

cal added to section 116.70, subdivision 3, after the effective date of this act, the application of this section to the new chemical is effective on the date specified for elimination of production of that chemical in the Montreal Treaty.

Sec. 9. EFFECTIVE DATE.

Section 4, subdivisions 1 and 2, are effective July 1, 1991. Section 4, subdivision 4, is effective July 1, 1992. Section 4, subdivision 3, and section 8, subdivisions 1 to 4, are effective January 1, 1993.

Presented to the governor April 26, 1990

Signed by the governor May 3, 1990, 6:00 p.m.

CHAPTER 561—S.F.No. 2527

An act relating to agriculture; establishing an agricultural liming material law; allowing agreements between the commissioner of agriculture and certain persons required to file reports under the corporate farming law; appropriating money; prescribing penalties; amending Minnesota Statutes 1988, section 500.24, subdivision 4; Minnesota Statutes 1989 Supplement, section 18D.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 18C.

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

Section 1. [18C.530] CITATION.

Sections 2 to 11 are known and may be cited as the "Minnesota agricultural liming materials law."

Sec. 2. [18C.531] DEFINITIONS.

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 2 to 11.

Subd. 2. AGRICULTURAL LIMING MATERIALS. "Agricultural liming materials" means materials whose calcium or magnesium compounds, or both, account for an ENP of 30 percent or more and includes burnt lime, hydrated lime, industrial by-product, limestone, and marl.

Subd. 3. BRAND. "Brand" means the term designating trademark, product name, or other specific designation under which individual agricultural liming material is offered for sale.

Subd. 4. BULK. "Bulk" means in nonpackaged form.

Subd. 5. BURNT LIME. "Burnt lime" means a material made from limestone that consists essentially of calcium oxide or a combination of calcium oxide with magnesium oxide.

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Subd. 6. COMMISSIONER. “Commissioner” means the commissioner of agriculture and the commissioner’s authorized agents.

Subd. 7. DISTRIBUTOR. “Distributor” means a person who imports, consigns, produces, or offers for sale, sells, barter, or otherwise supplies agricultural liming material in this state.

Subd. 8. ENP. “ENP” means effective neutralizing power and is an expression of the neutralizing value of liming material based on the TNP and fineness which is expressed as a dry weight percentage.

Subd. 9. FINENESS. “Fineness” means the percentage by weight of material that will pass sieves of specified sizes.

Subd. 10. GUARANTEED ANALYSIS. “Guaranteed analysis” means the plant food claim in addition to claims for ENP or the ability to neutralize soil acidity.

Subd. 11. GUARANTOR. “Guarantor” means the person who is guaranteeing the agricultural liming material to be as stated in the guaranteed analysis statement.

Subd. 12. HYDRATED LIME. “Hydrated lime” means a material made from burnt lime that consists of calcium hydroxide or a combination of calcium hydroxide with either magnesium oxide, magnesium hydroxide, or both.

Subd. 13. INDUSTRIAL BY-PRODUCT. “Industrial by-product” means an industrial waste or by-product or the by-product of a municipal water treatment process containing calcium or magnesium or both in a form that may neutralize soil acidity.

Subd. 14. LABEL. “Label” means the display of all written, printed, or graphic matter on the immediate container or the statement accompanying a bulk shipment of agricultural liming material.

Subd. 15. LABELING. “Labeling” means written, printed, or graphic matter on or accompanying agricultural liming material and advertisements, brochures, posters, and television, radio, or other announcements used in promoting their sale.

Subd. 16. LIMESTONE. “Limestone” means a material consisting of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity.

Subd. 17. MARL. “Marl” means a granular or loosely consolidated earthy material composed largely of sea shell fragments and calcium carbonate.

Subd. 18. OFFICIAL SAMPLE. “Official sample” means a sample of agricultural liming material taken by the commissioner according to methods prescribed in section 8.

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Subd. 19. PERCENT; PERCENTAGE. "Percent" or "percentage" means the percentage by weight.

Subd. 20. PERSON. "Person" means an individual, firm, corporation, partnership, association, trust, joint stock company, unincorporated organization, the state, a state agency, or a political subdivision.

Subd. 21. PLANT FOOD. "Plant food" means one of the following plant nutrients or an additional plant nutrient that might be generally recognized as beneficial for plant growth: nitrogen, phosphorus, potassium, calcium, magnesium, sulfur, boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium, and zinc.

Subd. 22. PRODUCER. "Producer" means a person who operates a source of production or who blends an agricultural liming material to form a stockpile.

Subd. 23. SELL. "Sell" means:

- (1) selling or transferring ownership;
- (2) offering and exposing for sale, exchange, distribution, and transportation in and into this state;
- (3) possession with intent to sell, exchange, distribute, or transport in and into this state;
- (4) storing, carrying, and handling in aid of traffic, whether done in person or through an agent, employee, or others; or
- (5) receiving, accepting, and holding a consignment for sale.

Subd. 24. SOURCE OF PRODUCTION. "Source of production" means a plant or facility where agricultural liming materials are produced or stockpiled.

Subd. 25. STOCKPILE. "Stockpile" means a supply of agricultural liming material stored for future use.

Subd. 26. TNP. "TNP" means total neutralizing power and is the total acid neutralizing capacity of an agricultural liming material expressed as a weight percentage of calcium carbonate and is equivalent to the term "calcium carbonate equivalent."

Subd. 27. TON. "Ton" means a net ton of 2,000 pounds avoirdupois.

Subd. 28. WEIGHT. "Weight" means the weight of material as offered for sale.

Sec. 3. [18C.535] POWERS AND DUTIES OF COMMISSIONER.

Subdivision 1. ADMINISTRATION. The commissioner shall administer, implement, and enforce sections 2 to 11. The department of agriculture is the

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lead state agency for the regulation of agricultural liming materials which includes the storage, handling, distribution, and use of agricultural liming materials.

Subd. 2. DELEGATION OF DUTIES. The commissioner may delegate authorities and duties under sections 2 to 11 to designated employees or agents of the department of agriculture.

Subd. 3. DELEGATION TO APPROVED AGENCIES. The commissioner may, by written agreement, delegate specific inspection, enforcement, and other regulatory duties of sections 2 to 11 to officials of approved agencies as defined in section 18B.01, subdivision 2.

Sec. 4. [18C.541] LICENSE.

Subdivision 1. LICENSE TO SELL. Before a person may sell, offer for sale, or dispose of in this state agricultural liming material to be used for the correction of soil acidity or soil fertility, the distributor and producer must obtain a license by filing with the commissioner an acceptable application for a license to sell, together with the license fee, on or before January 1 of each year. The application must state the name of the producer or distributor, the location of the principal office of the producer or distributor, the number and location of each source of production covered by the license, and the name, brand, or trademark under which the agricultural liming material will be sold.

Subd. 2. EFFECTIVE DATES. A license is effective until January 1 following the date of its issuance or approval. A license may not be transferred from one person to another.

Subd. 3. LICENSE POSTING. The license must be posted in a conspicuous place in each location where agricultural liming materials are sold.

Subd. 4. SUBSTANTIATION OF CLAIMS. The commissioner may require a person applying for a license to sell or produce an agricultural liming material for use in this state to submit authentic experimental evidence or university research data to substantiate the claims made for the product. As evidence to substantiate claims, the commissioner may rely on experimental data, evaluations, or advice furnished by experts at the University of Minnesota and may accept or reject additional sources of evidence in evaluating the agricultural liming material. In all cases, the experimental evidence must relate to conditions in this state for which use of the product is intended. The commissioner may also require evidence of value of the product when used as directed or recommended.

Subd. 5. INSUFFICIENT EVIDENCE. If the commissioner determines that the evidence submitted under subdivision 4 does not substantiate the product's usefulness in this state, the commissioner may require the applicant to submit samples, conduct tests, or submit additional information, including conditions affecting performance, to evaluate its performance and usefulness.

Subd. 6. INDUSTRIAL BY-PRODUCT WITHOUT CHARGE EXEMPT. Industrial by-product lime material that is transferred between parties without compensation, except for a fair and reasonable transportation charge, is exempt from fees for licensing and inspection.

Sec. 5. [18C.545] LABELING.

Subdivision 1. PRODUCT LABEL. An agricultural liming material offered for sale in this state must be labeled in accordance with rules adopted under this chapter.

Subd. 2. BULK SHIPMENT LABEL. If agricultural liming material is transported or sold in bulk, an invoice or delivery ticket in written or printed form as required by subdivision 1 must accompany each delivery and be supplied to each purchaser at the time of delivery.

Sec. 6. [18C.551] LICENSE, SAMPLING, AND INSPECTION FEES.

Subdivision 1. APPLICATION FEE. An application for a license must be accompanied by a nonrefundable license fee of \$150. This fee shall not apply to occasional sales of 50 tons or less on an annual basis.

Subd. 2. ADDITIONAL FEE AFTER JANUARY 1. If an application for license renewal is not filed before January 1, an additional nonrefundable application fee of 50 percent of the amount due may be assessed before the renewal license is issued.

Subd. 3. INSPECTION FEES. An inspection fee, at the rate of five cents per ton, must be paid to the commissioner for all agricultural liming material offered for sale or sold in this state. If more than one person is involved in the distribution of agricultural liming material the person who first sells or imports the agricultural liming material is responsible for the inspection fee. A person licensed under section 5 must retain invoices showing proof of inspection fees paid.

Subd. 4. SAMPLE AND ANALYSIS FEE. The commissioner may sample agricultural liming material from a source of production to the extent the commissioner considers necessary to implement sections 2 to 11. A sampling fee of \$40 must be assessed for each sample collected.

Subd. 5. DEPOSIT OF FEES Fees and penalties collected under sections 2 to 11 must be deposited in the general fund.

Sec. 7. [18C.555] TONNAGE REPORT.

Subdivision 1. SEMIANNUAL STATEMENT. A licensed distributor or producer of agricultural liming material 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 agricultural liming material sold in this state during the reporting period. The

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report is due on or before the last day of the month following the close of each reporting period of each calendar year. For a tonnage report that is not filed within 31 days after the end of the reporting period, a penalty of \$50 must be paid by the licensee and may be recovered in a civil action against the licensee. The assessment of this penalty does not prevent the department from taking other actions as provided in sections 2 to 11.

Subd. 2. RECORD VERIFICATION. Submission of each tonnage report gives authority to the commissioner to verify the records upon which the statement of tonnage is based.

Sec. 8. [18C.561] SAMPLING METHODS.

The methods of sampling and analysis of agricultural liming materials must be those adopted by the Association of Official Analytical Chemists. In cases not covered by those methods, or in cases where methods are available in which improved applicability has been demonstrated, the commissioner may adopt appropriate methods from other sources.

Sec. 9. [18C.565] FALSE OR MISLEADING STATEMENTS.

A person may not sell a misbranded agricultural liming material. An agricultural liming material is misbranded if it carries a false or misleading statement on the container or on the label attached to the container, or if false or misleading statements concerning the agricultural liming material are disseminated in any manner or by any means.

Sec. 10. [18C.571] ADULTERATION.

A person may not sell an adulterated agricultural liming material. An agricultural liming material is adulterated if:

(1) it contains a deleterious or harmful ingredient in sufficient amount to render it injurious to plant life or the environment when applied in accordance with directions for use on the label;

(2) its composition falls below or differs from that it is purported to possess by its labeling; or

(3) it contains unwanted crop seed or weed seed. Adulterated products that cannot be reconditioned must be disposed of by methods approved by the commissioner.

Sec. 11. [18C.575] RULES.

Subdivision 1. FOR ADMINISTRATION. The commissioner may adopt emergency or permanent rules necessary to administer sections 2 to 11.

Subd. 2. LIMING MATERIALS. The commissioner may adopt rules governing the distribution, labeling, sale, handling, certification, use, application, storage, sampling, and analysis of liming materials.

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Sec. 12. Minnesota Statutes 1989 Supplement, section 18D.01, subdivision 3, is amended to read:

Subd. 3. **AGRICULTURAL CHEMICAL.** "Agricultural chemical" means a pesticide as defined under chapter 18B or a fertilizer, agricultural liming material, plant amendment, or soil amendment as defined under chapter 18C.

Sec. 13. Minnesota Statutes 1988, section 500.24, subdivision 4, is amended to read:

Subd. 4. **REPORTS.** (a) The chief executive officer of every pension or investment fund, corporation, or limited partnership, except a family farm corporation or a family farm limited partnership, that holds any interest in agricultural land or land used for the breeding, feeding, pasturing, growing, or raising of livestock, dairy or poultry, or products thereof, or land used for the production of agricultural crops or fruit or other horticultural products, other than a bona fide encumbrance taken for purposes of security, or which is engaged in farming or proposing to commence farming in this state after May 20, 1973, shall file with the commissioner of agriculture a report containing the following information and documents:

(1) The name of the pension or investment fund, corporation, or limited partnership and its place of incorporation, certification, or registration;

(2) The address of the pension or investment plan headquarters or of the registered office of the corporation in this state, the name and address of its registered agent in this state and, in the case of a foreign corporation or limited partnership, the address of its principal office in its place of incorporation, certification, or registration;

(3) The acreage and location listed by quarter-quarter section, township and county of each lot or parcel of land in this state owned or leased by the pension or investment fund, limited partnership, or corporation and used for the growing of crops or the keeping or feeding of poultry or livestock;

(4) The names and addresses of the officers, administrators, directors or trustees of the pension or investment fund, or of the officers, shareholders owning more than ten percent of the stock, including the percent of stock owned by each such shareholder, and the members of the board of directors of the corporation, and the general and limited partners and the percentage of interest in the partnership by each partner;

(5) The farm products which the pension or investment fund, limited partnership, or corporation produces or intends to produce on its agricultural land;

(6) With the first report, a copy of the title to the property where the farming operations are or will occur indicating the particular exception claimed under subdivision 3, clauses (a) to (r); and

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(7) With the first or second report, a copy of the conservation plan proposed by the soil and water conservation district, and with subsequent reports a statement of whether the conservation plan was implemented.

The report of a corporation seeking to qualify hereunder as a family farm corporation, an authorized farm corporation, a family farm partnership, or authorized farm partnership shall contain the following additional information: The number of shares or the partnership interests owned by persons residing on the farm or actively engaged in farming, or their relatives within the third degree of kindred according to the rules of the civil law or their spouses; the name, address and number of shares owned by each shareholder or partnership interests owned by each partner; and a statement as to percentage of gross receipts of the corporation derived from rent, royalties, dividends, interest and annuities. No pension or investment fund, limited partnership, or corporation shall commence farming in this state until the commissioner of agriculture has inspected the report and certified that its proposed operations comply with the provisions of this section.

(b) Every pension or investment fund, limited partnership, or corporation as described in clause (a) shall, prior to April 15 of each year, file with the commissioner of agriculture a report containing the information required in clause (a), based on its operations in the preceding calendar year and its status at the end of the year. A pension or investment fund, limited partnership, or corporation that does not file the report by April 15 must pay a \$500 civil penalty. The penalty is a lien on the land being farmed under subdivision 3 until the penalty is paid.

(c) The commissioner or the commissioner's authorized representative may enter into a written agreement with a person required to file a report under this subdivision who, for good cause shown, has failed to make a timely filing. An agreement must be construed as a "no contest" pleading and may encompass a reduction or waiver of the civil penalty for late filing. The agreement is final and conclusive with respect to the civil penalty, except upon a showing of fraud or malfeasance or misrepresentation of a material fact. The matter agreed upon in the agreement may not be reopened or modified by an officer, employee, or agent of the state. The report required under paragraph (b) must be completed prior to a reduction or waiver under this paragraph. The commissioner may enter into an agreement under this paragraph only once for each person required to file under this subdivision.

(d) Failure to file a required report, or the willful filing of false information, shall constitute a gross misdemeanor.

Sec. 14. REVISOR'S INSTRUCTION.

In the next and subsequent editions of Minnesota Statutes, the revisor shall entitle chapter 18C as "Fertilizers, Soil Amendments, Agricultural Liming, and Plant Amendments."

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Sec. 15. **APPROPRIATION.**

\$60,000 is appropriated to the commissioner of agriculture from the general fund to be available until June 30, 1991, for administration and enforcement of sections 2 to 11. The approved complement of the department of agriculture is increased by one.

Sec. 16. **EFFECTIVE DATE.**

This act is effective January 1, 1991.

Presented to the governor April 26, 1990

Signed by the governor May 4, 1990, 11:23 p.m.

CHAPTER 562—H.F.No. 2200

An act relating to education; establishing, modifying, and clarifying elementary, secondary and related education programs and services, such as, general education, transportation, special programs, drug prevention and other community programs, facilities, programs of cooperation, other aids and levies, rural health care, and the department of education and other education related state entities; providing for technical tax rate changes; authorizing tax levies; appropriating money; amending Minnesota Statutes 1988, sections 120.062, subdivision 9, and by adding a subdivision; 120.73, subdivision 1; 121.148; 121.15, subdivisions 1 and 7; 121.88, subdivision 6; 121.882, subdivision 9; 121.908, subdivision 3; 121.917, subdivision 4; 121.931, subdivision 6, and by adding a subdivision; 121.935, subdivisions 2, 5, and by adding a subdivision; 121.936, subdivisions 2 and 3; 122.23, subdivisions 9, 11, 12, and 13; 122.535, by adding a subdivision; 122.94, subdivision 5; 123.33, subdivision 1; 123.34, subdivisions 9 and 10; 123.3514, subdivisions 6 and 6b; 123.36, subdivisions 5 and 10; 123.37, subdivision 1; 123.38, subdivision 2b; 123.39, subdivisions 1, 6, and by adding a subdivision; 123.58, subdivision 2; 123.9361; 123.947; 124.17, subdivision 1b; 124.195, subdivision 10, and by adding subdivisions; 124.261; 124.39, subdivisions 3 and 4; 124.494, by adding a subdivision; 124A.036, subdivision 5; 125.12, subdivision 1; 125.185, by adding a subdivision; 125.231, subdivision 6; 125.60, subdivision 2; 126.12, subdivision 2; 126.70, subdivision 2a; 141.25, subdivisions 7 and 9; 275.125, subdivision 4, and by adding subdivisions; 475.51, subdivision 4; Minnesota Statutes 1989 Supplement, sections 6.65; 10A.01, subdivision 18; 119.04, subdivision 3; 121.111, subdivisions 1 and 2; 121.15, subdivision 2; 121.612, subdivisions 3 and 5; 121.912, subdivisions 1 and 1b; 122.241, subdivision 2; 122.243, subdivision 2; 122.91, subdivisions 1 and 5; 122.94, subdivision 6; 122.945, subdivision 2; 123.33, subdivision 7; 123.58, subdivision 9; 124.10, subdivision 2; 124.155, subdivision 2; 124.19, subdivision 7; 124.223; 124.225, subdivisions 1, 3a, and 8k; 124.243, subdivision 2; 124.26, subdivision 8; 124.2713, subdivision 6; 124.2721; 124.2725, subdivisions 3, 4, 5, 8, and by adding a subdivision; 124.38, subdivision 7; 124.573, subdivision 2d; 124.575, subdivision 3; 124.6472, subdivision 2; 124.83, subdivision 6; 124.86, subdivisions 1 and 2; 124.90, by adding a subdivision; 124A.22, subdivision 2a; 126.22, subdivisions 2, 3, and 8; 126.23;

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