

(2) a distinct change in the kind of agricultural operation, as in changing from one kind of crop, livestock, animal, or product to another, but not merely a change from one generally accepted agricultural practice to another in producing the same crop or product. “Significantly altered” does not mean:

(1) a transfer of an ownership interest to and held by persons or the spouses of persons related to each other within the third degree of kindred according to the rules of civil law to the person making the transfer so long as at least one of the related persons is actively operating the farm, or to a family farm trust under section 500.24;

(2) temporary cessation or interruption of cropping activities;

(3) adoption of new technologies; or

(4) a change in the crop product produced.

Sec. 5. REQUIRED RULE CHANGE; WASTEWATER FROM MILK-HOUSES ON SMALL DAIRIES.

Not later than August 1, 2001, the commissioner of the pollution control agency shall allow alternative methods for disposal of milkhouse process wastewaters by a dairy operation having 300 animal units or fewer. The intent of this section is to provide reasonable alternative means for small dairy producers to dispose of milkhouse process wastewaters. Allowable alternatives must include, among others, surface discharge of process wastewaters onto agricultural land as defined in Minnesota Statutes, section 103G.005, subdivision 2a, except discharge into type 4, 5, 6, or 7 wetlands as defined in Minnesota Statutes, section 103G.005, subdivision 17b.

Sec. 6. EFFECTIVE DATE.

Sections 1 to 5 are effective the day following final enactment.

Presented to the governor May 16, 2001

Signed by the governor May 18, 2001, 12:18 p.m.

CHAPTER 129—S.F.No. 970

An act relating to trade regulations; prohibiting gasoline sales below cost; providing enforcement authority; amending Minnesota Statutes 2000, section 325D.01, subdivision 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 325D.

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

Section 1. Minnesota Statutes 2000, section 325D.01, subdivision 5, is amended to read:

Subd. 5. **COST.** The term “cost”, as applied to the wholesale or retail vendor, means:

New language is indicated by underline, deletions by strikeout.

(1) The actual current delivered invoice or replacement cost, whichever is lower, without deducting customary cash discounts, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof, plus the cost of doing business at that location by the vendor;

(2) Where a manufacturer publishes a list price and discounts, in determining such "cost" the manufacturer's published list price then currently in effect, less the published trade discount but without deducting the customary cash discount, plus any excise or sales taxes imposed on such commodity, goods, wares or merchandise subsequent to the purchase thereof and prior to the resale thereof, plus the cost of doing business by the vendor shall be prima facie evidence of "cost-;"

(3) For purposes of gasoline offered for sale by way of posted price or indicating meter by a retailer, at a retail location where gasoline is dispensed into passenger automobiles and trucks by the consumer, "cost" means the average terminal price on the day, at the terminal from which the most recent supply of gasoline delivered to the retail location was acquired, plus all applicable state and federal excise taxes and fees, plus the lesser of six percent or eight cents.

Sec. 2. Minnesota Statutes 2000, section 325D.01, is amended by adding a subdivision to read:

Subd. 11. TERMINAL. "Terminal" means a storage facility to which gasoline is shipped by pipeline, barge, or rail, and from which gasoline is subsequently transferred into motor vehicles for delivery to other locations. For purposes of this chapter, an oil refinery is also a terminal.

Sec. 3. Minnesota Statutes 2000, section 325D.01, is amended by adding a subdivision to read:

Subd. 12. AVERAGE TERMINAL PRICE. "Average terminal price" means the arithmetic mean of all prices for an individual grade of gasoline at a terminal as published by a nationally recognized petroleum price reporting service.

Sec. 4. [325D.71] UNLAWFUL GASOLINE SALES.

Any offer for sale of gasoline by a retailer by way of posted price or indicating meter that is below cost, as defined by section 325D.01, subdivision 5, clause (3), is a violation of section 325D.04, except that the criminal penalties in section 325D.071 do not apply. In addition to the penalties for violations and the remedies provided for injured parties set forth elsewhere in this chapter, the commissioner of commerce may use the authority under section 45.027 for the purpose of preventing violations of this section. A retailer who sells gasoline at the same or higher legally posted price of a competitor in the same market area, on the same day, is not in violation of this section.

A retailer who offers gasoline for sale at a price below cost as part of a promotion at an individual location for no more than three days in any calendar quarter is not in violation of this section.

Presented to the governor May 17, 2001

Signed by the governor May 21, 2001, 10:40 a.m.

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