

641.23 FUNDS, HOW PROVIDED.

Before any contract is made for the erection of a county jail, sheriff's residence, or both, the county board shall either levy a sufficient tax to provide the necessary funds, or issue county bonds therefor in accordance with the provisions of chapter 475, provided that, unless the issuance of the bonds is approved by the majority of voters voting on the question of their issuance, the amount of all bonds issued for this purpose and interest on them which are due and payable in any year shall not exceed an amount equal to 0.09671 percent of market value of taxable property within the county, as last determined before the bonds are issued.

Sec. 12. NORTHWEST COUNTY MULTICOUNTY HRA; BONDING AUTHORITY.

Subdivision 1. REFUNDING AUTHORITY. (a) The northwest multicounty housing and redevelopment authority may issue bonds under Minnesota Statutes, section 469.034, subdivision 2, to refund obligations issued by the authority before December 31, 1994 or obligations refunding such bonds, for which revenues pledged by the authority have not been sufficient on a current basis to pay all principal and interest due on the obligations in the last preceding fiscal year.

(b) For purposes of this section, the amount in Minnesota Statutes, section 469.034, subdivision 2, paragraph (c), clause (2), is increased to \$6,000,000 and the general jurisdiction government is any of the cities listed in paragraph (c). The total amount of bonds issued and outstanding under this subdivision at any time may not exceed the total amount of the outstanding obligations as described in paragraph (a), plus reserves and transactional costs.

(c) This section applies only to permit pledges of general obligation authority by the following cities: Ada, Argyle, Clearbrook, Crookston, Erskine, Fertile, Fisher, Fosston, Greenbush, Newfolden, Park Rapids, Shelly, and Warren.

Subd. 2. EFFECTIVE DATE. This section is effective for the northwest multicounty housing and redevelopment authority upon compliance by the authority with Minnesota Statutes, section 645.021, subdivision 3, and is effective for each of the cities upon compliance by the city with Minnesota Statutes, section 645.021, subdivision 3.

Sec. 13. EFFECTIVE DATE.

This act is effective the day following final enactment.

Presented to the governor May 27, 1997

Signed by the governor May 30, 1997, 1:22 p.m.

CHAPTER 220—S.F.No. 164

An act relating to agriculture; conforming certain food rules with federal regulations; eliminating a requirement concerning llamas; amending Minnesota Statutes 1996, sections 31.101;

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31.102, subdivision 1; 31.103, subdivision 1; and 31.104; repealing Minnesota Statutes 1996, section 17.456, subdivision 4.

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

Section 1. Minnesota Statutes 1996, section 31.101, is amended to read:

31.101 RULES; HEARINGS; UNIFORMITY WITH FEDERAL LAW.

Subdivision 1. The authority to promulgate and amend rules for the efficient administration and enforcement of the Minnesota food law is vested in the commissioner and is in addition to authority granted in sections 31.10, 31.11, and 31.12. Such rules when applicable shall conform, insofar as practicable and consistent with state law, with those promulgated under the federal law.

Subd. 2. Hearings authorized or required by law shall be conducted by the commissioner or such officer, agent, or employee as the commissioner may designate for the purpose.

Subd. 3. Federal pesticide chemical regulations and amendments thereto in effect on April 1, 1994 1997, adopted under authority of the Federal Insecticide, Fungicide and Rodenticide Act, as provided by United States Code, title 7, chapter 6, are the pesticide chemical rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 4. Federal food additive regulations and amendments thereto in effect on April 1, 1994 1997, as provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 5. Federal color additive regulations and amendments thereto in effect on April 1, 1994 1997, as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 6. Federal special dietary use regulations and amendments thereto in effect on April 1, 1994 1997, as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Subd. 7. Federal regulations and amendments thereto in effect on April 1, 1994 1997, adopted under the Fair Packaging and Labeling Act, as provided by United States Code, title 15, sections 1451 to 1461, are the rules in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act; provided that the commissioner shall not adopt amendments to such rules or adopt other rules which are contrary to the labeling requirements for the net quantity of contents required pursuant to section 4 of the Fair Packaging and Labeling Act and the regulations promulgated thereunder.

Subd. 8. Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, parts 0-1299, Food and Drugs, in effect April 1, 1994 1997, and not otherwise adopted herein, also are adopted as food rules of this state. Such rules may be amended by the commissioner in accordance with the administrative procedure act.

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Subd. 9. **FISHERY PRODUCTS RULES.** Federal regulations in effect on April 1, 1994 1997, as provided by Code of Federal Regulations, title 50, parts 260 to 266 267, are incorporated as part of the fishery products rules in this state for state inspections performed under a cooperative agreement with the United States Department of Commerce, National Marine Fisheries Service. The rules may be amended by the commissioner under chapter 14.

Subd. 10. **MEAT AND POULTRY RULES.** Federal regulations in effect on April 1, 1997, as provided by Code of Federal Regulations, title 9, parts 301 to 362 and 381 to 391, with the exception of Subpart C-Exemptions, sections 381.10 to 381.15, are incorporated as part of the meat and poultry rules in this state. The rules may be amended by the commissioner under chapter 14.

Subd. 11. **STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS.** Federal regulations in effect on April 1, 1997, as provided by Code of Federal Regulations, title 7, parts 51 and 52, are incorporated as part of the rules in this state. The rules may be amended by the commissioner under chapter 14.

Sec. 2. Minnesota Statutes 1996, section 31.102, subdivision 1, is amended to read:

Subdivision 1. Federal definitions and standards of identity, quality and fill of container and amendments thereto, in effect on April 1, 1994 1997, adopted under authority of the federal act, are the definitions and standards of identity, quality and fill of container in this state. Such rules may be amended by the commissioner proceeding in accordance with the administrative procedure act.

Sec. 3. Minnesota Statutes 1996, section 31.103, subdivision 1, is amended to read:

Subdivision 1. All labels of consumer commodities shall conform with the requirements for the declaration of net quantity of contents of section 4 of the Fair Packaging and Labeling Act (United States Code, title 15, section 1451 et seq.) and federal regulations in effect on April 1, 1994 1997, promulgated pursuant thereto, except to the extent that the commissioner shall exercise authority to amend such rules in accordance with the administrative procedure act. Consumer commodities exempted from the requirements of section 4 of the Fair Packaging and Labeling Act shall also be exempt from this subdivision.

Sec. 4. Minnesota Statutes 1996, section 31.104, is amended to read:

31.104 **FOOD LABELING EXEMPTION RULES.**

The commissioner shall promulgate rules exempting from any labeling requirement food which is, in accordance with the practice of the trade, to be processed, labeled or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded upon removal from such processing, labeling or repacking establishment.

Federal regulations in effect on April 1, 1994 1997, adopted under authority of the federal act relating to such exemptions are effective in this state unless the commissioner shall exercise authority to amend such regulations. The commissioner also may promulgate amendments to existing rules concerning exemptions in accordance with the administrative procedure act.

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Sec. 5. **REPEALER.**

Minnesota Statutes 1996, section 17.456, subdivision 4, is repealed.

Presented to the governor May 27, 1997

Signed by the governor May 30, 1997, 1:04 p.m.

CHAPTER 221—S.F.No. 184

An act relating to the environment; modifying requirements relating to toxics in products; amending Minnesota Statutes 1996, section 115A.9651.

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

Section 1. Minnesota Statutes 1996, section 115A.9651, is amended to read:

115A.9651 TOXICS LISTED METALS IN SPECIFIED PRODUCTS; ENFORCEMENT.

Subdivision 1. **PROHIBITION.** (a) ~~Except as provided in paragraphs (d) and (e), no person may distribute for sale or use in this state any ink, dye, pigment, paint, or fungicide manufactured after September 1, 1994, into which lead, cadmium, mercury, or hexavalent chromium has been intentionally introduced.~~

(b) For the purposes of this subdivision, "intentionally introduce" means to deliberately use a metal listed in paragraph (a) as an element during manufacture or distribution of an item listed in paragraph (a). Intentional introduction does not include the incidental presence of any of the prohibited elements.

(c) ~~The concentration of a listed metal in an item listed in paragraph (a) may not exceed 100 parts per million.~~

(d) ~~The prohibition on the use of lead in substances utilized in marking road, street, highway, and bridge pavements does not take effect until July 1, 1998.~~

(e) ~~The use of lead in substances utilized in marking road, street, highway, and bridge pavements is exempt from this subdivision until July 1, 1998. After July 1, 1998, no person may distribute a listed product for sale or use in this state.~~

Subd. 2. **TEMPORARY EXEMPTION.** (a) ~~An item listed in subdivision 1 is exempt from this section until July 1, 1998, if the manufacturer of the item submitted to the commissioner a written request for an exemption by August 1, 1994. The request must include at least:~~

(1) ~~an explanation of why compliance is not technically feasible at the time of the request;~~

(2) ~~how the manufacturer will comply by July 1, 1997; and~~

(3) ~~the name, address, and telephone number of a person the commissioner can contact for further information.~~

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