research and studies by other groups and organizations within or outside of Minnesota. The task force may give particular attention to the safety of farm children and youth, accident prevention, equipment design, stress management, and safety education.

Subd. 2. MEMBERSHIP. The commissioner of agriculture shall appoint members of the task force who are broadly representative of groups with an interest in farm safety. At least one member must represent each of the following: farm operators; farm organizations; farm equipment manufacturers or dealers; the rural health care industry; the agricultural chemicals industry; the insurance industry; and the Minnesota extension service. The subcommittee on committees of the senate and the speaker of the house shall each appoint one member of the task force from their respective agriculture committees.

Subd. 3. EXPENSES AND EXPIRATION. Expenses and expiration of the task force are governed by Minnesota Statutes, section 15.059, subdivision 6.

Subd. 4. STAFF ASSISTANCE. The commissioner of agriculture shall provide staff assistance as required for efficient operation of the task force.

Subd. 5. REPORTS. On or before March 1, 1990, the task force shall report to the house and senate committees on agriculture its findings and recommendations for legislation on farm accident prevention and other public policy changes that would be likely to improve health and safety on Minnesota farms.

Subd. 6. FUNDING. In addition to money appropriated for purposes of this article, the commissioner may solicit from organizations and individuals contributions of money or in-kind services for purposes of the advisory task force and its report.

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## ARTICLE 18

## MOTOR FUEL LABELING

Section 1. Minnesota Statutes 1988, section 239.79, subdivision 2, is amended to read:

Subd. 2. ~~GASOLINE-ALCOHOL BLENDS; IDENTIFICATION PRODUCT INFORMATION.~~ When gasoline blended with alcohol is sold, offered for sale, or dispensed for use in motor vehicles, the dispenser shall be clearly marked to identify the type of alcohol, if more than one percent by volume, blended with the gasoline. The marking must consist of a white or yellow adhesive decal at least two inches by six inches with clearly printed black lettering at least one-half inch high and one-eighth inch in stroke. The marking shall be conspicuously displayed on both sides of the dispenser and state that the gasoline "CONTAINS ETHANOL" or "CONTAINS METHANOL" or has been "ETHANOL ENRICHED." This subdivision does not prohibit the posting of other alcohol or additive information in compliance with requirements of Code of Federal Regulations, title 40, part 80.27(d).

## ARTICLE 19

## WILD RICE LABELING

Section 1. Minnesota Statutes 1988, section 30.49, is amended to read:

30.49 ~~PADDY GROWN WILD RICE LABELING.~~

Subdivision 1. CULTIVATED WILD RICE. All (a) Except as provided in paragraph (b), wild rice which containing a portion of wild rice that is planted or cultivated and which is offered for wholesale or retail sale in this state shall must be plainly and conspicuously labeled as either "paddy grown" or as "cultivated" in letters of a size and form prescribed by the commissioner.

(b) Cultivated wild rice sold for international commerce is exempt from this subdivision.

Subd. 2. NATURAL LAKE OR RIVER WILD RICE. (a) A package containing only 100 percent natural lake or river wild rice that is offered for sale at wholesale or retail sale in this state may be plainly and conspicuously labeled as "100 percent naturally grown, lake and river harvested" in letters of a size and form prescribed by the commissioner. A package of wild rice labeled "100 percent naturally grown, lake and river harvested" must also contain the license number issued under section 84.152 of the last licensed dealer, if any, who handled the wild rice.

(b) A package that does not contain 100 percent natural lake or river wild rice may not contain a label authorized under paragraph (a).

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Subd. 3. RECORDS. (a) A person who buys, sells, processes, or markets over 500 pounds of wild rice not for use in packaged blended rice and ready-to-eat rice must maintain the following records and shall submit annual reports on or before December 31 of each year to the commissioners of agriculture and natural resources. A person who buys or sells, processes, or markets wild rice not for use in packaged blended rice and ready-to-eat rice shall provide the department, on demand, relevant information from the records required under this section.

(b) The report must contain:

(1) the date of each transaction;

(2) the quantity of wild rice bought or sold;

(3) an identification of whether the wild rice is cultivated or paddy grown, or whether it is naturally grown lake and river-harvested wild rice;

(4) the names and addresses of the parties of the transaction and the department of natural resources license or permit numbers;

(5) the lot numbers of all the wild rice bought or sold in each transaction; and

(6) documents that track the rice, by lot number, through processing and the assignment of a final lot number on the finished product offered for distribution or sale in Minnesota.

Subd. 4. FAIR PACKAGING AND LABELING. Natural lake and river-harvested wild rice from public waters and cultivated or paddy grown wild rice are separate and distinct ingredients under the fair packaging and labeling provisions of section 31.103.

Subd. 5. MISBRANDING RELATING TO INDIAN HARVESTED OR PROCESSED WILD RICE. A wild rice label that implies the wild rice is harvested or processed by Indians is misbranded unless the package contains only 100 percent natural lake or river wild rice harvested by Indians.

Subd. 6. PACKAGED BLENDED RICE AND READY-TO-EAT RICE. A package containing a blend of wild rice and at least 40 percent other grains or food products, and puffed or ready-to-eat wild rice, are exempt from this section, except subdivisions 3, 5, and 7.

Subd. 7. PENALTY. Any person who sells wild rice at wholesale or retail which is not labeled as required by this section is guilty of a misdemeanor.

Sec. 2. **REPEALER.**

Minnesota Statutes 1988, section 84.152, subdivision 5, is repealed.

Sec. 3. **EFFECTIVE DATE.**

New language is indicated by underline, deletions by ~~strikeout~~.

Section 1, subdivisions 3, 6, and 7, and section 2 are effective July 1, 1989.

Section 1, subdivisions 1, 2, 4, and 5, are effective January 1, 1990, except that subdivision 5 as it applies to subdivision 6 is effective July 1, 1989.

## ARTICLE 20

### APPROPRIATIONS

#### Section 1. FEDERAL CROP INSURANCE.

\$700,000 is appropriated from the general fund to the commissioner of agriculture for making the federal crop insurance premium reimbursements under article 1. This appropriation remains available until June 30, 1990.

#### Sec. 2. VOCATIONAL PROGRAMS.

\$700,000 is appropriated from the general fund to the state board of vocational technical education for:

(1) new staff for farm, small business management, beginning farmer programs, and enterprise classes specific to community needs; and

(2) evaluation of computerized farm business analysis system options.

#### Sec. 3. GRAIN INSPECTION COSTS; DULUTH.

\$70,000 is appropriated from the general fund to the commissioner of agriculture to be applied to the mandated cost of state grain inspection of bagged grain at the Seaway Port Authority of Duluth. Of this appropriation \$35,000 is available for the first year and \$35,000 is available for the second year of the biennium ending June 30, 1991. If the appropriation for either year is insufficient the appropriation for the other year is available.

#### Sec. 4. MARKETING MINNESOTA PRODUCTS.

Subdivision 1. APPROPRIATION. \$150,000 is appropriated from the general fund to the commissioner of agriculture for purposes of improving market opportunities for Minnesota products. This appropriation is available for the biennium ending June 30, 1991, and may be used for activities under subdivisions 2 and 3.

Subd. 2. MARKET OPPORTUNITY RESEARCH. The commissioner of agriculture shall increase the amount of information on the availability of foreign and domestic niche markets for specialty crops to producers and processors in the state including feasibility of expanding domestic markets for existing products, research of new foreign niche markets for potential new specialty crops in the state, and analysis of the existing market structure for state products.

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The complement of the department of agriculture is increased by one position for activities under this subdivision.

**Subd. 3. MARKETING INFORMATION AND DIRECT MARKETING ASSISTANCE FOR AGRICULTURAL PRODUCTS.** The commissioner shall assist producers in overcoming obstacles to direct marketing of existing products and potential new products in domestic and foreign potential niche markets, and to assist producers in organizing and marketing through producer organizations, such as producer and marketing cooperatives.

The complement of the department of agriculture is increased by two positions for activities under this subdivision.

**Sec. 5. BY-PRODUCT SOIL BUFFERING.**

\$100,000 is appropriated from the general fund to the commissioner of agriculture for purposes of the demonstration project and study of industry by-product soil buffering materials in Laws 1988, chapter 688, article 7, to be available until June 30, 1991.

**Sec. 6. AGRICULTURE LAND PRESERVATION AND CONSERVATION.**

\$100,000 is appropriated from the general fund to the commissioner of agriculture to administer the agricultural land preservation and conservation responsibilities contained in Minnesota Statutes, chapter 40A, to be available until June 30, 1991.

The approved complement of the department of agriculture is increased by one position.

**Sec. 7. GRASSHOPPER CONTROL.**

\$75,000 is appropriated from the general fund to the commissioner of agriculture for the grasshopper control program established in article 10. This appropriation is available for the biennium ending June 30, 1991.

**Sec. 8. AGRICULTURAL DATA COLLECTION TASK FORCE.**

\$30,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991, to fund the activities of the agricultural data collection task force. This appropriation is available only with the approval of the governor after consultation with the legislative advisory commission under Minnesota Statutes, section 3.30.

**Sec. 9. MINNESOTA DAIRY TASK FORCE.**

\$30,000 is transferred from the dairy unfair trade practices account to the commissioner of agriculture to be available until June 30, 1991, to be matched on a one-to-one basis by money from nonstate sources to pay for the expenses of

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the Minnesota dairy task force and pilot projects under Laws 1988, chapter 688, article 3, section 1.

**Sec. 10. COMMUNITY NEEDS ASSESSMENT.**

\$150,000 is appropriated from the general fund to the commissioner of trade and economic development for the community needs assessment model project as provided in article 2. This appropriation is available for the biennium ending June 30, 1991.

**Sec. 11. AEROSPACE EXPLORATORIUM.**

\$10,000 is appropriated from the general fund to the commissioner of trade and economic development to study the feasibility of an aerospace exploratorium at Sherburn, Minnesota, to be available until June 30, 1991.

**Sec. 12. PORTABLE COMPUTERIZED FERTILIZATION.**

\$75,000 is appropriated from the general fund to the University of Minnesota for a project by the department of soil science to design, develop, and demonstrate a portable computerized system automatically adapting fertilization rates to soil characteristics using existing on-farm applicators. This appropriation is available for the biennium ending June 30, 1991.

**Sec. 13. AGRICULTURAL CONTRACT TASK FORCE.**

\$50,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1990, to provide support services for the agricultural contract task force under Laws 1988, chapter 688, article 13, section 1, to compile and analyze the laws of other states relating to agricultural contracting issues, coordinate production of a brochure for producers with information about agricultural contracting, and prepare and submit a final report and recommendations to the legislature by January 1, 1991.

**Sec. 14. ORGANIC CERTIFICATION.**

\$100,000 is appropriated from the general fund to the commissioner of agriculture to be available for the fiscal year ending June 30, 1990, for a grant to an organic certification organization to continue the certification program for organically grown seeds, products, and food as authorized in Minnesota Statutes, section 31.95.

**Sec. 15. AQUICULTURE.**

\$150,000 is appropriated from the general fund to the commissioner of agriculture to be available until June 30, 1991, for aquiculture research, demonstration, and promotion.

The approved complement of the department of agriculture is increased by one position.

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**Sec. 16. SHADE TREE ADVISORY COMMITTEE.**

\$20,000 is appropriated from the general fund to the commissioner of agriculture for disbursement to the shade tree advisory committee for the costs of the committee and consulting services in connection with the study directed by article 8.

**Sec. 17. HEALTH SCREENING.**

\$150,000 is appropriated from the general fund for the biennium ending June 30, 1991, to the commissioner of agriculture to provide funding to the environmental pathology program of the University of Minnesota's department of laboratory medicine and pathology and department of family practice and community health to conduct a health screening and intervention program for herbicide and fumigant applicators in the state. This appropriation is nonrecurring and shall not be included in the base for the 1991-1993 biennial budget request.

**Sec. 18. SMALL RUMINANT SPECIALIST.**

\$40,000 is appropriated from the general fund to the University of Minnesota for use by the Minnesota extension service to fund a research and teaching position on small ruminant animals. This appropriation represents 25 percent of the anticipated total cost of the position that will be jointly funded to the extent of approximately 50 percent by the university college of veterinary medicine and 25 percent by the agricultural experiment stations in cooperation with the university department of animal science. This appropriation is available for the biennium ending June 30, 1991. The appropriation is nonrecurring and shall not be included in the base for the 1991-1993 biennial budget request.

**Sec. 19. KANARANZI-LITTLE ROCK WATERSHED DISTRICT.**

\$50,000 is appropriated from the general fund to the board of water and soil resources for a grant to the Kanaranzi-Little Rock watershed district for purposes of implementing a federal conservation project in the district. This appropriation is available for the biennium ending June 30, 1991.

**Sec. 20. AGRICULTURE INFORMATION CENTERS.**

\$200,000 is appropriated from the general fund to the commissioner of agriculture for agriculture information centers. This appropriation requires a dollar for dollar nonstate match. The general fund appropriation may be released at the rate of one dollar for each dollar of matching nonstate money that is raised. The commissioner may credit in-kind contributions from nonstate sources for up to one-half of the required nonstate match.

**Sec. 21. COUNTY AND DISTRICT AGRICULTURAL SOCIETIES.**

\$112,000 is appropriated from the general fund to the commissioner of agriculture as supplemental funding to provide state aid to county and district agricultural societies under Minnesota Statutes, section 38.02, during the fiscal year ending June 30, 1990.

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**Sec. 22. PSEUDORABIES RESEARCH.**

\$175,000 is appropriated from the general fund to the University of Minnesota for further research on pseudorabies and the control or eradication of pseudorabies in Minnesota. This appropriation is available for the biennium ending June 30, 1991. The appropriation is nonrecurring and shall not be included in the base for the 1991-1993 biennial budget request.

**Sec. 23. PSEUDORABIES CONTROL.**

\$175,000 is appropriated from the general fund to the board of animal health for continuing and expanding a control program for pseudorabies in swine. The program must be coordinated by board of animal health personnel. This appropriation is for the biennium ending June 30, 1991, and is in addition to other appropriations to the board of animal health for pseudorabies control.

**Sec. 24. BLUEGRASS RESEARCH AND EVALUATION.**

\$45,000 is appropriated from the general fund to the University of Minnesota to be available until June 30, 1991, for bluegrass seed production research and seed and turf evaluation.

**Sec. 25. FORAGE AND TURF SEED SPECIALIST; CROOKSTON CAMPUS.**

\$50,000 is appropriated from the general fund to the University of Minnesota for a crop management specialist on seed production of forage and turf species in northern Minnesota, and for supplies, services, and expenses related to the specialist's work. The specialist must be located at the Crookston campus of the university. This appropriation is available for the fiscal year ending June 30, 1990.

**Sec. 26. BARLEY RESEARCH AND PROMOTION.**

\$20,000 is appropriated from the general fund to the commissioner of agriculture to assist in the implementation of research and promotional orders for barley under Minnesota Statutes, sections 17.51 to 17.69. Of this appropriation, \$10,000 is available for the first year and \$10,000 is available for the second year of the biennium ending June 30, 1991.

**Sec. 27. ETHANOL PROMOTION.**

Notwithstanding Minnesota Statutes, section 41A.09, subdivision 1, \$75,000 is appropriated from the general fund to the commissioner of agriculture for the biennium ending June 30, 1991, for the purpose of promoting ethanol fuel usage.

**Sec. 28. MINNESOTA-GROWN WIC COUPONS.**

\$125,000 is appropriated from the general fund to the commissioner of

New language is indicated by underline, deletions by ~~strikeout~~.

agriculture for the biennium ending June 30, 1991, to be available for a demonstration project to provide Minnesota-grown coupons to participants in the federal supplemental food program for women, infants, and children under article 13.

Sec. 29. **TASK FORCE ON FARM SAFETY.**

\$5,000 is appropriated from the general fund to the commissioner of agriculture for purposes of the advisory task force on farm safety under article 17.

Sec. 30. **FARMER-LENDER MEDIATION COSTS.**

\$300,000 is appropriated from the general fund to the Minnesota Extension Service for expenses of the farmer-lender mediation program. This appropriation is available for the fiscal year ending June 30, 1990.

Sec. 31. **FARM ADVOCATES PROGRAM.**

\$100,000 is appropriated from the general fund to the commissioner of agriculture for support of the farm advocates program. This appropriation is available for the fiscal year ending June 30, 1990.

By March 1, 1990, the commissioner shall report on the activities of the farm advocates program to the agriculture committees of the senate and house of representatives.

Presented to the governor May 30, 1989

Signed by the governor June 2, 1989, 10:10 a.m.

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**CHAPTER 351—H.F.No. 1150**

*An act relating to the collection, access to, and dissemination of data; proposing classifications of data as private, confidential, nonpublic, and protected nonpublic; clarifying classification of data; clarifying what data on juveniles may be made available to the public; amending Minnesota Statutes 1988, sections 3.97, subdivision 11; 13.02, subdivision 9; 13.10, subdivision 1; 13.32, subdivisions 3 and 5; 13.46, subdivision 8; 13.64; 13.76, subdivision 1; 13.82, subdivisions 8 and 10; 16A.055, subdivision 1; 144.581, by adding a subdivision; 245.94, subdivision 1; and 260.161, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1988, section 340A.503, subdivision 7.*

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

Section 1. Minnesota Statutes 1988, section 3.97, subdivision 11, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.