

the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force. "Less lethal munitions" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person. "Peace officer" has the meaning given in section 626.84, subdivision 1.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor May 16, 2001

Signed by the governor May 18, 2001, 12:22 p.m.

CHAPTER 128—S.F.No. 1659

An act relating to agriculture; modifying provisions relating to feedlots; providing for a level 1 feedlot inventory; clarifying certain terms; providing for alternative methods of disposal of milkhouse process wastewaters; amending Minnesota Statutes 2000, sections 116.07, by adding a subdivision; 561.19, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Section 1. Minnesota Statutes 2000, section 116.07, is amended by adding a subdivision to read:

Subd. 7d. EXEMPTION. Notwithstanding subdivision 7 or Minnesota Rules, chapter 7020, to the contrary, and notwithstanding the proximity to public or private waters, an owner or resident of agricultural land on which livestock have been allowed to pasture as defined by Minnesota Rules, chapter 7020, at any time during the ten-year period beginning January 1, 1990, is permanently exempt from requirements related to feedlot or manure management on that land for so long as the property remains in pasture.

Sec. 2. [116.0711] FEEDLOT PERMIT CONDITIONS.

(a) The agency shall not require feedlot permittees to maintain records as to rainfall or snowfall as a condition of a general feedlot permit if the owner directs the commissioner or agent of the commissioner to appropriate data on precipitation maintained by a government agency or educational institution.

(b) A feedlot permittee shall give notice to the agency when the permittee proposes to transfer ownership or control of the feedlot to a new party. The commissioner shall not unreasonably withhold or unreasonably delay approval of any

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transfer request. This request shall be handled in accordance with sections 116.07 and 15.992.

(c) The environmental quality board shall review and recommend modifications to environmental review rules related to phased actions and animal agriculture facilities. The environmental quality board shall report recommendations to the chairs of the committees of the senate and house of representatives with jurisdiction over agriculture and the environment by January 15, 2002.

(d) If the owner of an animal feedlot requests an extension for an application for a National Pollutant Discharge Elimination permit or state disposal system permit by June 1, 2001, then the agency shall grant an extension for the application to September 1, 2001.

(e) An animal feedlot in shoreland that has been unused may resume operation after obtaining a permit from the agency or county, regardless of the number of years that the feedlot was unused.

Sec. 3. [116.0712] MODIFIED LEVEL ONE FEEDLOT INVENTORY.

(a) Except as provided in paragraph (b), a delegated county that has completed a modified level 1 inventory that includes facility location, approximate number of animal units, and whether the facility is an open lot or confinement operation, may report that information to the agency in aggregate. A feedlot that is included in an inventory meeting these criteria has satisfied registration requirements under agency rule.

(b) A county must submit to the agency the complete registration information for a feedlot having 1,000 animal units or greater or a feedlot meeting the definition of a concentrated animal feeding operation as defined in Code of Federal Regulations, title 40, section 122.23.

Sec. 4. Minnesota Statutes 2000, section 561.19, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** For the purposes of this section, the following terms have the meanings given them:

(a) "Agricultural operation" means a facility and its appurtenances for the production of crops, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products.

(b) "Established date of operation" means the date on which the agricultural operation commenced. If the agricultural operation is subsequently expanded or significantly altered, the established date of operation for each expansion or alteration is deemed to be the date of commencement of the expanded or altered operation. As used in this paragraph, "expanded or significantly altered" means:

~~(1) an expansion by at least 25 percent in the amount of a particular crop grown or the number of a particular kind of animal or livestock located on an agricultural operation; or~~

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(2) a distinct change in the kind of agricultural operation, as in changing from one kind of crop, livestock, animal, or product to another, but not merely a change from one generally accepted agricultural practice to another in producing the same crop or product. “Significantly altered” does not mean:

(1) a transfer of an ownership interest to and held by persons or the spouses of persons related to each other within the third degree of kindred according to the rules of civil law to the person making the transfer so long as at least one of the related persons is actively operating the farm, or to a family farm trust under section 500.24;

(2) temporary cessation or interruption of cropping activities;

(3) adoption of new technologies; or

(4) a change in the crop product produced.

Sec. 5. REQUIRED RULE CHANGE; WASTEWATER FROM MILK-HOUSES ON SMALL DAIRIES.

Not later than August 1, 2001, the commissioner of the pollution control agency shall allow alternative methods for disposal of milkhouse process wastewaters by a dairy operation having 300 animal units or fewer. The intent of this section is to provide reasonable alternative means for small dairy producers to dispose of milkhouse process wastewaters. Allowable alternatives must include, among others, surface discharge of process wastewaters onto agricultural land as defined in Minnesota Statutes, section 103G.005, subdivision 2a, except discharge into type 4, 5, 6, or 7 wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 17b.

Sec. 6. EFFECTIVE DATE.

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

Presented to the governor May 16, 2001

Signed by the governor May 18, 2001, 12:18 p.m.

CHAPTER 129—S.F.No. 970

An act relating to trade regulations; prohibiting gasoline sales below cost; providing enforcement authority; amending Minnesota Statutes 2000, section 325D.01, subdivision 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 325D.

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

Section 1. Minnesota Statutes 2000, section 325D.01, subdivision 5, is amended to read:

Subd. 5. **COST.** The term “cost”, as applied to the wholesale or retail vendor, means:

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