

**Sec. 2. CURRENT EMPLOYEES.**

Unless agreed to by the person, section 1 does not apply to persons employed by the city of Minneapolis on April 6, 1988; or, as to the other employers identified in section 1, on the effective date of this act or such other date as agreed to by the parties. Unless the agreement specifically provides, an agreement authorized under section 1 shall not affect any vested or accumulated rights, liabilities, or terms and conditions of employment of those current employees.

Presented to the governor April 12, 1994

Signed by the governor April 15, 1994, 1:40 p.m.

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**CHAPTER 451—H.F.No. 2634**

*An act relating to transportation; requiring understandable notice of requirements for appealing town road damage awards; amending Minnesota Statutes 1992, section 164.07, subdivision 6.*

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

Section 1. Minnesota Statutes 1992, section 164.07, subdivision 6, is amended to read:

Subd. 6. **FILING OF AWARD; NOTIFICATION.** The award of damages shall be filed with the town clerk. Within seven days after filing the town clerk shall notify, in writing, each known owner and occupant of each tract of the filing of the award of damages. The notification shall set forth the date of the award, the amount of the award of damages and any terms or conditions of the award. The notification must include a clear and coherent explanation, written in language using words with common and everyday meanings, of the requirements for appealing the award of damages under subdivision 7.

Presented to the governor April 14, 1994

Signed by the governor April 18, 1994, 3:04 p.m.

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**CHAPTER 452—H.F.No. 2373**

*An act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders and the payment and refund of checkoff fees; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; and 17.63.*

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

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

Section 1. Minnesota Statutes 1992, section 17.53, subdivision 2, is amended to read:

Subd. 2. **AGRICULTURAL COMMODITY.** (a) Except as provided in paragraph (b), "agricultural commodity" means any agricultural product, including, without limitation, animals and animal products, grown, raised, produced, or fed within the state of Minnesota for use as food, feed, seed, or any industrial or chemurgic purpose.

(b) For wheat and barley, "agricultural commodity" means wheat and barley, including, without limitation, wheat and barley grown or produced within or outside Minnesota, for use as food, feed, seed, or any industrial or chemurgic purpose.

Sec. 2. Minnesota Statutes 1992, section 17.53, subdivision 8, is amended to read:

Subd. 8. **FIRST PURCHASER.** (a) Except as provided in paragraph (b), "first purchaser" means any person that buys agricultural commodities for movement into commercial channels from the producer; or any lienholder, secured party or pledgee, public or private, or assignee of said lienholder, secured party or pledgee, who gains title to the agricultural commodity from the producer as the result of exercising any legal rights by the lienholder, secured party, pledgee, or assignee thereof, regardless of when the lien, security interest or pledge was created and regardless of whether the first purchaser is domiciled within the state or without. "First purchaser" does not mean the commodity credit corporation when a commodity is used as collateral for a federal nonrecourse loan unless the commissioner determines otherwise.

(b) For wheat and barley, "first purchaser" means a person who buys, receives delivery of, or provides storage for the agricultural commodity from a producer for movement into commercial channels; or a lienholder, secured party, or pledgee, who gains title to the agricultural commodity from the producers as the result of exercising any legal rights by the lienholder, secured party, pledgee, or assignee, regardless of when the lien, security interest, or pledge was created and regardless of whether or not the first purchaser is domiciled in the state. "First purchaser" does not mean the commodity credit corporation when the wheat or barley is used as collateral for a federal nonrecourse loan unless the commissioner determines otherwise.

Sec. 3. Minnesota Statutes 1992, section 17.53, subdivision 13, is amended to read:

Subd. 13. **PRODUCER.** (a) Except as provided in paragraph (b), "producer" means any person who owns or operates an agricultural producing or growing facility for an agricultural commodity and shares in the profits and risk of loss from such operation, and who grows, raises, feeds or produces the agri-

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cultural commodity in Minnesota during the current or preceding marketing year.

(b) For wheat and barley, "producer" means in addition to the meaning in paragraph (a) and for the purpose of the payment or the refund of the checkoff fee paid pursuant to sections 17.51 to 17.69 only, a person who delivers into, stores within, or makes the first sale of the agricultural commodity in Minnesota.

Sec. 4. Minnesota Statutes 1992, section 17.63, is amended to read:

**17.63 REFUND OF FEES.**

(a) Any producer, except a producer of potatoes in area number one, as listed in section 17.54, subdivision 9, a producer of wheat or barley, or a producer of paddy wild rice, may, by the use of forms to be provided by the commissioner and upon presentation of such proof as the commissioner requires, have the checkoff fee paid pursuant to sections 17.51 to 17.69 fully or partially refunded, provided the checkoff fee was remitted on a timely basis. The request for refund must be received in the office of the commissioner within the time specified in the promotion order following the payment of the checkoff fee. In no event shall these requests for refund be accepted more often than 12 times per year. Refund shall be made by the commissioner and council within 30 days of the request for refund provided that the checkoff fee sought to be refunded has been received. Rules governing the refund of checkoff fees for all commodities shall be formulated by the commissioner, shall be fully outlined in the promotion order, and shall be available for the information of all producers concerned with the referendum.

(b) The commissioner must allow partial refund requests from corn producers who have checked off and must allow for assignment of payment to the Minnesota corn growers association if the Minnesota corn research and promotion council requests such action by the commissioner.

(c) The Minnesota corn research and promotion council shall not elect to impose membership on any individual producer not requesting a partial refund or assignment of payment to the association.

(d) For any wheat or barley for which the checkoff fee must be paid pursuant to sections 17.51 to 17.69 and for which a checkoff fee or fee that serves a comparable purpose in a jurisdiction outside Minnesota had been previously paid for the same wheat or barley, the producer of the wheat or barley is exempt from payment of the checkoff fee. The commissioner, in consultation with the wheat research and promotion council and barley research and promotion council, shall determine jurisdictions outside of Minnesota which collect a checkoff fee or fee that serves a comparable purpose. In order to qualify for the exemption, the producer must demonstrate to the first purchaser that a checkoff fee or fee has been paid to such a jurisdiction.

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

## Sec. 5. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor April 14, 1994

Signed by the governor April 18, 1994, 3:05 p.m.

CHAPTER 453—H.F.No. 2772

*An act relating to state government; public employment; establishing a pilot project in certain agencies; permitting the waiver of rules governing the classified and unclassified service of the state by joint committees.*

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

Section 1. CIVIL SERVICE PILOT PROJECT.

Subdivision 1. DEFINITIONS. For purposes of this section:

(1) "civil service rules" means rules, procedures, and policies of the commissioner of employee relations governing the classified and unclassified service of the state, except for rules, procedures, and policies governing affirmative action and seniority;

(2) "employees" means employees in the agencies listed in subdivision 2 who are represented by exclusive representatives; and

(3) "management-level employees" means employees in the agencies listed in subdivision 2 who are covered by the managerial plan adopted by the commissioner of employee relations under Minnesota Statutes, section 43A.18, subdivision 3.

Subd. 2. PARTICIPATING AGENCIES. Notwithstanding Minnesota Statutes, sections 43A.04; 43A.07; 43A.08; 43A.09 to 43A.15; 85A.02, subdivision 5a; and 462A.04, subdivision 8, civil service rules may be waived under subdivision 4 with respect to employees in the department of human services and the department of transportation.

Subd. 3. JOINT COMMITTEES. Within 30 days of the effective date of this section, each exclusive representative of employees in each agency listed in subdivision 2 shall appoint employees from the exclusive representative's bargaining unit to serve on a joint committee to review civil service rules governing the agency. Each bargaining unit within an agency must have at least one representative on the committee, but the total number of employee members may not exceed ten. The head of each agency shall appoint an equal number of management-level employees to serve on the committee. The committee may:

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