

Sec. 7. Minnesota Statutes 1989 Supplement, section 179A.16, subdivision 4, is amended to read:

Subd. 4. **CONSTRUCTION OF ARBITRATION PANEL.** The parties may select persons who are members of the arbitration roster maintained by the board to act as the arbitration panel in their dispute by mutual agreement. In the event of a mutual agreement on the members of the arbitration panel, the commissioner shall advise the board in writing of the selection of the panel members, and the persons selected shall serve as the arbitration panel. If the parties have not mutually agreed upon the panel members by the time the commissioner certifies the matter to the board, the board shall provide the parties to the interest arbitration a list of seven arbitrators. The parties shall alternately strike names from the list of arbitrators until only a single arbitrator remains, unless the parties request and mutually agree to utilize a panel of three arbitrators. If the parties are unable to agree on who shall strike the first name, the question must be decided by the flip of a coin. The arbitrator or arbitrators remaining after the striking procedure constitute the arbitration panel.

Sec. 8. **EFFECTIVE DATE.**

Sections 1 to 7 are effective the day following final enactment.

Presented to the governor April 26, 1990

Signed by the governor May 4, 1990, 11:25 p.m.

CHAPTER 547—S.F.No. 1999

An act relating to agriculture; changing certain duties, procedures, and requirements related to organic food; amending Minnesota Statutes 1988, sections 31.92, by adding subdivisions; 31.94; and 31.95.

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

Section 1. Minnesota Statutes 1988, section 31.92, is amended by adding a subdivision to read:

Subd. 1a. COMMISSIONER. "Commissioner" means the commissioner of agriculture.

Sec. 2. Minnesota Statutes 1988, section 31.92, is amended by adding a subdivision to read:

Subd. 2a. MINNESOTA GROWN. "Minnesota grown" means a product licensed to use the logo or labeling statement under section 17.102, subdivision 1.

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

Sec. 3. Minnesota Statutes 1988, section 31.94, is amended to read:

31.94 ~~DEPARTMENTAL~~ COMMISSIONER DUTIES.

The ~~department commissioner~~ shall enforce sections 31.92 to ~~31.94~~ 31.95. The ~~department commissioner~~ shall withhold from sale or trade any product sold, labeled, or advertised in violation of sections 31.92 to ~~31.94~~ 31.95.

The ~~department commissioner~~ shall investigate the offering for sale, labeling, or advertising of an article or substance as organically grown, organically processed, or produced in an organic environment if there is reason to believe that action is in violation of sections 31.92 to ~~31.94~~ 31.95.

The ~~department commissioner~~ may adopt rules, including emergency rules, that further clarify organic food standards and marketing practices.

Sec. 4. Minnesota Statutes 1988, section 31.95, is amended to read:

31.95 ORGANIC CERTIFICATION.

Subdivision 1. **DESIGNATION.** The commissioner shall designate one or more organizations ~~located in this state~~, made up of organic food growers, manufacturers, or sellers, to certify organically grown seeds, products, and food.

~~Subd. 2. FEES. The commissioner shall prescribe fees to be charged to persons for certification of organically grown seeds, production, and food under section 16A.128. By 1991, fees collected must reflect the total annual cost of certification.~~

Subd. 3. **CERTIFICATION REQUIREMENT.** An organic certification agency may not refuse services or certification to a person:

(1) whose seeds, ~~production~~ products, and food meet certification requirements; and

(2) who has paid ~~membership dues~~ and certification fees.

Subd. 3a. CERTIFICATION ORGANIZATIONS. (a) A Minnesota grown organic product that is labeled "certified" must be certified by a designated certification organization.

(b) A certified organic product sold in this state must be certified by a designated certification organization or by a certification organization approved by the commissioner. Before approving a certification organization, the commissioner must seek the evaluation and recommendation of the Minnesota organic advisory task force.

(c) The commissioner shall appoint a Minnesota organic advisory task force composed of members of the organic industry to advise the commissioner on organic issues. Members of the task force may not be paid compensation or costs for expenses.

Subd. 4. **RULES.** The organic certification organization may draft rules for submission to the commissioner to adopt for implementation of the organically grown certification program.

Presented to the governor April 26, 1990

Signed by the governor May 3, 1990, 5:20 p.m.

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