

CHAPTER 17

DEPARTMENT OF AGRICULTURE

17.031	Repealed.	17.106	Export information office.
17.032	Repealed.	17.713	Definitions.
17.101	Promotional activities.	17.714	Registration; renewal.
17.1015	Promotional expenditures.	17.715	License, renewal.
17.103	Trade and export development.	17.718	Tonnage report.
17.104	Definitions.	17.725	Rules.
17.105	Export finance authority.	17.728	Violations; penalty.

17.031 [Repealed, 1983 c 300 s 28]

17.032 [Repealed, 1983 c 300 s 28]

17.101 PROMOTIONAL ACTIVITIES.

Subdivision 1. **Departmental duties.** For the purposes of expanding, improving, and developing the markets for products of Minnesota agriculture, the commissioner of agriculture shall encourage and promote the marketing of these products by means of:

- (a) advertising Minnesota agricultural products;
- (b) assisting state agricultural commodity organizations;
- (c) developing methods to increase processing and marketing of agricultural commodities including commodities not being produced in Minnesota on a commercial scale, but which may have economic potential in national and international markets;
- (d) investigating and identifying new marketing technology and methods to enhance the competitive position of Minnesota agricultural products;
- (e) evaluating livestock marketing opportunities;
- (f) assessing and developing national and international markets for Minnesota agricultural products;
- (g) studying the conversion of raw agricultural products to manufactured products including ethanol;
- (h) hosting the visits of foreign trade teams to Minnesota and defraying the teams' expenses;
- (i) assisting Minnesota agricultural businesses desiring to sell their products in national and international markets; and
- (j) other activities the commissioner deems appropriate to promote Minnesota agricultural products in national and international markets.

Subd. 2. **Agricultural development grants.** In order to carry out the duties in subdivision 1, the commissioner, in addition to whatever other resources the department may commit, shall make grants and enter into contracts to fulfill the obligations of subdivision 1. The commissioner may contract with, among others, agricultural commodity organizations and agriculture related businesses to fulfill the duties. The commissioner shall make permanent or temporary rules for the administration of these grants and contracts. The rules shall specify at a minimum:

- (a) eligibility criteria;
- (b) application procedures;
- (c) provisions for application review and project approval;

(d) provisions for program monitoring and review for all approved grants and contracts; and

(e) other provisions the commissioner finds necessary.

Contracts entered into by the commissioner pursuant to this subdivision shall not exceed 75 percent of the cost of the project supported by the commissioner's grant. In any biennium, no organization shall receive more than \$70,000 in grants from the commissioner.

Subd. 3. **Audits.** The books, records, documents, and accounting procedures and practices of any organization receiving a grant from the commissioner under the provisions of subdivision 2 shall be subject to examination by the department. The commissioner may prescribe uniform methods of accounting to be used by grant recipients.

Subd. 4. **Advisory group.** The commissioner may establish an ad hoc advisory group to assist him in evaluating grant requests made pursuant to subdivision 2.

History: 1983 c 293 s 29

17.1015 PROMOTIONAL EXPENDITURES.

In order to accomplish the purposes of section 17.101, the commissioner may participate jointly with private persons in appropriate programs and projects and may enter into contracts to carry out those programs and projects. The contracts may not include the acquisition of land or buildings and are not subject to the provisions of chapter 16 relating to competitive bidding.

The commissioner may spend money appropriated for the purposes of section 17.101, and expenditures made pursuant to section 17.101 for food, lodging, or travel are not governed by the travel rules of the commissioner of employee relations.

History: 1983 c 300 s 1

17.103 TRADE AND EXPORT DEVELOPMENT.

The commissioner of agriculture shall encourage and develop commerce with other states and foreign countries and devise ways and means of removing trade barriers hampering the free flow of commerce between this and other states.

History: 1983 c 289 s 6

17.104 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of section 17.105, the following terms have the meanings given them.

Subd. 2. **Finance authority.** "Finance authority" means the export finance authority.

Subd. 3. **Pre-export.** "Pre-export" means that period of time between the formation of a sale and the actual shipment of the goods.

History: 1983 c 289 s 7

17.105 EXPORT FINANCE AUTHORITY.

Subdivision 1. **Creation; purpose.** The export finance authority is created to aid and facilitate the financing of exports from this state. The finance authority powers shall be used exclusively to meet the pre-export credit needs of Minnesota exporters.

Subd. 2. **Board of directors.** The governor shall appoint six members to the authority's board of directors. The six members shall be knowledgeable in international finance, exporting, or international law. The commissioner of agriculture shall be chairman of the board. Membership, terms, compensation and removals are governed by section 15.0575. Board members shall perform their duties in a nonself-serving manner and in compliance with section 10A.07.

Subd. 3. **Powers.** The finance authority has the power and authority to perform the following functions and may:

- (1) insure, coinsure, and guarantee against commercial pre-export credit risks;
- (2) sue and be sued;
- (3) enter into agreements and transactions with any person, partnership, or corporation, both foreign and domestic, state, federal, and foreign governments and governmental agencies;
- (4) acquire and hold personal and real property pursuant to the provisions of insurance and the granting of guarantees;
- (5) pledge and appropriate collateral;
- (6) charge premiums, interest, and fees;
- (7) provide administrative, consultative, and technical services to assist in the financing of exports;
- (8) prepare and receive reports regarding credit, insurance, and guarantees with respect to export finance;
- (9) perform all necessary and appropriate operations, administration, processing, and marketing functions related to the authority's functions; and
- (10) adopt rules necessary to carry out responsibilities under this section.

Subd. 4. **Working capital account.** An export finance authority working capital account is created as a special account in the state treasury. Money in the account is appropriated to the finance authority for the purposes of this section.

Subd. 5. **Annual report.** The chairman and board of directors shall submit to the governor an annual report on the activities of the finance authority.

Subd. 6. **Liability limitation.** The finance authority may not have at any one time net liabilities greater than four times its capital and reserves.

Subd. 7. **Insurance and guarantees.** The finance authority may provide insurance and guarantees to the following extent:

- (1) the finance authority may not provide to any one person insurance or guarantees in excess of \$250,000;
- (2) the policy of the finance authority is to provide insurance and guarantees for export credits that would otherwise not be made and that the chairman and the board deem to represent a reasonable risk and have a sufficient likelihood of repayment;
- (3) the finance authority shall contract with, among others, the Foreign Credit Insurance Association, the U.S. Export-Import Bank, and private insurers to secure reinsurance for country and commercial risks for the finance authority's insurance program;
- (4) losses incurred by the finance authority that relate to its insurance or guarantee activities shall be solely borne by the finance authority to the extent of its capital and reserves.

Subd. 8. **Staffing.** The commissioner of agriculture shall provide staff to work for the finance authority.

History: 1983 c 289 s 8

17.106 EXPORT INFORMATION OFFICE.

Subdivision 1. **Creation; director.** An export information office is created in the department of agriculture. The commissioner of agriculture shall appoint a director of the export information office in the unclassified service.

Subd. 2. **Purpose; duties.** The export information office shall:

(1) create a worldwide foreign communication network to coordinate foreign trade information and activities;

(2) compile foreign trade information available from, among other places, the United States Department of Commerce and private sources, and produce readily consumable marketing information;

(3) create a program to assess the potential of international investment in Minnesota and promote international investment which results in the infusion of new capital and the creation of new jobs to the benefit of the state;

(4) disseminate to Minnesota businesses collected market information that relates to potential exporting, and to export trading companies, export management companies, and other interested persons;

(5) prepare a list of firms that provide export support services and disseminate the list to potential exporters to assist their endeavors;

(6) assist public and private universities or colleges to develop undergraduate or graduate level education programs to train persons in the knowledge of export trading; and

(7) coordinate the current international trading activities of various state and local agencies and organizations.

History: 1983 c 289 s 9

17.713 DEFINITIONS.

[For text of subs 1 to 6a, see M.S.1982]

Subd. 7. **Grade.** "Grade" means the percentage of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash stated in whole numbers in the same terms, order and percentages as in the guaranteed analysis; provided, however, that fertilizer materials, bone meals, manures, and similar raw materials may be guaranteed in fractional units, and specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash.

[For text of subs 8 to 21, see M.S.1982]

History: 1983 c 349 s 1

17.714 REGISTRATION; RENEWAL.

Subdivision 1. **Registration fee; certain items.** Fertilizer brands and grades sold only as small package items or represented and labeled as specialty fertilizer; and soil and plant amendments sold with recommendations for commercial agricultural use, shall be registered and a fee paid pursuant to section 17.717. Fees paid for registration made in this manner shall be in lieu of any other license or tonnage fees.

[For text of subs 2 to 6, see M.S.1982]

History: 1983 c 349 s 2

17.715 LICENSE, RENEWAL.

Subdivision 1. **Licensed persons.** A person who manufactures, blends, mixes, or otherwise manipulates commercial fertilizer material and a person who stores or

distributes bulk fertilizer for resale shall obtain a license from the commissioner for each fixed location within the state where these operations are performed.

[For text of subds 2 to 5, see M.S.1982]

History: 1983 c 349 s 3

17.718 TONNAGE REPORT.

Subdivision 1. **Semiannual statement.** Each licensed distributor of commercial fertilizer and each registrant of a commercial fertilizer, soil amendment, or plant amendment shall file with the commissioner on forms furnished by the commissioner, a semiannual statement for the periods ending December 31 and June 30 setting forth the number of net tons of each grade of commercial fertilizer, soil amendment, or plant amendment distributed in this state during the reporting period. The report is due on or before the 30th of the month following the close of each reporting period of each calendar year. The inspection fee at the rate stated in section 17.717, subdivision 5 shall accompany the statement. For the tonnage report that is not filed or the payment of inspection fees that is not made within 30 days after the end of the reporting period, a penalty of ten percent of the amount due, with a minimum penalty of \$10, shall be assessed against the licensee or registrant, and the total amount of fees due, plus penalty, shall constitute a debt and may be recovered in a civil action against the licensee or registrant. The assessment of this penalty shall not prevent the department from taking other actions as provided in this chapter. The commissioner may by regulation require additional reports for the purpose of gathering statistical data relating to fertilizer, soil amendments, and plant amendments distribution in the state.

[For text of subds 2 and 3, see M.S.1982]

History: 1983 c 349 s 4

17.725 RULES.

Subdivision 1. **For administration.** The commissioner may adopt temporary or permanent rules necessary to carry into effect sections 17.711 to 17.729.

Subd. 2. **Liming materials.** The commissioner may adopt rules governing the labeling, registration, and distribution of liming materials sold for agricultural purposes, including limestone (carbonates), sulfates, slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products shall not be subject to any tonnage fees under section 17.717, subdivision 4. No registration fee may be imposed on any distributor who sells liming materials only at retail to customers.

[For text of subd 3, see M.S.1982]

History: 1983 c 349 s 5,6

17.728 VIOLATIONS; PENALTY.

[For text of subds 1 to 3, see M.S.1982]

Subd. 4. **Penalty.** Any person convicted of violating a provision of sections 17.711 to 17.729 or any rule adopted under section 17.725, is guilty of a misdemeanor. Any person convicted of another violation of the same provision or rule upon a subsequent prosecution within one year of the original conviction is guilty of a gross misdemeanor.

[For text of subd 5, see M.S.1982]

History: 1983 c 349 s 7