

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

Section 1. **[10.50] ETHNIC AMERICAN DAY.**

The first Sunday in June is designated Ethnic American Day, in recognition of the diverse population of Minnesota, from the Native Americans who were this land's first inhabitants to other peoples from all parts of the world who also have contributed their cultures, traditions, and values to their fellow citizens. The governor may take any action necessary to promote and encourage the observance of Ethnic American Day. The public schools may offer instruction and programs to foster and preserve ethnic cultures, traditions, and values.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor April 3, 1990

Signed by the governor April 6, 1990, 10:29 a.m.

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**CHAPTER 406—H.F.No. 1883**

*An act relating to natural resources; providing legislative approval of certain consumptive uses of water over 2,000,000 gallons per day; exempting legislative approval for consumptive uses over 2,000,000 gallons per day for construction dewatering and pollution abatement or remediation; amending Minnesota Statutes 1988, section 105.405, subdivision 3.*

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

Section 1. Minnesota Statutes 1988, section 105.405, subdivision 3, is amended to read:

Subd. 3. **REQUIREMENTS FOR CONSUMPTIVE USE.** (a) Except as provided in paragraph (b), a permit authorized by sections 105.37 to 105.55 or a plan that requires a permit or the commissioner's approval, involving a consumptive use of more than 2,000,000 gallons per day average in a 30-day period, may not be granted or approved until after: (1) a determination by the commissioner that the water remaining in the basin of origin will be adequate to meet the basin's water resources needs during the specified life of the consumptive use; and (2) approval by the legislature.

(b) Legislative approval under paragraph (a), clause (2), is not required for a consumptive use in excess of 2,000,000 gallons per day average in a 30-day period for:

(1) a domestic water supply, excluding industrial and commercial uses of a municipal water supply; ~~and~~

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

- (2) agricultural irrigation and processing of agricultural products;
- (3) construction dewatering; and
- (4) pollution abatement or remediation.

**Sec. 2. LEGISLATIVE APPROVAL OF CONSUMPTIVE USES OF WATER.**

Subdivision 1. LEGISLATIVE APPROVAL. Pursuant to Minnesota Statutes, section 105.405, subdivision 3, the legislature approves each of the following projects requiring a consumptive use of more than 2,000,000 gallons per day average in a 30-day period subject to the commissioner of natural resources making a determination for each project that the water remaining in the basin of origin will be adequate to meet the basin's need for water:

- (1) construction of the Blue Lake Wastewater Treatment Facility;
- (2) construction of the Empire Wastewater Treatment Facility;
- (3) construction of the Minneapolis East Interceptor Project;
- (4) construction of the Seneca Wastewater Treatment Facility;
- (5) construction of the Stillwater Wastewater Treatment Facility;
- (6) Minnesota Pollution Control Agency Superfund Site at LeHillier, Minnesota;
- (7) Anoka Municipal Sanitary Landfill in Ramsey, Minnesota;
- (8) United States Army Twin City Army Ammunition Plant (TCAAP);
- (9) Flying Cloud Landfill in Eden Prairie, Minnesota;
- (10) United States Army Corps of Engineers, Goose Lake-Vermillion River Bottoms Habitat Rehabilitation Enhancement Project in Dakota and Goodhue counties; and
- (11) Minneapolis Chain of Lakes Water Level Augmentation.

Subd. 2. EXISTING RIGHTS AND RESPONSIBILITIES. Legislative approval under subdivision 1 does not affect:

- (1) existing rights of parties to challenge a permit under Minnesota Statutes, section 105.44; and
- (2) any liability of project sponsors that exists elsewhere in statute.

Subd. 3. PROTECTION OF FENS. (a) The granting of a permit for a project under this section, regardless of the volume appropriated, is subject to the following conditions:

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(1) dewatering will not be permitted to continue if it is determined to, in any way, adversely affect the health or natural status of a calcareous fen; and

(2) at a minimum, the groundwater source for the fen must be maintained at its natural level and its appropriate chemical and temperature characteristics.

(b) The adverse effects will be determined by the commissioner of natural resources.

If the adverse effects occur, the metropolitan waste control commission must have in place an emergency contingency plan to provide for the safety of the affected fens.

### Sec. 3. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 3, 1990

Signed by the governor April 5, 1990, 9:20 p.m.

## CHAPTER 407—H.F.No. 2305

*An act relating to agriculture; providing requirements for light butter, reduced fat cheese, light cheese, frozen yogurt, frozen low-fat yogurt, frozen nonfat yogurt, reduced-fat ice cream, low-fat ice cream, and nonfat ice cream; amending Minnesota Statutes 1988, sections 32.471, subdivision 1; 32.481; and 32.55, subdivision 2, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 32.*

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

Section 1. Minnesota Statutes 1988, section 32.471, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITION.** ~~No~~ A person ~~shall~~ may not manufacture for sale, or sell, or have in possession with intent to sell, ~~any;~~

(1) dairy or creamery butter which that contains less than 80 percent butterfat by weight; or which has been manufactured from milk or cream which that has not been pasteurized in accordance with the provisions of sections 32.391 and 32.392; provided that nothing in this section shall be construed as prohibiting the manufacture, sale, or distribution of butterfat spreads with a lower butterfat content so long as such spreads are packaged and contain all dairy products and labeled so as to disclose the butterfat and other ingredient content and distinguish them from butter; in accordance with rules of the commissioner or

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