

(b) "Mail" means a letter, postal card, package, bag, or other sealed article addressed to another.

(c) "Mail depository" means a mail box, letter box, or mail receptacle; a post office or station of a post office; a mail route; or a postal service vehicle.

Subd. 2. CRIME. Whoever does any of the following is guilty of mail theft and may be sentenced as provided in subdivision 3:

(1) intentionally and without claim of right removes mail from a mail depository;

(2) intentionally and without claim of right takes mail from a mail carrier;

(3) obtains custody of mail by intentionally deceiving a mail carrier, or other person who rightfully possesses or controls the mail, with a false representation which is known to be false, made with intent to deceive and which does deceive a mail carrier or other person who possesses or controls the mail;

(4) intentionally and without claim of right removes the contents of mail addressed to another;

(5) intentionally and without claim of right takes mail, or the contents of mail, that has been left for collection on or near a mail depository; or

(6) receives, possesses, transfers, buys, or conceals mail obtained by acts described in clauses (1) to (5), knowing or having reason to know the mail was obtained illegally.

Subd. 3. PENALTIES. A person convicted under subdivision 2 may be sentenced to imprisonment for not more than three years or to a payment of a fine of not more than \$5,000, or both.

Subd. 4. VENUE. Notwithstanding anything to the contrary in section 627.01, an offense committed under subdivision 2 may be prosecuted in:

(1) the county where the offense occurred; or

(2) the county of residence or place of business of the direct victim or indirect victim.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 2:01 p.m.

CHAPTER 107—S.F.No. 990

An act relating to agriculture; changing certain wild rice provisions; changing certain procedures and requirements for organic food; clarifying certain food provisions; clarifying an

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enforcement provision; changing a milk storage requirement; providing for compliance with federal law; extending a provision authorizing certain emergency restrictions; setting certain ethanol goals; changing certain animal lot regulations; requiring that certain gasoline contain denatured ethanol; eliminating a requirement for anaplasmosis testing; extending an agency sunset; providing a turtle seller's license exemption; authorizing certain persons to own and operate agricultural land; amending Minnesota Statutes 2002, sections 30.49, subdivision 6; 31.05, by adding a subdivision; 31.101, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 31.102, subdivision 1; 31.103, subdivision 1; 31.92, subdivision 3, by adding subdivisions; 31.94; 32.01, subdivision 10; 32.21, subdivision 4; 32.394, subdivisions 4, 8c; 32.415; 35.0661, subdivision 4; 41A.09, subdivision 1a; 41D.01, subdivision 4; 97C.605, subdivision 2c; 116.07, subdivision 7; 239.791, subdivision 1; 500.221, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 2002, sections 31.92, subdivisions 2a, 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, 1c; 35.251; Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; and 1715.1430.

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

Section 1. Minnesota Statutes 2002, section 30.49, subdivision 6, is amended to read:

Subd. 6. **PACKAGED BLENDED RICE AND CERTAIN READY-TO-EAT RICE.** A package containing a blend of wild rice and at least 40 percent other grains or food products, and ~~puffed or~~ ready-to-eat wild rice that is consumed or packaged on the retail premises, are exempt from this section, except subdivisions 3, 5, and 7.

Sec. 2. Minnesota Statutes 2002, section 31.05, is amended by adding a subdivision to read:

Subd. 5. **EMERGENCY RESPONSE.** In the event of an emergency declared by the governor's order under section 12.31, if the commissioner finds or has probable cause to believe that a food or consumer commodity within a specific area is likely to be adulterated because of the emergency or so misbranded as to be dangerous or fraudulent, or is in violation of section 31.131, subdivision 1, the commissioner may embargo a geographic area that is included in the declared emergency. The commissioner shall provide notice to the public and to those with custody of the product in as thorough a manner as is practical under the emergency circumstances.

Sec. 3. Minnesota Statutes 2002, section 31.101, subdivision 3, is amended to read:

Subd. 3. **PESTICIDE CHEMICAL RULES.** Federal pesticide chemical regulations in effect on April 1, 2001, 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.

Sec. 4. Minnesota Statutes 2002, section 31.101, subdivision 4, is amended to read:

Subd. 4. **FOOD ADDITIVE RULES.** Federal food additive regulations in effect on April 1, 2001, as provided by Code of Federal Regulations, title 21, parts 170 to 199, are the food additive rules in this state.

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Sec. 5. Minnesota Statutes 2002, section 31.101, subdivision 5, is amended to read:

Subd. 5. **COLOR ADDITIVE RULES.** Federal color additive regulations in effect on April 1, 2001, as provided by Code of Federal Regulations, title 21, parts 70 to 82, are the color additive rules in this state.

Sec. 6. Minnesota Statutes 2002, section 31.101, subdivision 6, is amended to read:

Subd. 6. **SPECIAL DIETARY USE RULES.** Federal special dietary use regulations in effect on April 1, 2001, as provided by Code of Federal Regulations, title 21, parts 104 and 105, are the special dietary use rules in this state.

Sec. 7. Minnesota Statutes 2002, section 31.101, subdivision 7, is amended to read:

Subd. 7. **FAIR PACKAGING AND LABELING RULES.** Federal regulations in effect on April 1, 2001, 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. The commissioner may not adopt amendments to these 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 adopted under that act.

Sec. 8. Minnesota Statutes 2002, section 31.101, subdivision 8, is amended to read:

Subd. 8. **FOOD AND DRUGS RULES.** Applicable federal regulations including recodification contained in Code of Federal Regulations, title 21, parts 0-1299, Food and Drugs, in effect April 1, 2001, and not otherwise adopted herein, also are adopted as food rules of this state.

Sec. 9. Minnesota Statutes 2002, section 31.101, subdivision 9, is amended to read:

Subd. 9. **FISHERY PRODUCTS RULES.** Federal regulations in effect on April 1, 2001, as provided by Code of Federal Regulations, title 50, parts 260 to 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.

Sec. 10. Minnesota Statutes 2002, section 31.101, subdivision 10, is amended to read:

Subd. 10. **MEAT AND POULTRY RULES.** Federal regulations in effect on April 1, 2001, as provided by Code of Federal Regulations, title 9, part 301, et seq., are incorporated as part of the meat and poultry rules in this state.

Sec. 11. Minnesota Statutes 2002, section 31.101, subdivision 11, is amended to read:

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Subd. 11. **STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS.** Federal regulations ~~in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 7, parts 51 and 52, are incorporated as part of the rules in this state.

Sec. 12. Minnesota Statutes 2002, section 31.101, subdivision 12, is amended to read:

Subd. 12. **DAIRY GRADE RULES; MANUFACTURING PLANT STANDARDS.** Federal grading and inspection standards for manufacturing dairy plants and products ~~and amendments thereto in effect on April 1, 2001,~~ as provided by Code of Federal Regulations, title 7, part 58, subparts B-W, are adopted as the dairy grade rules and manufacturing plant standards in this state.

Sec. 13. Minnesota Statutes 2002, section 31.102, subdivision 1, is amended to read:

Subdivision 1. **IDENTITY, QUANTITY, AND FILL OF CONTAINER RULES.** Federal definitions and standards of identity, quality, and fill of container ~~in effect on April 1, 2001,~~ adopted under authority of the federal act, are the definitions and standards of identity, quality, and fill of container in this state. The rules may be amended by the commissioner under chapter 14.

Sec. 14. Minnesota Statutes 2002, section 31.103, subdivision 1, is amended to read:

Subdivision 1. **CONSUMER COMMODITIES LABELING RULES.** All labels of consumer commodities must 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, 2001,~~ adopted under authority of that act, except to the extent that the commissioner amends the rules under chapter 14. Consumer commodities exempted from the requirements of section 4 of the Fair Packaging and Labeling Act are also exempt from this subdivision.

Sec. 15. Minnesota Statutes 2002, section 31.92, is amended by adding a subdivision to read:

Subd. 2b. **FEDERAL LAW.** "Federal law" means the Organic Foods Production Act of 1990, United States Code, title 7, sections 6501 et seq. and associated regulations in Code of Federal Regulations, title 7, section 205.

Sec. 16. Minnesota Statutes 2002, section 31.92, subdivision 3, is amended to read:

Subd. 3. **ORGANIC FOOD.** "Organic food" means any food product, including meat, dairy, and beverage, that is marketed using the term "organic" or any derivative of "organic" in its labeling or advertising "Organic" is a labeling term that refers to an agricultural product produced in accordance with federal law.

Sec. 17. Minnesota Statutes 2002, section 31.92, is amended by adding a subdivision to read:

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Subd. 3a. ORGANIC PRODUCTION. "Organic production" means a production system that is managed in accordance with federal law to respond to site-specific conditions by integrating cultural, biological, and mechanical practices that foster cycling of resources, promote ecological balance, and conserve biodiversity.

Sec. 18. [31.925] UNIFORMITY WITH FEDERAL LAW.

The federal law specified in section 31.92, subdivision 2b, is adopted as the organic food production law and rules in this state.

Sec. 19. Minnesota Statutes 2002, section 31.94, is amended to read:

31.94 COMMISSIONER DUTIES.

(a) ~~The commissioner shall enforce sections 31.92 to 31.95. The commissioner shall withhold from sale or trade any product sold, labeled, or advertised in violation of sections 31.92 to 31.95.~~

(b) ~~The commissioner shall investigate the offering for sale, labeling, or advertising of an article or substance as organically grown, organically processed, or produced in an organic environment if there is reason to believe that action is in violation of sections 31.92 to 31.95.~~

(c) ~~The commissioner may adopt rules that further clarify organic food standards and marketing practices.~~

(d) ~~In order to promote opportunities for organic agriculture in Minnesota, the commissioner shall:~~

(1) ~~survey producers and support services and organizations to determine information and research needs in the area of organic agriculture practices;~~

(2) ~~work with the University of Minnesota to demonstrate the on-farm applicability of organic agriculture practices to conditions in this state;~~

(3) ~~direct the programs of the department so as to work toward the promotion of organic agriculture in this state;~~

(4) ~~inform agencies of how state or federal programs could utilize and support organic agriculture practices; and~~

(5) ~~work closely with farmers producers, the University of Minnesota, the Minnesota trade office, and other appropriate organizations to identify opportunities and needs as well as ensure coordination and avoid duplication of state agency efforts regarding research, teaching, marketing, and extension work relating to organic agriculture.~~

(e) (b) ~~By November 15 of each even-numbered year the commissioner, in conjunction with the task force created in section 31.95, subdivision 3a paragraph (c), shall report on the status of organic agriculture in Minnesota to the legislative policy and finance committees and divisions with jurisdiction over agriculture. The report must include:~~

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(1) a description of current state or federal programs directed toward organic agriculture, including significant results and experiences of those programs;

(2) a description of specific actions the department of agriculture is taking in the area of organic agriculture, including the proportion of the department's budget spent on organic agriculture;

(3) a description of current and future research needs at all levels in the area of organic agriculture; and

(4) suggestions for changes in existing programs or policies or enactment of new programs or policies that will affect organic agriculture;

(5) a description of market trends and potential for organic products;

(6) available information, using currently reliable data, on the price received, yield, and profitability of organic farms, and a comparison with data on conventional farms; and

(7) available information, using currently reliable data, on the positive and negative impacts of organic production on the environment and human health.

(c) The commissioner shall appoint a Minnesota organic advisory task force to advise the commissioner on policies and practices to improve organic agriculture in Minnesota. The task force must consist of the following residents of the state:

(1) three farmers using organic agriculture methods;

(2) two organic food wholesalers, retailers, or distributors;

(3) one representative of organic food certification agencies;

(4) two organic food processors;

(5) one representative from the Minnesota extension service;

(6) one representative from a Minnesota postsecondary research institution;

(7) one representative from a nonprofit organization representing producers;

(8) one at-large member;

(9) one representative from the United States Department of Agriculture; and

(10) one organic consumer representative.

Terms, compensation, and removal of members are governed by section 15.059, subdivision 6. The task force must meet at least twice each year and expires on June 30, 2005.

(d) For the purposes of expanding, improving, and developing production and marketing of the organic products of Minnesota agriculture, the commissioner may receive funds from state and federal sources and spend them, including through grants or contracts, to assist producers and processors to achieve certification, to conduct education or marketing activities, to enter into research and development partnerships,

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or to address production or marketing obstacles to the growth and well-being of the industry.

(e) The commissioner may facilitate the registration of state organic production and handling operations including those exempt from organic certification according to Code of Federal Regulations, title 7, section 205.101, and certification agents operating within the state.

Sec. 20. Minnesota Statutes 2002, section 32.01, subdivision 10, is amended to read:

Subd. 10. **DAIRY PRODUCT.** "Dairy product" means milk as defined by Code of Federal Regulations, title 21, cream, any product or by-product of either, or any commodity among the principal constituents or ingredients of which is one or a combination of two or more of them, as determined by standards, grades, or rules duly adopted by the commissioner.

Sec. 21. Minnesota Statutes 2002, section 32.21, subdivision 4, is amended to read:

Subd. 4. **PENALTIES.** (a) A person, other than a milk producer, who violates this section is guilty of a misdemeanor or subject to a civil penalty up to \$1,000.

(b) A milk producer may not change milk plants within 30 days, without permission of the commissioner, after receiving notification from the commissioner under paragraph (c) or (d) that the milk producer has violated this section.

(c) A milk producer who violates subdivision 3, clause (1), (2), (3), (4), or (5), is subject to clauses (1) to (3) of this paragraph.

(1) Upon notification of the first violation in a 12-month period, the producer must meet with the dairy plant field service representative qualified dairy sanitarian to initiate corrective action within 30 days.

(2) Upon the second violation within a 12-month period, the producer is subject to a civil penalty of \$300. The commissioner shall notify the producer by certified mail stating the penalty is payable in 30 days, the consequences of failure to pay the penalty, and the consequences of future violations.

(3) Upon the third violation within a 12-month period, the producer is subject to an additional civil penalty of \$300 and possible revocation of the producer's permit or certification. The commissioner shall notify the producer by certified mail that all civil penalties owed must be paid within 30 days and that the commissioner is initiating administrative procedures to revoke the producer's permit or certification to sell milk for at least 30 days.

(d) The producer's shipment of milk must be immediately suspended if the producer is identified as an individual source of milk containing residues causing a bulk load of milk to test positive in violation of subdivision 3, clause (6) or (7). The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days and shipment may resume only after subsequent milk has been

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sampled by the commissioner or the commissioner's agent and found to contain no residues above established tolerances or safe levels.

The Grade A or manufacturing grade permit may be restored if the producer completes the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, displays the signed certificate in the milkhouse, and sends verification to the commissioner within the 30-day temporary permit status period. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended. A milk producer whose milk supply is in violation of subdivision 3, clause (6) or (7), and has caused a bulk load to test positive is subject to clauses (1) to (3) of this paragraph.

(1) For the first violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. A farm inspection must be completed by the ~~plant representative~~ a qualified dairy sanitarian and the producer to determine the cause of the residue and actions required to prevent future violations.

(2) For the second violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. A farm inspection must be completed by the regulatory agency or its agent to determine the cause of the residue and actions required to prevent future violations.

(3) For the third violation in a 12-month period, the penalty is the value of all milk on the contaminated load plus any costs associated with the disposition of the contaminated load. Future pickups are prohibited until subsequent testing reveals the milk is free of drug residue. The commissioner or the commissioner's agent shall also notify the producer by certified mail that the commissioner is initiating administrative procedures to revoke the producer's right to sell milk for a minimum of 30 days.

(4) If a bulk load of milk tests negative for residues and there is a positive producer sample on the load, no civil penalties may be assessed to the producer. The plant must report the positive result within 24 hours and reject further milk shipments from that producer until the producer's milk tests negative. A farm inspection must be completed by the plant representative and the producer to determine the cause of the residue and actions required to prevent future violations. The department shall suspend the producer's permit and count the violation on the producer's record. The Grade A or manufacturing grade permit must be converted to temporary status for not more than 30 days during which time the producer must review the "Milk and Dairy Beef Residue Prevention Protocol" with a licensed veterinarian, display the signed certificate in the milkhouse, and send verification to the commissioner. If these conditions are met, the Grade A or manufacturing grade permit must be reinstated. If the producer does not comply within the temporary permit status period, the Grade A or manufacturing grade permit must be suspended.

(e) A milk producer that has been certified as completing the "Milk and Dairy Beef Residue Prevention Protocol" within 12 months of the first violation of

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subdivision 3, clause (7), need only review the cause of the violation with a field service representative within three days to maintain Grade A or manufacturing grade permit and shipping status if all other requirements of this section are met.

(f) Civil penalties collected under this section must be deposited in the milk inspection services account established in this chapter.

Sec. 22. Minnesota Statutes 2002, section 32.394, subdivision 4, is amended to read:

Subd. 4. **RULES.** The commissioner shall by rule promulgate identity, production and processing standards for milk, milk products and goat milk which are intended to bear the Grade A label.

In the exercise of the authority to establish requirements for Grade A milk, milk products, and goat milk, the commissioner adopts definitions, standards of identity, and requirements for production and processing contained in the "1999 2001 Grade A Pasteurized Milk Ordinance" and the "1995 Grade A Condensed and Dry Milk Ordinance" of the United States Department of Health and Human Services, in a manner provided for and not in conflict with law.

Sec. 23. Minnesota Statutes 2002, section 32.394, subdivision 8c, is amended to read:

Subd. 8c. **GRADE A OR MANUFACTURING GRADE RAW MILK.** Grade A or manufacturing grade raw milk must not have been stored longer than ~~76~~ 72 hours when it is picked up at the farm by the receiving plant. The commissioner or an agent of the commissioner may waive the ~~76-hour~~ 72-hour time limit in a case of hardship, emergency, or natural disaster. On farms permitted or certified for bulk tank storage, the milk may only be picked up from approved bulk milk tanks in proper working order.

Sec. 24. Minnesota Statutes 2002, section 32.415, is amended to read:

32.415 MILK FOR MANUFACTURING; QUALITY STANDARDS.

(a) The commissioner may adopt rules to provide uniform quality standards, and producers of milk used for manufacturing purposes shall conform to the standards contained in Subparts B, C, D, E, and F of the United States Department of Agriculture Consumer and Marketing Service Recommended Requirements for Milk for Manufacturing Purposes and its Production and Processing, as revised through ~~November 12, 1996~~ June 17, 2002, except that the commissioner shall develop methods by which producers can comply with the standards without violation of religious beliefs.

(b) The commissioner shall perform or contract for the performance of the inspections necessary to implement this section or shall certify dairy industry personnel to perform the inspections.

(c) The commissioner and other employees of the department shall make every reasonable effort to assist producers in achieving the milk quality standards at minimum cost and to use the experience and expertise of the University of Minnesota

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and the agricultural extension service to assist producers in achieving the milk quality standards in the most cost-effective manner.

(d) The commissioner shall consult with producers, processors, and others involved in the dairy industry in order to prepare for the implementation of this section including development of informational and educational materials, meetings, and other methods of informing producers about the implementation of standards under this section.

Sec. 25. Minnesota Statutes 2002, section 35.0661, subdivision 4, is amended to read:

Subd. 4. **EXPIRATION.** This section expires July 31, ~~2003~~ 2005.

Sec. 26. Minnesota Statutes 2002, section 41A.09, subdivision 1a, is amended to read:

Subd. 1a. **ETHANOL PRODUCTION GOAL.** It is a goal of the state that ethanol production plants in the state attain a total annual production level of:

- (1) 240,000,000 gallons in 2003;
- (2) 300,000,000 gallons in 2004;
- (3) 360,000,000 gallons in 2005 and 2006;
- (4) 420,000,000 gallons in 2007; and
- (5) 480,000,000 gallons in 2008 and subsequent years.

Sec. 27. Minnesota Statutes 2002, section 41D.01, subdivision 4, is amended to read:

Subd. 4. **EXPIRATION.** This section expires on June 30, ~~2003~~ 2008.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 28. Minnesota Statutes 2002, section 97C.605, subdivision 2c, is amended to read:

Subd. 2c. **LICENSE EXEMPTIONS.** A person does not need a turtle seller's license or an angling license:

- (1) when buying turtles for resale at a retail outlet;
- (2) when buying a turtle at a retail outlet; or

(3) if the person is a nonresident buying a turtle from a licensed turtle seller for export out of state. Shipping documents provided by the turtle seller must accompany each shipment exported out of state by a nonresident. Shipping documents must include: name, address, city, state, and zip code of the buyer; number of each species of turtle; and name and license number of the turtle seller; or

(4) to take, possess, and rent or sell up to 25 turtles for the purpose of providing the turtles to participants at a nonprofit turtle race, if the person is a resident under age 18. The person is responsible for the well-being of the turtles.

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Sec. 29. Minnesota Statutes 2002, section 116.07, subdivision 7, is amended to read:

Subd. 7. COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS. Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(1) the distribution to applicants of forms provided by the pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14. For permit applications filed after October 1, 2001, section 15.99 applies to feedlot permits issued by the agency or a county pursuant to this subdivision.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the

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Natural Resources Conservation Service and the Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. Pastures are exempt from the rules authorized under this paragraph. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. A livestock feedlot permit does not become required solely because of a change in the ownership of the buildings, grounds, or feedlot. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(i) Any new rules or amendments to existing rules proposed under the authority granted in this subdivision, or to implement new fees on animal feedlots, must be submitted to the members of legislative policy and finance committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

(j) Until new rules are adopted that provide for plans for manure storage structures, any plans for a liquid manure storage structure must be prepared or approved by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee.

(k) A county may adopt by ordinance standards for animal feedlots that are more stringent than standards in pollution control agency rules.

(l) After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted.

(m) After the proposed rules published in the State Register, volume 24, number 25, are finally adopted, the agency may not impose additional conditions as a part of a feedlot permit, unless specifically required by law or agreed to by the feedlot operator.

(n) For the purposes of feedlot permitting, a discharge from land-applied manure or a manure stockpile that is managed according to agency rule must not be subject to a fine for a discharge violation.

(o) For the purposes of feedlot permitting, manure that is land applied, or a manure stockpile that is managed according to agency rule, must not be considered a discharge into waters of the state, unless the discharge is to waters of the state, as defined by section 103G.005, subdivision 17, except type 1 or type 2 wetlands, as defined in section 103G.005, subdivision 17b, and does not meet discharge standards established for feedlots under agency rule.

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(p) Unless the upgrade is needed to correct an immediate public health threat under section 145A.04, subdivision 8, or the facility is determined to be a concentrated animal feeding operation under Code of Federal Regulations, title 40, section 122.23, in effect on April 15, 2003, the agency may not require a feedlot operator:

(1) to spend more than \$3,000 to upgrade an existing feedlot with less than 300 animal units unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade; or

(2) to spend more than \$10,000 to upgrade an existing feedlot with between 300 and 500 animal units, unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade or \$50,000, whichever is less.

(q) For the purposes of this section, "pastures" means areas, including winter feeding areas as part of a grazing area, where grass or other growing plants are used for grazing and where the concentration of animals allows a vegetative cover to be maintained during the growing season except that vegetative cover is not required:

(1) in the immediate vicinity of supplemental feeding or watering devices;

(2) in associated corrals and chutes where livestock are gathered for the purpose of sorting, veterinary services, loading and unloading trucks and trailers, and other necessary activities related to good animal husbandry practices; and

(3) in associated livestock access lanes used to convey livestock to and from areas of the pasture.

Sec. 30. Minnesota Statutes 2002, section 239.791, subdivision 1, is amended to read:

Subdivision 1. **MINIMUM OXYGEN ETHANOL CONTENT REQUIRED.**

(a) Except as provided in subdivisions 10 to 14, a person responsible for the product shall comply with the following requirements:

(a) After October 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area must contain at least 2.7 percent oxygen by weight.

(b) After October 1, 1997, ensure that all gasoline sold or offered for sale in Minnesota must contain at least 2.7 ~~10.0~~ percent oxygen denatured ethanol by weight volume.

(c) For the purposes of this subdivision, the oxygenates listed in section 239.761, subdivision 6, paragraph (b), shall not be included in calculating the oxygen content of the gasoline.

(b) For purposes of enforcing the minimum ethanol requirement of paragraph (a), a gasoline/ethanol blend will be construed to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises not less than 9.2 percent by volume and not more than 10.0 percent by volume of the blend as determined by an appropriate United States Environment Protection Agency of American Society of Testing Materials standard method of analysis of alcohol/ether content in motor fuels.

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

Sec. 31. Minnesota Statutes 2002, section 500.221, subdivision 2, is amended to read:

Subd. 2. **ALIENS AND NON-AMERICAN CORPORATIONS.** Except as hereinafter provided, no natural person shall acquire directly or indirectly any interest in agricultural land unless the person is a citizen of the United States or a permanent resident alien of the United States. In addition to the restrictions in section 500.24, no corporation, partnership, limited partnership, trustee, or other business entity shall directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial or otherwise, in any title to agricultural land unless at least 80 percent of each class of stock issued and outstanding or 80 percent of the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens. This section shall not apply:

(1) to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All agricultural land acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership;

(2) to citizens or subjects of a foreign country whose rights to hold land are secured by treaty;

(3) to lands used for transportation purposes by a common carrier, as defined in section 218.011, subdivision 10;

(4) to lands or interests in lands acquired for use in connection with (i) the production of timber and forestry products by a corporation organized under the laws of Minnesota, or (ii) mining and mineral processing operations. Pending the development of agricultural land for the production of timber and forestry products or mining purposes the land may not be used for farming except under lease to a family farm, a family farm corporation or an authorized farm corporation;

(5) to agricultural land operated for research or experimental purposes if the ownership of the agricultural land is incidental to the research or experimental objectives of the person or business entity and the total acreage owned by the person or business entity does not exceed the acreage owned on May 27, 1977;

(6) to the purchase of any tract of 40 acres or less for facilities incidental to pipeline operation by a company operating a pipeline as defined in section 116I.01, subdivision 3; or

(7) to agricultural land and land capable of being used as farmland in vegetable processing operations that is reasonably necessary to meet the requirements of pollution control law or rules; or

(8) to an interest in agricultural land held on the effective date of this section by a natural person with a nonimmigrant treaty investment visa, pursuant to United States Code, title 8, section 1101(a)15(E)(ii), if, within five years after the effective date of this section, the person:

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

(i) disposes of all agricultural land held; or

(ii) becomes a permanent resident alien of the United States or a United States citizen.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 32. REPEALER.

Subdivision 1. ANAPLASMOSIS TESTING REQUIREMENT. Minnesota Statutes 2002, section 35.251, is repealed.

Subd. 2. RELATED RULES. Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; and 1715.1430, are repealed.

Sec. 33. REPEALER.

Minnesota Statutes 2002, sections 31.92, subdivisions 2a and 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, and 1c, are repealed.

Sec. 34. EFFECTIVE DATE.

Section 1 is effective August 1, 2004. Sections 25 and 32 are effective the day following final enactment.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 6:00 p.m.

CHAPTER 108—H.F.No. 279

An act relating to health; expanding authority of physician assistants and advanced practice registered nurses; amending Minnesota Statutes 2002, sections 147A.09, subdivision 2; 169.345, subdivision 2a; 253B.05, subdivision 2.

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

Section 1. Minnesota Statutes 2002, section 147A.09, subdivision 2, is amended to read:

Subd. 2. **DELEGATION.** Patient services may include, but are not limited to, the following, as delegated by the supervising physician and authorized in the agreement:

- (1) taking patient histories and developing medical status reports;
- (2) performing physical examinations;
- (3) interpreting and evaluating patient data;
- (4) ordering or performing diagnostic procedures;

New language is indicated by underline, deletions by strikeout.