

STATE OF MINNESOTA

SEVENTY-SIXTH SESSION — 1989

TWENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 3, 1989

The House of Representatives convened at 2:30 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Rabbi Harold Kravitz of the Adath Jeshurun Synagogue, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abrams	Frerichs	Krueger	Onnen	Seaberg
Anderson, G.	Girard	Lasley	Orenstein	Segal
Anderson, R.	Greenfield	Lieder	Osthoff	Simoneau
Battaglia	Gruenes	Limmer	Ostrom	Skoglund
Bauerly	Gutknecht	Long	Otis	Solberg
Beard	Hartle	Lynch	Ozment	Sparby
Begich	Hasskamp	Macklin	Pappas	Stanis
Bennett	Haukoos	Marsh	Pauly	Steensma
Bertram	Heap	McDonald	Pellow	Sviggum
Bishop	Henry	McEachern	Pelowski	Swenson
Blatz	Himle	McGuire	Peterson	Tjornhom
Boo	Hugoson	McLaughlin	Poppenhagen	Tompkins
Brown	Jacobs	McPherson	Price	Trimble
Burger	Janezich	Milbert	Pugh	Tunheim
Carlson, D.	Jaros	Miller	Quinn	Uphus
Carlson, L.	Jefferson	Morrison	Redalen	Valento
Carruthers	Jennings	Munger	Reding	Vellenga
Clark	Johnson, A.	Murphy	Rest	Wagenius
Conway	Johnson, R.	Nelson, C.	Rice	Waltman
Cooper	Johnson, V.	Nelson, K.	Richter	Weaver
Dauner	Kahn	Neuenschwander	Rodosovich	Welle
Dawkins	Kalis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Wynia
Forsythe	Knickerbocker	Olson, K.	Scheid	Spk. Vanasek
Frederick	Kostohryz	Omann	Schreiber	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly moved that further reading of the Journal be dispensed

with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1155, 770, 956, 989, 1117, 185, 245, 493, 529, 593, 1014 and 1090 and S. F. No. 1011 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

March 29, 1989

The Honorable Robert E. Vanasek
Speaker of the House of Representatives
The State of Minnesota

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 148, relating to local government; permitting the counties of Washington and Anoka to establish certain payment procedures.

H. F. No. 512, relating to local government; authorizing towns to require a bond or other security in establishing cartways.

H. F. No. 387, relating to traffic regulations; exempting state patrol troopers from requirement of security barrier in marked state patrol vehicles.

H. F. No. 509, relating to the city of St. Peter; providing for a seven-member municipal hospital board and a nine-member economic development authority.

Sincerely,

RUDY PERPICH
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1989 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>1989</i>	<i>Date Filed</i> <i>1989</i>
	148	13	9:17-March 29	March 29
121		14	13:44-March 29	March 29
149		15	9:18-March 29	March 29
	512	16	13:45-March 29	March 29
	387	17	13:42-March 29	March 29
	509	18	13:44-March 29	March 29

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

REPORTS OF STANDING COMMITTEES

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 66, A bill for an act relating to gambling; creating a department of gaming; authorizing a state lottery to be conducted by

a division of state lottery within the department of gaming; creating a division of charitable gambling control and transferring certain powers of the charitable gambling control board to that division and to the department of revenue; creating a division of pari-mutuel racing; creating a division of inspection and enforcement and providing for its duties; prescribing penalties; appropriating money; amending Minnesota Statutes 1988, sections 10A.01, subdivision 18; 10A.09, subdivision 1; 15.06, subdivision 1; 15A.081, subdivision 1; 240.01, by adding subdivisions; 240.02, subdivisions 1 and 2; 240.04, subdivisions 1, 3, and 7; 240.06, subdivisions 3 and 8; 240.07, subdivision 2; 240.08, subdivision 3; 240.21; 240.28; 290.01, subdivision 19b; 297A.25, by adding a subdivision; 340A.410, subdivision 5; 349.12, subdivisions 11, 17, and 20, and by adding subdivisions; 349.151, subdivisions 1, 2, 4, and 5; 349.16, subdivision 4; 349.161, subdivision 4; 349.162, subdivisions 1, 2, 4, and 5; 349.163; 349.18, subdivision 1; 349.19, subdivisions 5 and 6; 349.212; 349.2121, subdivisions 2, 3, 4, 4a, 6, 7, 8, and 10; 349.2122; 349.2125, subdivisions 1, 2, and 3; 349.2127, subdivision 2; 349.214, subdivision 2; 349.22, subdivisions 1 and 3; 541.20; 541.21; 609.75; 609.761; and 626.85, subdivision 1; proposing coding for new law as Minnesota Statutes, chapters 349A; 349B; and 349C; proposing coding for new law in Minnesota Statutes, chapters 240 and 349; repealing Minnesota Statutes 1988, sections 240.02, subdivision 7; 349.151, subdivisions 3 and 5; 349.161, subdivision 7; 349.164, subdivision 5; 349.171; and 349.22, subdivision 4.

Reported the same back with the following amendments:

Page 3, line 2, after the period insert "After that date, the commission consists of eight members appointed by the governor with the advice and consent of the senate, plus the commissioner as a voting member."

Page 4, lines 30 and 32, strike "executive"

Page 4, line 33, delete "If" and insert "The"

Page 40, line 27, delete "AGENCY" and insert "DIVISION"

Page 41, after line 16, insert:

"A hearing under this subdivision must be conducted by the person proposing to remove the director."

Page 42, line 2, delete "shall" and insert "may"

Page 42, line 9, after the first "employees" insert "who are finalists as defined in section 13.43, subdivision 3,"

Page 43, line 5, delete "and"

Page 43, line 8, delete the period and insert “; and

(4) to approve additional compensation for the director under subdivision 3.

Subd. 3. [DIRECTOR; ADDITIONAL COMPENSATION.] The board shall adopt objective criteria for evaluating the performance of the director. The criteria must include, but is not limited to, the performance factors in section 3, subdivision 2, paragraph (b), clauses (1) to (4). The board may approve, by majority vote of all members, compensation for the director in addition to the compensation provided under section 15A.081, subdivision 1, based on the director's performance in office as evaluated according to the board's criteria. The additional compensation shall be paid from the lottery operations fund. The board may not approve additional compensation under this subdivision more often than once in a 12-month period.”

Page 53, line 1, after the period insert:

“Subd. 9.”

Page 61, line 31, delete “seeking” and insert “who are finalists, as defined in section 13.43, subdivision 3, for”

Page 68, after line 14, insert:

“Sec. 4. Minnesota Statutes 1988, section 43A.08, subdivision 1a, is amended to read:

Subd. 1a. [ADDITIONAL UNCLASSIFIED POSITIONS.] Appointing authorities for the following agencies may designate additional unclassified positions according to this subdivision: the departments of administration; agriculture; commerce; corrections; jobs and training; education; employee relations; trade and economic development; finance; gaming; health; human rights; labor and industry; natural resources; office of administrative hearings; public safety; public service; human services; revenue; transportation; and veterans affairs; the housing finance, state planning, and pollution control agencies; the state board of investment; the waste management board; the offices of the secretary of state, state auditor, and state treasurer; the state board of vocational technical education; the school and resource center for the arts; and the Minnesota zoological board.

A position designated by an appointing authority according to this subdivision must meet the following standards and criteria:

(1) the designation of the position would not be contrary to other law relating specifically to that agency;

(2) the person occupying the position would report directly to the agency head or deputy agency head and would be designated as part of the agency head's management team;

(3) the duties of the position would involve significant discretion and substantial involvement in the development, interpretation, and implementation of agency policy;

(4) the duties of the position would not require primarily personnel, accounting, or other technical expertise where continuity in the position would be important;

(5) there would be a need for the person occupying the position to be accountable to, loyal to, and compatible with the governor and the agency head, or the employing constitutional officer;

(6) the position would be at the level of division or bureau director or assistant to the agency head; and

(7) the commissioner has approved the designation as being consistent with the standards and criteria in this subdivision."

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 14, after the semicolon insert "43A.08, subdivision 1a;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 235, A bill for an act relating to human services; authorizing counties to establish multidisciplinary chemical dependency prevention teams; authorizing the state planning agency to fund these teams in several counties on a demonstration basis; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 254A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [254A.075] [MULTIDISCIPLINARY CHEMICAL ABUSE PREVENTION TEAM.]

Subdivision 1. [ESTABLISHMENT OF TEAM.] A county, a multicounty organization of counties formed by an agreement under section 471.59, or a city with a population of no more than 50,000, may establish a multidisciplinary chemical abuse prevention team. The chemical abuse prevention team may include, but not be limited to, representatives of health, mental health, public health, law enforcement, educational, social service, court service, community education, religious, and other appropriate agencies, and parent and youth groups. For purposes of this section, "chemical abuse" has the meaning given in Minnesota Rules, part 9530.6605, subpart 6. When possible the team must coordinate its activities with existing local groups, organizations, and teams dealing with the same issues the team is addressing.

Subd. 2. [DUTIES OF TEAM.] (a) A multidisciplinary chemical abuse prevention team shall:

(1) assist in coordinating chemical abuse prevention and treatment services provided by various groups, organizations, and agencies in the community;

(2) disseminate information on the chemical abuse prevention and treatment services that are available within the community in which the team is established;

(3) develop and conduct educational programs on chemical abuse prevention for adults and youth within the community in which the team is established;

(4) conduct activities to address other high-risk behaviors related to chemical abuse, including, but not limited to, suicide, delinquency, and family violence; and

(5) conduct other appropriate chemical abuse prevention activities.

(b) The team, in carrying out its duties under this subdivision, must focus on chemical abuse issues and needs unique to the community in which the team is established. In defining the needs and goals of the team, the team shall consult with the governmental body of the city or county in which the team is established. When a team is established in a multicounty area, the team shall consult with representatives of the county boards of each county.

(c) The team, in carrying out its duties, shall comply with the government data practices act in chapter 13, and requirements for confidentiality of records under Code of Federal Regulations, title

42, sections 2.1 to 2.67, as amended through December 31, 1988, and section 254A.09.

Subd. 3. [GRANTS FOR DEMONSTRATION PROGRAM.] The state planning agency may award a grant to a county, multicounty organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse prevention team. The agency may approve up to five applications for grants under this subdivision. The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.

Subd. 4. [STATE PLANNING; ADMINISTRATION OF GRANTS.] The state planning agency shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program that the agency administers under the Drug Free Schools and Communities Act, Public Law Number 100-690. The process for administering the grants must include establishing criteria the state planning agency shall apply in awarding grants. The state planning agency shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information about the applicant and other information the state planning agency considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the state planning agency. The state planning agency shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.

Sec. 2. [MONITORING AND REPORT OF CHEMICAL ABUSE PREVENTION TEAMS.]

The state planning agency shall monitor the activities of teams funded under the demonstration program for multidisciplinary chemical abuse prevention teams under section 1, and report to the legislature on or before January 1, 1991, on the teams' operation and progress.

Sec. 3. [APPROPRIATION.]

\$ is appropriated for the biennium ending June 30, 1991, from the general fund to the commissioner of the state planning agency for the purposes of sections 1 and 2."

Amend the title as follows:

Page 1, line 3, delete "dependency" and insert "abuse"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations:

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 257, A bill for an act relating to state government; eliminating the requirement that certain reports of occupational licensing boards be summarized; eliminating certain prohibitions against state purchase of insurance; regulating state sale of goods and services; amending Minnesota Statutes 1988, sections 15.39, subdivision 1; 16A.85, subdivision 2; 16B.06, subdivisions 1, 2, and 4; and 16B.405; repealing Minnesota Statutes 1988, sections 15.38; and 214.07, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 15.0575, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the boards shall be compensated at the rate of at least \$35 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted pursuant to section 43A.18, subdivision 2. A board may authorize compensation of up to \$55 per day spent on board activities. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization. Members who are full-time state employees or full-time employees of the political subdivisions of the state shall not receive the ~~\$35 per day~~ daily compensation, but they shall suffer no loss in compensation or benefits from the state or a political subdivision as a result of their service on the board. Members who are full-time state employees or full-time employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 2. Minnesota Statutes 1988, section 15.16, is amended to read:

15.16 [TRANSFER OF LANDS BETWEEN DEPARTMENTS.]

Subdivision 1. [AGREEMENT.] ~~In order~~ To facilitate the transfer of the control of state owned lands between state departments and agencies of government and to avoid the necessity of condemning state lands by a department or agency of government of the state, ~~any~~ a department or agency of the state government of the State of Minnesota may acquire the control of state lands for public purposes from the department or agency of state government having ~~such~~ those lands under its control and supervision, upon ~~such~~ terms and conditions as ~~may be that~~ are mutually agreed upon by the heads of the interested state departments or agencies.

Subd. 2. [EXECUTIVE COUNCIL TO DETERMINE TERMS.] ~~In the event~~ If the heads of ~~such~~ the departments or agencies acting under subdivision 1 are unable to agree as to on the terms and conditions of a transfer of control of these state lands, the executive council, upon application of a state department or agency having the power to acquire lands for public purposes, shall determine the terms and conditions and may order the transfer of the control of state lands to the department so or agency requesting the transfer.

Subd. 3. [COMMISSIONER OF FINANCE AND TREASURER TO TRANSFER FUNDS.] The commissioner of finance and the state treasurer are hereby authorized and directed to transfer funds between state departments and agencies to effect the terms and conditions to transfer the control of real estate as ~~hereinbefore~~ provided in this section.

Subd. 4. [ATTORNEY GENERAL TO PRESCRIBE FORM OF TRANSFER.] The transfer of control of real estate as ~~hereinbefore~~ provided shall under this section must be made on ~~such~~ transfer documents as prescribed by the attorney general shall prescribe, and all ~~such~~ the transfer documents shall must be permanently filed in the office of the commissioner of finance.

Subd. 5. [OBTAINING RECOMMENDATION.] No control of state-owned lands shall may be transferred between state departments or agencies without the departments or agencies first consulting the chairs of the senate finance committee and house of representatives appropriations committee and obtaining their recommendations. The recommendations shall be are advisory only. Failure to obtain a prompt recommendation shall be is deemed a negative recommendation.

Sec. 3. Minnesota Statutes 1988, section 15.17, subdivision 1, is amended to read:

Subdivision 1. [MUST BE KEPT.] All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities

within the state, hereinafter "public officer," shall make and preserve all records necessary to a full and accurate knowledge of their official activities. All government records shall be made on a physical medium of a quality to insure permanent records. Every public officer, is empowered to reproduce records by any photographic, photostatic, microphotographic, ~~or optical disk imaging system, microfilming means which produces copies meeting, or other reproduction methods if the record is not deemed to be of permanent or archival value as authorized by the commissioner of administration and the records disposition panel under section 138.17. If the record is deemed to be of permanent or archival value, any reproduction of the record must meet archival standards specified by the Minnesota historical society and which clearly and accurately reproduces the records.~~ Each public officer may order that those photographs, photostats, microphotographs, microfilms, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, in accordance with the disposition requirements of section 138.17. Photographs, photostats, microphotographs, microfilms, or other reproductions shall for all purposes be deemed the original recording of the papers, books, documents and records reproduced when so ordered by any public officer and shall be admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, or other reproduction, or an enlargement or reduction of it, shall have the same effect and weight as evidence as would a certified or exemplified copy of the original.

Sec. 4. Minnesota Statutes 1988, section 15.39, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding the provisions of section 15.38, or any other law to the contrary, the commissioner of the department of jobs and training of the state of Minnesota may insure the state of Minnesota purchase insurance against loss by fire, flood, wind-storm, or ~~ternade~~ to state-owned buildings occupied by said the department, ~~in~~ from any insurance companies licensed to do business in this state in ~~such~~ an amount as ~~that~~ the commissioner may from time to time determine and ~~to pay premiums therefor for the insurance from federal funds granted for the administration of the department of jobs and training.~~

Sec. 5. Minnesota Statutes 1988, section 16A.85, subdivision 2, is amended to read:

Subd. 2. [COVENANTS.] The commissioner of finance may covenant in a master lease that the state will abide by the terms and provisions that are customary in net lease or lease-purchase transactions including, but not limited to, covenants providing that the state:

(1) will maintain ~~rental interruption, liability, and casualty insurance notwithstanding section 15.38~~ as required under the terms of the lease agreement;

(2) is responsible to the lessor for any public liability or property damage claims or costs related to the selection, use, or maintenance of the leased equipment, to the extent of insurance or self-insurance maintained by the lessee, and for costs and expenses incurred by the lessor as a result of any default by the lessee;

(3) authorizes the lessor to exercise the rights of a secured party with respect to the equipment subject to the lease in the event of default by the lessee and, in addition, for the present recovery of lease rentals due during the current term of the lease as liquidated damages.

Sec. 6. Minnesota Statutes 1988, section 16B.06, subdivision 4, is amended to read:

Subd. 4. [SUBJECT TO AUDIT.] A contract or any disbursement of public funds to a provider of services or a grantee, made by or under the supervision of the commissioner, an agency, or any county or unit of local government shall must include, expressly or impliedly, an audit clause that provides that the books, records, documents, and accounting procedures and practices of the contractor or other party, relevant to the contract or transaction are subject to examination by the contracting agency, and either the legislative auditor or the state auditor as appropriate. A state contract made for purchase, lease, or license of software and data from the state is not required to contain that audit clause.

Sec. 7. Minnesota Statutes 1988, section 16B.19, subdivision 6, is amended to read:

Subd. 6. [CONTRACTS IN EXCESS OF \$200,000; SET-ASIDE.] The commissioner as a condition of awarding state procurements for construction contracts or approving contracts for consultant, professional, or technical services pursuant to section 16B.17 in excess of \$200,000 shall require that at least ten percent of the contract award to a prime contractor be subcontracted to a business owned and operated by a socially or economically disadvantaged person or persons or that at least ten percent of the contract award be expended in purchasing materials or supplies from said person or persons. If there is no socially or economically disadvantaged person or persons or other small businesses able to perform the subcontract or to provide the supplies or materials, the construction contract or contract for consultant, professional, or technical services may be awarded notwithstanding the ten percent requirement provided that the ten percent requirement is made up in other such contracts awarded or to be awarded by the same agency. In determining if a business is able to perform a prime contract or subcontract or

provide supplies or materials, the commissioner must consider whether a business is a responsible bidder, based on criteria in the commissioner's rules defining responsible bidders. Any subcontracting or purchasing of supplies and materials pursuant to this subdivision may not be included in determining the total amount of awards required by subdivisions 1, 2, and 5. In the event small businesses owned and operated by socially and economically disadvantaged persons are unable to perform ten percent of the prime contract award, the commissioner shall require that other small businesses perform at least ten percent of the prime contract award. The commissioner may determine that small businesses owned and operated by socially and economically disadvantaged persons are unable to perform at least ten percent of the prime contract award prior to the advertising for bids. Each construction contractor bidding on a project over \$200,000 shall submit with the bid a list of the businesses owned and operated by socially or economically disadvantaged persons that are proposed to be utilized on the project with a statement indicating the portion of the total bid to be performed by each business. The commissioner shall reject any bid to which this subdivision applies that does not contain this information. Prime contractors receiving construction contract awards in excess of \$200,000 shall furnish to the commissioner the name of each business owned and operated by a socially or economically disadvantaged person or persons or other small business that is performing work or supplying supplies and materials on the prime contract and the dollar amount of the work performed or to be performed or the supplies and materials to be supplied. Once the contract has been awarded, the prime contractor must use the socially and economically disadvantaged subcontractors proposed to be utilized on the project, unless the subcontractors are unable to perform in accordance with the award.

This subdivision does not apply to prime contractors that are themselves small businesses owned and operated by socially or economically disadvantaged persons, as duly certified pursuant to section 16B.22.

Sec. 8. Minnesota Statutes 1988, section 16B.20, subdivision 2, is amended to read:

Subd. 2. [ADVISORY COUNCIL.] A ~~The~~ small business procurement advisory council ~~is created. The council~~ consists of 13 members appointed by the commissioner of administration. A chair of the advisory council ~~shall~~ must be elected from among the members. The appointments are subject to the appointments program provided by section 15.0597. The terms, compensation, and removal of members are as provided in section 15.059, ~~but members do not receive per diem. The council expires as provided in section 15.059, subdivision 5.~~

Sec. 9. Minnesota Statutes 1988, section 16B.22, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] (a) A small business owned and operated by socially or economically disadvantaged persons is eligible to participate under the requirements of sections 16B.19 to 16B.22 for a maximum of five years ~~from the date of receipt of the first set-aside award~~ and after that period is not eligible to participate for another five years. The five-year eligibility period begins on January 1 of the year in which the business received its first award under this program if the award was made between January 1 and June 30, and on July 1 of the year in which the business received its first award under this program if the award was made between July 1 and December 31.

(b) A business is not eligible to participate in this program if:

(1) the socially or economically disadvantaged owner or the business has previously participated in the program and exceeded the five-year limit specified in paragraph (a);

(2) the business has exceeded the five-year limit specified in paragraph (a) and has been renamed, restructured, or otherwise reorganized; or

(3) ownership or operating control of the business was transferred from a person not socially or economically disadvantaged to a socially or economically disadvantaged person within the last two years. The two-year period may be waived at the discretion of the commissioner, taking into account the circumstances surrounding the change in ownership or operating control.

A small business that received its first set-aside award more than five years before July 1, 1985, is not eligible to participate for five years after July 1, 1985. The five-year maximum does not apply to sheltered workshops and work activity programs.

Sec. 10. Minnesota Statutes 1988, section 16B.24, subdivision 1, is amended to read:

Subdivision 1. [OPERATION AND MAINTENANCE OF BUILDINGS.] The commissioner is authorized to maintain and operate the state capitol building and grounds, subject to whatever standards and policies are set for its appearance and cleanliness by the capitol area architectural and planning board and the commissioner pursuant to under section 15.50, subdivision 2, clause (h), and the state office building, the historical society building, the Normandale, Anoka-Ramsey, North Hennepin, Lakewood, Metropolitan, and South East Metropolitan Community Colleges, the economic security buildings in Minneapolis and St. Paul, the state department of

health building, and the surplus property building, and their grounds, and, when the commissioner considers it advisable and practicable, any other building or premises owned or rented by the state for the use of a state agency. The commissioner shall assign and reassign office space in the capitol and state buildings to make an equitable division of available space among agencies. The power granted in this subdivision does not apply to state hospitals or to educational, penal, correctional, or other institutions not enumerated in this subdivision the control of which is vested by law in some other agency.

Sec. 11. [16B.465] [STATEWIDE TELECOMMUNICATIONS ACCESS ROUTING SYSTEM.]

Subdivision 1. [CREATION.] The statewide telecommunications access routing system provides voice, data, video, and other telecommunications transmission services to state agencies, educational institutions, public corporations, and state political subdivisions. It is not a telephone company for purposes of chapter 237. It shall not resell or sublease any services or facilities to nonpublic entities. The commissioner has the responsibility for planning, development, and operations of a statewide telecommunications access routing system in order to provide cost effective telecommunications transmission services to system users.

Subd. 2. [ADVISORY COUNCIL.] The statewide telecommunications access routing system is managed by the commissioner. Subject to section 15.059, subdivisions 1 to 4, the commissioner shall appoint an advisory council to provide assistance in implementing a statewide telecommunications access routing system. The council consists of:

(1) one member appointed by the higher education advisory council established by section 136A.02, subdivision 6;

(2) the system heads, or their designees, of the University of Minnesota, the state university system, the community colleges system, and the board of vocational technical education; and

(3) five members appointed by the governor or the governor's designee or designees, four of whom must be agency heads, or their designees or representatives of political subdivisions.

No member of the advisory council may be a vendor of telecommunications equipment or services or an employee or representative of a vendor.

Subd. 3. [DUTIES.] The commissioner, after consultation with the council, shall:

(1) provide voice, data, video, and other telecommunications transmission services to the state and to political subdivisions through the statewide telecommunications access routing system revolving fund;

(2) appoint a chief executive officer of the system to serve in the unclassified service;

(3) manage vendor relationships, network function, and capacity planning in order to be responsive to the needs of the system users;

(4) set rates and fees for services;

(5) approve contracts relating to the system; and

(6) develop the system plan, including plans for the phasing of its implementation and maintenance of the initial system, and the annual program and fiscal plans for the system.

Subd. 4. [REVOLVING FUND.] The statewide telecommunications access routing system revolving fund is a separate fund for the department of administration in the state treasury for the receipt of and payment of funds for the statewide telecommunications access routing system established in subdivision 1. Money appropriated to the fund and fees for communications services provided by the statewide telecommunications access routing system must be deposited in the fund. Money in the fund is appropriated annually to the commissioner to operate the statewide telecommunications access routing system.

Subd. 5. [EXEMPTION.] The system is exempt from the five-year limitation on contracts set by section 16B.07, subdivision 2.

Sec. 12. Minnesota Statutes 1988, section 16B.48, is amended to read:

16B.48 [GENERAL SERVICES AND COMPUTER SERVICES INTERTECHNOLOGIES REVOLVING FUNDS.]

Subdivision 1. [REIMBURSEMENTS.] Fees prescribed pursuant to under section 16B.51, for the rendering of the services provided in that section are deposited in the state treasury by the collecting agency and credited to the general services revolving fund.

Subd. 2. [PURPOSE OF FUNDS.] Money in the state treasury credited to the general services revolving fund and money which that is deposited in the fund is appropriated annually to the commissioner for the following purposes:

(1) to operate a central store and equipment service;

- (2) to operate a central duplication and printing service;
- (3) to purchase postage and related items and to refund postage deposits as necessary to operate the central mailing service;
- (4) to operate a documents service as prescribed by section 16B.51;
- (5) to provide advice and other services to political subdivisions for the management of their records, information, and telecommunication systems;
- (6) to provide services for the maintenance, operation, and upkeep of buildings and grounds managed by the commissioner of administration;
- (7) to provide analytical, statistical, and organizational development services to state agencies, local units of government, metropolitan and regional agencies, and school districts;
- (8) to provide capitol security services through the department of public safety; and
- (9) to perform services for any other agency. Money ~~shall~~ may be expended for this purpose only when directed by the governor. The agency receiving the services shall reimburse the fund for their cost, and the commissioner shall make the appropriate transfers when requested. The term "services" as used in this clause means compensation paid officers and employees of the state government; supplies, materials, equipment, and other articles and things used by or furnished to an agency; and utility services, and other services for the maintenance, operation, and upkeep of buildings and offices of the state government.

Subd. 3. [**COMPUTER SERVICES INTERTECHNOLOGIES REVOLVING FUND.**] Money in the ~~computer services intertechnologies~~ revolving fund is appropriated annually to the commissioner to operate the ~~division of computer information, records, and telecommunications~~ services.

Subd. 4. [**REIMBURSEMENTS.**] Except as specifically provided otherwise by law, each agency shall reimburse ~~the computer services intertechnologies~~ and general services revolving funds for the cost of all services, supplies, materials, labor, and depreciation of equipment, including reasonable overhead costs, which the commissioner is authorized and directed to furnish an agency. The cost of all publications or other materials produced by the commissioner and financed from the general services revolving fund ~~shall~~ must include reasonable overhead costs. The commissioner of finance shall make appropriate transfers to the revolving funds described in this section when requested by the commissioner of administration. The com-

missioner of administration may make allotments, encumbrances, and, with the approval of the commissioner of finance, disbursements in anticipation of such transfers. In addition, the commissioner of administration, with the approval of the commissioner of finance, may require an agency to make advance payments to the revolving funds in this section sufficient to cover the agency's estimated obligation for a period of at least 60 days. All ~~such~~ reimbursements and other money received by the commissioner of administration under this section ~~shall~~ must be deposited in the appropriate revolving fund. Any earnings remaining in the fund established to account for the documents service prescribed by section 16B.51 at the end of each fiscal year not otherwise needed for present or future operations, as determined by the commissioners of administration and finance, ~~shall~~ must be transferred to the general fund.

Subd. 5. [LIQUIDATION.] If the ~~computer services intertechnologies~~ or general services revolving fund is abolished or liquidated, the total net profit from the operation of each fund ~~shall~~ must be distributed to the various funds from which purchases were made. The amount to be distributed to each fund ~~shall~~ must bear to ~~such~~ the net profit the same ratio as the total purchases from each fund bears to the total purchases from all the funds during ~~such~~ the same period of time as ~~shall~~ fairly reflect the amount of net profit each fund is entitled to receive under the distribution required by this section.

Sec. 13. Minnesota Statutes 1988, section 16B.54, subdivision 2, is amended to read:

Subd. 2. [VEHICLES.] (a) [ACQUISITION FROM AGENCY; APPROPRIATION.] The commissioner may direct an agency to make a transfer of a passenger motor vehicle or truck ~~presently~~ currently assigned to it. The transfer must be made to the commissioner for use in the central motor pool. The commissioner shall reimburse an agency whose motor vehicles have been paid for with funds dedicated by the constitution for a special purpose and which are assigned to the central motor pool. The amount of reimbursement for a motor vehicle is its average wholesale price as determined from the midwest edition of the national automobile dealers association official used car guide.

(b) [PURCHASE.] To the extent that funds are available for the purpose, the commissioner may purchase or otherwise acquire additional passenger motor vehicles and trucks necessary for the central motor pool. The title to all motor vehicles assigned to or purchased or acquired for the central motor pool is in the name of the department of administration.

(c) [TRANSFER AT AGENCY REQUEST.] On the request of an agency, the commissioner may transfer to the central motor pool any

passenger motor vehicle or truck for the purpose of disposing of it. The department or agency transferring the vehicle or truck shall must be paid for it from the motor pool revolving account established by this section in an amount equal to two-thirds of the average wholesale price of the vehicle or truck as determined from the midwest edition of the National Automobile Dealers Association official used car guide.

(d) [VEHICLES; MARKING.] The commissioner shall provide for the uniform marking of all motor vehicles. Motor vehicle colors must be selected from the regular color chart provided by the manufacturer each year. The commissioner may further provide by rule for the use of motor vehicles without uniform coloring or marking by the governor, the lieutenant governor, the division of criminal apprehension, arson investigators of the division of fire marshal in the department of public safety, financial institutions division of the department of commerce, and the office of the attorney general, and the investigative staff of the department of jobs and training.

Sec. 14. Minnesota Statutes 1988, section 138.17, subdivision 1, is amended to read:

Subdivision 1. [DESTRUCTION, PRESERVATION, REPRODUCTION OF RECORDS; PRIMA FACIE EVIDENCE.] The attorney general, legislative auditor in the case of state records, state auditor in the case of local records, and director of the Minnesota historical society, hereinafter director, shall constitute the records disposition panel. The members of the panel shall have power by unanimous consent to direct the destruction or sale for salvage of government records determined to be no longer of any value, or to direct the disposition by gift to the Minnesota historical society or otherwise of government records determined to be valuable for preservation. The records disposition panel may by unanimous consent order any of those records to be reproduced by photographic or other means, and order that photographic or other reproductions be substituted for the originals of them. It may direct the destruction or sale for salvage or other disposition of the originals from which they were made. Photographic or other reproductions shall for all purposes be deemed the originals of the records reproduced when so ordered by the records disposition panel, and shall be admissible as evidence in all courts and in proceedings of every kind. A facsimile, exemplified or certified copy of a photographic, optical disk imaging, or other reproduction, or an enlargement or reduction of it, shall have the same effect and weight as evidence as would a certified or exemplified copy of the original. The records disposition panel, by unanimous consent, may direct the storage of government records, except as herein provided, and direct the storage of photographic or other reproductions. Photographic or other reproductions substituted for original records shall be disposed of in accordance with the procedures provided for the original records. For the purposes of this chapter: (1) The term "government records" means state and local

records, including all cards, correspondence, discs, maps, memoranda, microfilms, papers, photographs, recordings, reports, tapes, writings, optical disks, and other data, information or documentary material, regardless of physical form or characteristics, storage media or conditions of use, made or received by an officer or agency of the state and an officer or agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity within the state pursuant to state law or in connection with the transaction of public business by an officer or agency; (2) The term "state record" means a record of a department, office, officer, commission, commissioner, board or any other agency, however styled or designated, of the executive branch of state government; a record of the state legislature; a record of any court, whether of statewide or local jurisdiction; and any other record designated or treated as a state record under state law; (3) The term "local record" means a record of an agency of a county, city, town, school district, municipal subdivision or corporation or other public authority or political entity; (4) The term "records" excludes data and information that does not become part of an official transaction, library and museum material made or acquired and kept solely for reference or exhibit purposes, extra copies of documents kept only for convenience of reference and stock of publications and processed documents, and bonds, coupons, or other obligations or evidences of indebtedness, the destruction or other disposition of which is governed by other laws; (5) The term "state archives" means those records preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of government or because of the value of the information contained in them, when determined to have sufficient historical or other value to warrant continued preservation by the state of Minnesota and accepted for inclusion in the collections of the Minnesota historical society.

Sec. 15. Minnesota Statutes 1988, section 214.07, subdivision 2, is amended to read:

Subd. 2. [SUMMARY OF BOARD REPORTS.] Not later than December 15 of each even-numbered year, the commissioner of health with respect to the health-related licensing boards and the commissioner of administration with respect to the non-health-related boards shall prepare summary reports compiling the information required by subdivision 1, clauses (b) and (g) to (p) and contained in the reports submitted by the boards the preceding year pursuant to subdivision 1. The summary reports shall must also specify the staff and services provided by the departments department to each board. The summary reports shall must be distributed to the legislature pursuant to under section 3.195 and to the governor.

Sec. 16. Minnesota Statutes 1988, section 214.09, subdivision 3, is amended to read:

Subd. 3. [COMPENSATION.] Members of the boards shall be compensated at the rate of at least \$35 per day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted according to section 43A.18, subdivision 2. A board may authorize compensation of up to \$55 per day spent on board activities. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization. If members who are full-time state employees or employees of the political subdivisions of the state receive the \$35 per day daily compensation, and if the major part of their activities occur during normal working hours for which they are also compensated by the state or political subdivision, the employer shall deduct the \$35 amount of the daily compensation from the employee's compensation for that day. In no other case shall a board member who is an employee of the state or political subdivision suffer a loss in compensation or benefits as a result of service on the board. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their normal working hours.

Sec. 17. Minnesota Statutes 1988, section 600.135, subdivision 1, is amended to read:

Subdivision 1. [RECORDS; DESTRUCTION, PHOTOGRAPHIC COPIES.] If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, optical disk imaging, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Sec. 18. [REPEALER.]

Minnesota Statutes 1988, section 15.38, is repealed."

Delete the title and insert:

"A bill for an act relating to state government; regulating markings on state vehicles; eliminating the requirement that certain reports of occupational licensing boards be summarized; eliminating certain prohibitions against state purchase of insurance; regulating state sale of goods and services; regulating certain small business assistance programs; clarifying responsibility for the operation and maintenance of certain buildings; establishing a state telecommunications access routing system; regulating government record keeping; prescribing compensation for certain board members; amending Minnesota Statutes 1988, sections 15.0575, subdivision 3; 15.16; 15.17, subdivision 1; 15.39, subdivision 1; 16A.85, subdivision 2; 16B.06, subdivision 4; 16B.19, subdivision 6; 16B.20, subdivision 2; 16B.22, subdivision 1; 16B.24, subdivision 1; 16B.48; 16B.54, subdivision 2; 138.17, subdivision 1; 214.07, subdivision 2; 214.09, subdivision 3; and 600.135, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 16B; repealing Minnesota Statutes 1988, section 15.38."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Skoglund from the Committee on Insurance to which was referred:

H. F. No. 269, A bill for an act relating to insurance; no-fault auto; clarifying eligibility for economic loss benefits; amending Minnesota Statutes 1988, sections 65B.51, subdivision 2; and 65B.64, subdivisions 2 and 3.

Reported the same back with the following amendments:

Page 2, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1988, section 65B.64, subdivision 3, is amended to read:

Subd. 3. A person shall not be entitled to basic economic loss benefits through the assigned claims plan with respect to injury which was sustained if at the time of such injury the injured person was the owner of a private passenger motor vehicle for which security is required under sections 65B.41 to 65B.71 and that person failed to have such security in effect. ~~Members of the owner's~~

household Persons, whether or not related by blood or marriage, who dwell and function together with the owner as a family, other than adults who have been adjudicated as incompetent and minor children, shall also be disqualified from benefits through the assigned claims plan."

With the recommendation that when so amended the bill pass.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 403, A bill for an act relating to human services; giving subpoena power to the ombudsman for mental health and retardation; requiring reporting of death or serious injury; amending Minnesota Statutes 1988, sections 245.91, by adding a subdivision; and 245.94, subdivision 1, and by adding a subdivision.

Reported the same back with the following amendments:

Page 1, line 24, after "foreign" insert "substances and"

Page 1, line 24, delete "a physician" and insert "are"

Page 1, line 25, delete "considers"

Page 1, line 26, delete "and"

Page 1, after line 26, insert:

"(12) heat exhaustion or sunstroke; and"

Page 2, line 1, delete "(12)" and insert "(13)"

Page 2, line 34, after "witness" insert "who is"

Page 2, line 34, delete "before" and insert "is part of"

Page 2, line 36, after the period insert "Data obtained from a person under this paragraph are private data as defined in section 13.02, subdivision 12."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 417, A bill for an act relating to solid waste; establishing plans and programs to reduce waste generated, recycle waste, develop markets for recyclables, address materials that cause special problems in the waste stream, prevent, control, and abate litter, inform and educate the public on proper waste management; appropriating money; amending Minnesota Statutes 1988, sections 18B.01, by adding a subdivision; 115A.03, by adding subdivisions; 115A.072; 115A.12, subdivision 1; 115A.15, subdivision 5, and by adding subdivisions; 115A.46, subdivision 2, and by adding a subdivision; 115A.48, subdivision 3, and by adding subdivisions; 115A.96, subdivision 2, and by adding a subdivision; 116.07, by adding a subdivision; 116K.04, by adding a subdivision; 275.51, subdivision 1; 297A.01, subdivision 3; 297A.44, subdivision 1; 325E.115, subdivision 1; 400.08, by adding a subdivision; 473.149, subdivision 1; and 473.803, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 18B; 115A; 116C; 116J; 173; 297A; and 473.

Reported the same back with the following amendments:

Page 9, line 23, delete "9" and insert "10"

Page 11, after line 20, insert:

"Sec. 9. [121.938] [DISTRICTS TO RECYCLE PAPER.]

Subdivision 1. [DEFINITION.] For the purposes of this section, "recycle" has the meaning given it in section 115A.03, subdivision 25b.

Subd. 2. [RECYCLING REQUIRED.] The state board of education shall require all public school districts to recycle paper used by the districts. The board may exempt from its requirement to recycle any district that the board determines will spend more money to recycle paper than will be saved by recycling."

Renumber the remaining sections

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 445, A bill for an act relating to alcoholic beverages;

requiring registration numbers on kegs and barrels of beer and records of their sale; increasing penalties for selling or furnishing alcoholic beverages to a minor under certain circumstances; amending Minnesota Statutes 1988, sections 340A.701; and 340A.702; proposing coding for new law in Minnesota Statutes, chapter 340A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 340A.701, is amended to read:

340A.701 [FELONIES.]

Subdivision 1. [UNLAWFUL ACTS.] It is a felony:

- (1) to manufacture alcoholic beverages in violation of this chapter;
- (2) to transport or import alcoholic beverages into the state in violation of this chapter for purposes of resale; or
- (3) to sell or give away for beverage purposes poisonous alcohol, methyl alcohol, denatured alcohol, denaturing material, or any other alcoholic substance capable of causing serious physical or mental injuries to a person consuming it; or
- (4) for a person other than a licensed retailer of alcoholic beverages, a bottle club permit holder, a municipal liquor store, or an employee or agent of any of these who is acting within the scope of employment, to violate the provisions of section 340A.503, subdivision 2, clause (1), if the underage recipient of the alcoholic beverage becomes intoxicated and causes or suffers death or great bodily harm as a result of the intoxication.

Subd. 2. [PRESUMPTIVE SENTENCE.] In determining an appropriate disposition for a violation of subdivision 1, clause (4), the court shall presume that a stay of execution with a 90-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the sentencing guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the sentencing guidelines under section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it.

Sec. 2. Minnesota Statutes 1988, section 340A.702, is amended to read:

340A.702 [GROSS MISDEMEANORS.]

It is a gross misdemeanor:

(1) to sell an alcoholic beverage without a license authorizing the sale;

(2) for a licensee to refuse or neglect to obey a lawful direction or order of the commissioner or the commissioner's agent, withhold information or a document the commissioner calls for examination, obstruct or mislead the commissioner in the execution of the commissioner's duties or swear falsely under oath;

(3) to violate the provisions of sections 340A.301 to 340A.313;

(4) to violate the provisions of section 340A.508;

(5) for any person, partnership, or corporation to knowingly have or possess direct or indirect interest in more than one off-sale intoxicating liquor license in a municipality in violation of section 340A.412, subdivision 3;

(6) to sell or otherwise dispose of intoxicating liquor within 1,000 feet of a state hospital, training school, reformatory, prison, or other institution under the supervision and control, in whole or in part, of the commissioner of human services or the commissioner of corrections;

(7) to violate the provisions of section 340A.502;

(8) except as otherwise provided in section 340A.701, to violate the provisions of section 340A.503, subdivision 2, clause (1) or (3);

(9) to withhold any information, book, paper, or other thing called for by the commissioner for the purpose of an examination;

(10) to obstruct or mislead the commissioner in the execution of the commissioner's duties; or

(11) to swear falsely concerning any matter stated under oath.

Sec. 3. Minnesota Statutes 1988, section 624.701, is amended to read:

624.701 [LIQUORS IN CERTAIN BUILDINGS OR GROUNDS.]

Subdivision 1. Except as otherwise provided in subdivision 1a, any person who shall introduce upon, or have in possession upon, or in, introduces or possesses an alcoholic beverage, as defined in section 340A.101, on any school ground, or in any schoolhouse or school building, any alcoholic beverage as defined in section 340A.101, except for is guilty of a misdemeanor.

Subd. 1a. [EXCEPTIONS.] Subdivision 1 does not apply to the following:

- (1) experiments in laboratories and except for;
- (2) those organizations who have been issued temporary licenses to sell nonintoxicating malt liquor pursuant to section 340A.403, subdivision 2; and;
- (3) any person possessing nonintoxicating malt liquor as a result of a purchase from those organizations holding temporary licenses pursuant to section 340A.403, subdivision 2; shall be guilty of a misdemeanor; or
- (4) the possession or use of alcoholic beverages in an alcohol use awareness program that is held at a post-secondary school, sponsored or approved by the school, and limited to persons 21 years old or older.

Subd. 2. Any person who except by prescription of a licensed physician or permission of the hospital administrator shall introduce upon, or have in possession upon, or in, any state hospital or grounds thereof under the responsibility of the commissioner of human services any alcoholic beverage as defined in section 340A.101, shall be guilty of a misdemeanor.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 1989, and apply to crimes committed on or after that date. Section 3 is effective August 1, 1989."

Delete the title and insert:

"A bill for an act relating to alcoholic beverages; increasing penalties for selling or furnishing alcohol to a minor under certain circumstances; permitting the possession and use of alcoholic beverages on post-secondary school grounds within a school-sponsored alcohol awareness program; amending Minnesota Statutes 1988, sections 340A.701; 340A.702; and 624.701."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sarna from the Committee on Commerce to which was referred:

H. F. No. 511, A bill for an act relating to consumer protection;

requiring certain creditors to file credit card disclosure reports with the state treasurer; providing rulemaking authority; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 325G.

Reported the same back with the following amendments:

Page 1, line 13, delete "section 325G.42" and insert "the federal Fair Credit and Charge Card Disclosure Act of 1988"

Page 1, line 25, delete "\$5,000 is" and insert "\$40,000 in fiscal year 1990 and \$40,000 in fiscal year 1991 are"

Page 2, line 2, after the period insert "The complement of the state treasurer is increased by 1.0 professional position."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 523, A bill for an act relating to local government; regulating the development, imposition, and management of state mandates upon local political subdivisions; amending Minnesota Statutes 1988, section 3.981, subdivision 2, 8, and by adding subdivisions; 3.982; 3.983, subdivision 3; 14.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3 and 14; repealing Minnesota Statutes 1988, section 3.981, subdivisions 4, 5, and 9.

Reported the same back with the following amendments:

Page 6, line 9, after "action" insert "or rule" and after "law" insert "or rule"

Pages 8 and 9, delete section 8 and insert:

"Sec. 8. Minnesota Statutes 1988, section 14.11, subdivision 1, is amended to read:

Subdivision 1. [FISCAL NOTE ON RULE IN NOTICE.] If the adoption of a rule by an agency after December 31, 1990, will require the expenditure of more than \$ of local public money by local public bodies in the two years immediately following the adoption of the rule, the appropriate notice of the agency's intent to adopt a rule shall be accompanied by a written statement giving

the agency's reasonable estimate of the total cost to all local public bodies in the state to implement the rule for the two years immediately following adoption of the rule if the estimated total cost exceeds \$100,000 in either of the two years. the agency shall submit the proposed rule to the division of state and local mandates. The division has 60 days from the date of receipt of the proposed rule to prepare a fiscal note on the rule. The notice of the agency's intent to adopt the rule must include an announcement that a free copy of the division's fiscal note is available on request from the agency. If the division fails to produce a fiscal note within 60 days from the date of receipt of the proposed rule, the agency may give notice of its intent to adopt the rule without having received the division's report, and its notice of intent to adopt the rule shall contain a statement giving the agency's reasonable estimate of the total cost to local public bodies to implement the rule for the two years immediately following adoption of the rule. The requirements of this subdivision do not apply to emergency rules or to rules exempt from fiscal note requirements under section 3.983, subdivision 3. For purposes of this subdivision, local public bodies shall mean officers and governing bodies of the political subdivisions of the state and other officers and bodies of less than statewide jurisdiction which have the authority to levy taxes.

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 534, A bill for an act relating to groundwater; establishing best management practices and water resources protection requirements; regulating pollution limits; changing various requirements and procedures concerning fertilizer, soil amendments, and plant amendments; requiring a study of sustainable agriculture; changing certain pesticide laws; requiring a pesticide management plan; providing for responses to pesticide and fertilizer incidents; establishing a safe drinking water account; imposing an annual fee; reorganizing and revising laws on water wells, exploratory boring, and elevator shafts; establishing a water information committee; providing for local water resources protection and management; establishing water appropriation priorities; establishing a legislative commission on water; appropriating money; amending Minnesota Statutes 1988, sections 17.713; 17.714, subdivision 1, and by adding a subdivision; 17.715, subdivisions 1, 4, and by adding subdivisions; 17.7155; 17.716, subdivisions 1 and 2; 17.717; 17.718; 17.719, subdivisions 1, 2, 3, 4, and by adding subdivisions; 17.721, by adding a subdivision; 17.725, subdivision 2, and by adding subdivisions; 17.728, by adding subdivisions; 17.7285; 17.73, subdivision 3;

18B.01, subdivisions 12, 21, 23, 26, 31, and by adding subdivisions; 18B.04; 18B.07, subdivisions 4, 5, 6, and 7; 18B.08, subdivisions 1 and 4; 18B.15; 18B.17, subdivision 2; 18B.18; 18B.21; 18B.25, by adding a subdivision; 18B.26, subdivisions 1, 3, and by adding a subdivision; 18B.31, subdivisions 3 and 5; 18B.32, subdivision 2; 18B.33, subdivisions 3 and 7; 18B.34, subdivisions 2 and 5; 18B.36; 18B.37, subdivisions 1, 2, and 3; 105.41, subdivision 1a; 105.418; 116C.41, subdivision 1; 116E.03, subdivision 9; 156A.01; 156A.02; 156A.03; 156A.05; 156A.06; 156A.071; 156A.075; and 156A.08; proposing coding for new law as Minnesota Statutes, chapters 110C and 115D; proposing coding for new law in Minnesota Statutes, chapters 3; 17; 18B; 115; 116C; 116E; 144; and 156A; repealing Minnesota Statutes 1988, sections 17.714, subdivisions 4, 4a, and 4b; 17.721; 17.726; 17.727; 17.728, subdivisions 4 and 5; 17.729; 18B.16; 18B.19; 156A.02, subdivision 3; 156A.03, subdivision 1; 156A.04; 156A.07; 156A.10; and 156A.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

PROTECTION OF GROUNDWATER

Section 1. [115D.01] [GOAL; PREVENTION OF GROUND-WATER DEGRADATION.]

It is the goal of the state that groundwater be maintained in its natural condition, free from any degradation caused by human activities. It is recognized that for some human activities this nondegradation goal cannot be practicably achieved. However, where prevention is practicable, it is intended that it be achieved. Where it is not currently practicable, the development of methods and technology that will make prevention practicable is encouraged. The prevention and cleanup of groundwater pollution is crucial to the public health and welfare and the environment of the state because:

(1) Minnesota's high quality groundwater is a precious natural resource upon which Minnesotans depend for many uses, including drinking water and agricultural and industrial uses;

(2) this resource is currently being threatened by pollution from a variety of land and water uses, including domestic, agricultural, and industrial uses;

(3) groundwater of the state is contained in a series of related and often interconnected aquifers, and pollutants entering the ground-water may spread both horizontally and vertically and may enter and impair surface waters;

(4) once groundwater becomes polluted, it is extremely difficult and at times impossible to return it to its natural state;

(5) consumption of polluted groundwater can result in significant health impacts, even at relatively low concentrations; and

(6) groundwater must be protected for consumption and other uses by future generations.

Sec. 2. [115D.02] [DEFINITIONS.]

Subdivision 1. [APPLICABLE DEFINITIONS.] The definitions provided in this section apply to terms used in sections 1 to 7, unless the context requires otherwise. The definitions provided in section 115.01 apply to terms used in sections 1 to 7, unless a different definition is provided in this section or the context requires otherwise.

Subd. 2. [BEST MANAGEMENT PRACTICES.] "Best management practices" means those practices that are most capable of preventing, reducing, minimizing, or eliminating the pollution of the waters of the state, and are most practicable, considering availability, economic factors, effectiveness, environmental impacts, ability to be implemented, and technical feasibility. Best management practices apply to, but are not limited to, schedules of activities, operation procedures, practices, techniques, maintenance procedures, application and use of chemicals, drainage from raw material storage, treatment requirements, and other activities that may cause or contribute to water pollution.

Subd. 3. [PERSON.] "Person" means a human being; a municipality or other governmental or political subdivision; a public agency; a public or private corporation; a partnership, firm, association, or other organization; a receiver, trustee, assignee, agent, or other legal representative of any of the foregoing; or any other legal entity.

Subd. 4. [REGULATING AUTHORITY.] "Regulating authority" means a state agency, political subdivision, special purpose district, or other governmental unit with legal authority to adopt and enforce water resources protection requirements.

Subd. 5. [WATER RESOURCES PROTECTION REQUIREMENTS.] "Water resources protection requirements" means requirements intended to prevent, reduce, minimize, or eliminate pollution of the waters of the state that are enforceable under law, ordinance, permit, license, or order. Water resources protection requirements include: design criteria, guidance, or requirements; standards; operation and maintenance procedures; practices to

control releases, spills, leaks, and sludge and waste disposal; restrictions on use and practices; and treatment requirements.

Sec. 3. [115D.03] [ADEQUACY OF STATE PROGRAMS.]

Subdivision 1. [PROGRAM REVIEW.] The environmental quality board shall identify those state agency programs that affect activities that may cause or contribute to groundwater pollution. Agencies shall review the identified programs and current management practices according to the following criteria:

(1) consistency with and effectiveness in achieving the goal of section 1, effectiveness in meeting the limits established under section 5, and application of special protective measures in sensitive areas identified under section 7;

(2) enforceability of current water resources protection requirements, and effectiveness of enforcement mechanisms;

(3) sufficiency of staff and funds to match the scope of the problems; and

(4) adequacy of review of individual facilities or practices.

The reviewing agencies shall report their findings to the board by July 1, 1990. The board shall determine the adequacy of groundwater protection efforts from this review. The board shall report its recommendations to the governor and the legislature by November 15, 1990, and at four-year intervals.

Subd. 2. [STATE AGENCIES.] Each state agency that has a program identified pursuant to subdivision 1 shall adopt water resources protection requirements or identify and develop best management practices to ensure that the program is consistent with and is effective in achieving the goal of section 1 and is effective in meeting the limits established under section 5. For those activities which may cause or contribute to pollution of groundwater, but are not directly regulated by the state, best management practices shall be promoted through education, support programs, incentives, and other mechanisms.

Subd. 3. [DEPARTMENT OF AGRICULTURE.] The department of agriculture shall adopt water resources protection requirements and identify and develop best management practices for the distribution, storage, and use of pesticides and fertilizers, except as otherwise provided in law.

Sec. 4. [115D.04] [DUTY TO PREVENT POLLUTION.]

Persons whose activity may cause or contribute to pollution of

groundwater shall use all practicable means of preventing the pollution.

Sec. 5. [115D.05] [HEALTH AND POLLUTION LIMITS.]

Subdivision 1. [DEPARTMENT OF HEALTH.] (a) The department of health shall adopt rules specifying procedures and criteria for establishing and periodically revising a list of health risk limits for drinking water. The rules shall require the limits to be set at levels such that there is no significant long-term risk to human health from using that water, considering prudent margins of safety and complicating effects due to the presence of multiple pollutants or breakdown products. The rules shall provide for the establishment of temporary emergency limits that are not subject to paragraph (b).

(b) After rules are adopted under paragraph (a), the department shall establish a list of health risk limits in accordance with the rules and the procedures provided in this paragraph. The establishment of the list is exempt from the requirements of chapter 14. The department shall reevaluate each limit at least every four years after it has been established. Before a list of health risk limits is established or revised, the department shall:

(1) publish in the State Register notice of its intent to establish or revise health risk limits for specific substances and shall solicit information on the health impacts of those substances;

(2) publish a proposed list of health risk limits in the State Register allowing 60 days for public comment; and

(3) publish the final list of health risk limits in the State Register and, at the same time, make available a summary of the public comments received and the department's responses to the comments.

(c) A limit established by the department under paragraph (b) may be challenged in the manner provided in sections 14.44 and 14.45, except that the court may declare a limit invalid only if it finds that the limit was not established in accordance with the rules adopted under paragraph (a) or the procedures provided in paragraph (b) or that the limit is arbitrary or capricious.

Subd. 2. [POLLUTION CONTROL AGENCY.] The pollution control agency shall adopt rules establishing numerical groundwater pollution limits. The rules shall:

(1) use the department of health's health risk limits as the measure of health risk;

(2) provide for the establishment of more protective limits where groundwater interactions with surface water may otherwise result in impairment of surface water quality;

(3) not preclude regulating authorities from adopting more stringent requirements for facilities or practices to further minimize pollution consistent with section 1, where it is practicable; and

(4) provide standards for measuring the adequacy of state agency programs under section 3 and guiding the actions of regulating authorities under section 6.

Sec. 6. [115D.06] [ACTIONS BY REGULATING AUTHORITIES.]

Subdivision 1. [GROUNDWATER POLLUTION NOT IN EXCESS OF LIMITS.] If groundwater pollution has occurred, but does not exceed the limits established under section 5, the regulating authority may take appropriate actions consistent with the goal of section 1 and the limits established under section 5.

Subd. 2. [GROUNDWATER POLLUTION IN EXCESS OF LIMITS.] If groundwater pollution exceeds or is likely to exceed limits established under section 5, the regulating authority shall take appropriate actions consistent with the goal of section 1 and the limits established under section 5.

Subd. 3. [APPROPRIATE ACTIONS.] For the purpose of this section, "appropriate actions" include actions to confirm detection and investigate possible sources, investigate the extent of groundwater pollution, conduct informational or educational efforts in the affected areas, require implementation of management practices, develop more protective water resources protection requirements, require changes in monitoring, restrict or modify the activity or use in question, or require or provide groundwater remediation or containment. Nothing in this section shall be interpreted to confer any authority to adopt water resources protection requirements upon any state agency, political subdivision, special purpose district, or other local governmental unit beyond the authority conferred by other law.

Subd. 4. [NITROGEN COMPOUNDS IN GROUNDWATER.] The pollution control agency and the department of agriculture, in consultation with the board of water and soil resources and Minnesota agricultural experiment station, shall prepare a report on nitrate and related nitrogen compounds in groundwater. The report shall consider recommendations made by local government in comprehensive local water plans and the program review required in section 3, subdivision 2, use data developed by the Minnesota agricultural experiment station, and shall incorporate the findings of the fertilizer nitrogen task force identified in article 2, section 11. This report shall be submitted to the environmental quality board

by July 1, 1991. The board shall provide recommendations to the legislature by November 15, 1991, based upon this report.

The report shall be based on existing information and shall examine areas in which improvements in the state and local response to this problem are feasible. The report shall address, but not be limited to, the following issues: the determination of trends in nitrogen pollution; causative factors; the development of recommended best management practices to reduce or minimize pollution; regulatory controls; the feasibility of proposed treatment and corrective or mitigative measures; and the economic impacts of proposed corrective measures.

Sec. 7. [115D.07] [PROTECTION OF SENSITIVE AREAS.]

Subdivision 1. [DEFINITIONS.] (a) "Sensitive area" or "sensitive groundwater area" means a geographic area defined by natural features where the groundwater is at significant risk of contamination from activities conducted at or near the land surface.

(b) "Special protective measures" means any of a combination of measures which are undertaken in sensitive areas to meet the goal of section 1 and the limits established under section 5.

Subd. 2. [CRITERIA FOR DETERMINATION OF SENSITIVE AREAS.] The environmental quality board shall, after consultation with representatives of local government, adopt a list of specific criteria for identifying sensitive groundwater areas, establish procedures for applying the criteria and for applying special protective measures in such areas, by September 30, 1991.

Subd. 3. [INFORMATION GATHERING.] State agencies shall incorporate these criteria and special protective measures into their programs. The environmental quality board is responsible for coordinating state and state-funded local information gathering efforts pursuant to the identification of sensitive groundwater areas. Information shall be collected and automated in accordance with article 6, section 6.

Sec. 8. [115D.08] [EFFECT ON OTHER LAW.]

Sections 1 to 7 do not limit any person's cause of action under chapter 116B; restrict the authority that a state agency or a local unit of government may have from any other law; or create new enforcement authority. Sections 1 to 7 are intended to provide direction for the implementation of existing regulatory programs.

ARTICLE 2

FERTILIZER, SOIL AMENDMENT, AND PLANT AMENDMENT

Section 1. [17.7121] [POWERS AND DUTIES OF COMMISSIONER.]

Subdivision 1. [ADMINISTRATION BY COMMISSIONER.] The commissioner shall administer, implement, and enforce this chapter and the department of agriculture is the lead state agency for the regulation of fertilizer, including, but not limited to, its storage, handling, distribution, use, and disposal.

Subd. 2. [DELEGATION OF DUTIES.] The commissioner's duties under this chapter may be delegated to designated employees or agents of the department of agriculture.

Subd. 3. [DELEGATION TO APPROVED AGENCIES.] The commissioner may, by written agreements, delegate specific inspection, enforcement, and other regulatory duties of this chapter to officials of approved agencies.

Sec. 2. [17.7122] [POLICY; RULES.]

It is the policy of this state to seek to achieve and maintain uniformity with national standards and with other states, insofar as possible, of regulation and control of the manufacture, distribution, and sale of fertilizer in this state.

Sec. 3. Minnesota Statutes 1988, section 17.713, is amended to read:

17.713 [DEFINITIONS.]

Subdivision 1. [GENERALLY.] When used in sections 17.711 to 17.729 the terms defined in this section have the meanings given them.

Subd. 1a. [APPROVED AGENCY.] "Approved agency" means a state agency other than the department of agriculture or an agency of a county, home rule charter or statutory city, town, or other political subdivision that has signed a joint powers agreement under section 471.59 with the commissioner.

Subd. 1b. [BEST MANAGEMENT PRACTICES.] "Best management practices" has the meaning given to it in article 1, section 2, subdivision 1.

Subd. 1c. [WATER RESOURCES PROTECTION REQUIREMENTS.] "Water resources protection requirements" has the meaning given to it in article 1, section 2, subdivision 5.

Subd. 2. [BRAND.] "Brand" means a term, design, or trademark used in connection with one or several grades of commercial fertilizer or with soil and plant amendment materials.

Subd. 3. [BULK FERTILIZER.] "Bulk fertilizer" means any commercial fertilizer material distributed in a nonpackaged form.

Subd. 3a. [CHEMIGATION.] "Chemigation" means a process of applying fertilizers to land or crops including, but not limited to, agricultural, nursery, turf, golf course, or greenhouse sites in or with irrigation water during the irrigation process.

Subd. 4. [COMMERCIAL FERTILIZER.] "Commercial fertilizer" includes those sold which are both mixed fertilizer or fertilizer materials.

Subd. 4a. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or a designee.

Subd. 4b. [COMPOST.] "Compost" is a material derived primarily or entirely from biological decomposition of vegetative organic matter or animal manure to which no inorganic fertilizer materials have been added other than to promote decomposition.

Subd. 4c. [CORRECTIVE ACTION.] Correction action means an action taken to minimize, eliminate, or clean up an incident.

Subd. 4d. [CUSTOM APPLY.] "Custom apply" means to apply a commercial fertilizer, soil amendment, or plant amendment product for hire.

Subd. 4e. [DEFICIENCY.] "Deficiency" means that amount of nutrient found by analysis less than that guaranteed which may result from a lack of nutrient ingredients or from lack of uniformity.

Subd. 5. [DISTRIBUTOR.] "Distributor" means any person who imports, consigns, manufactures, produces, compounds, mixes, or blends commercial fertilizer, or who offers for sale, sells, barter, or otherwise supplies commercial fertilizer or soil and plant amendments in this state.

Subd. 5a. [ENVIRONMENT.] "Environment" means surface water, ground water, air, land, plants, humans, and animals and their interrelationships.

Subd. 5b. [FERTILIZER.] "Fertilizer" means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and other products exempted by rule by the commissioner.

Subd. 6. [FERTILIZER MATERIAL.] "Fertilizer material" means any substance containing nitrogen, phosphorus, potassium or any recognized plant food nutrient, or any compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures. a fertilizer that:

(1) contains important quantities of no more than one of the primary plant nutrients: nitrogen (N), phosphorus (P), and potassium (K);

(2) has 85 percent or more of its plant nutrient content present in the form of a single chemical compound; or

(3) is derived from a plant or animal residue or by-product or natural material deposit processed in such a way that its content of plant nutrients has not been materially changed except by purification and concentration.

Subd. 6a. [FIXED LOCATION.] "Fixed location" means all stationary fertilizer facility operations, owned and or operated by a person, located in the same plant location or locality.

Subd. 7. [GRADE.] "Grade" means the percentage of total nitrogen (N), available phosphorus (P) or phosphoric acid (P₂O₅), and soluble potassium (K) or soluble potash (K₂O) stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis; provided, however, that fertilizer materials, bone meals, manures, and similar raw materials may be guaranteed in fractional units, and specialty fertilizers may be guaranteed in fractional units of less than one percent of total nitrogen, available phosphorus or phosphoric acid, and soluble potassium or soluble potash.

Subd. 8. [GUARANTEED ANALYSIS.] "Guaranteed analysis": (1) Until the commissioner prescribes the alternative form of "guaranteed analysis" in accordance with the provisions of paragraph 2 of this subdivision, the term "guaranteed analysis" shall mean the percentage of plant nutrient content, if claimed, in the following order:

- (a) Total nitrogen (N) percent
Available phosphoric acid (P2O5) percent
Soluble potash (K2O) percent

(b) For unacidulated mineral phosphatic materials and basic slag, bone, tankage, and other organic phosphate materials, the total phosphoric acid or degree of fineness, or both, may also be guaranteed.

(c) Guarantees for plant nutrients other than nitrogen, phosphorus and potassium may be permitted or required by rule of the commissioner. The guarantees for such other nutrients shall be expressed in the elemental form. The sources of such other elements, oxides, salt, and chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the commissioner and with the advice of the director of the agricultural experiment station. When any plant nutrients or other substances or compounds are guaranteed, they shall be subject to inspection and analyses in accord with the methods and rules prescribed by the commissioner.

(d) Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton, when required by rule.

(2) When the commissioner finds, after public hearing following due notice, that the requirement for expressing the guaranteed analysis of phosphorus and potassium in elemental form would not impose an economic hardship on distributors and users of fertilizer by reason of conflicting labeling requirements among the states, the commissioner may require thereafter that the "guaranteed analysis" shall be in the following form:

- Total nitrogen (N) percent
Available phosphorus (P) percent
Soluble potassium (K) percent

The effective date of said rule shall be not less than one year following the issuance thereof, and provided, further, that for a period of two years following the effective date of said rule the equivalent of phosphorus and potassium may also be shown in the form of phosphoric acid and potash. After the effective date of a rule issued under the provisions of this section, requiring that phosphorus and potassium be shown in the elemental form, the guaranteed analysis for nitrogen, phosphorus, and potassium shall constitute the grade.

(3) "Guaranteed analysis" of a soil amendment or plant amend-

ment shall mean an accurate statement of composition including the percentages of each ingredient. If the product is a microbiological product, the number of viable microorganisms per milliliter for a liquid or the number of viable microorganisms per gram for a dry product must also be listed.

Subd. 9. [GUARANTOR.] "Guarantor" means the person who is guaranteeing the material to be as stated in the guaranteed analysis statement.

Subd. 9a. [HAZARDOUS WASTE.] "Hazardous waste" means a substance identified or listed as hazardous waste in the rules adopted under section 116.07, subdivision 4.

Subd. 9b. [INCIDENT.] "Incident" means a flood, fire, tornado, transportation accident, storage container rupture, leak, spill, emission, discharge, escape, leach, disposal, or other event that releases or immediately threatens to release a fertilizer, soil amendment, or plant amendment accidentally or otherwise into the environment, and may cause unreasonable adverse effects on the environment.

Subd. 9c. [INVESTIGATIONAL ALLOWANCE.] "Investigational allowance" means an allowance for variations inherent in the taking, preparation, and analysis of an official sample of fertilizer.

Subd. 9a- 9d. [LABEL.] "Label" means the display of all written, printed or graphic matter upon the immediate container or the statement accompanying a commercial fertilizer, soil amendment or plant amendment.

Subd. 9b- 9e. [LABELING.] "Labeling" means all written, printed or graphic matter upon or accompanying any commercial fertilizer, soil amendment or plant amendment or advertisements, brochures, posters, television, radio or other announcements used in promoting their sale.

Subd. 9e- 9f. [MANIPULATED MANURES.] "Manipulated manures" means substances composed primarily of excreta, plant remains, or mixtures or substances which have been treated in any manner, including mechanical drying, grinding, pelleting and other means, or by adding other chemicals or substances.

Subd. 10. [MIXED FERTILIZER.] "Mixed fertilizer" means any combination or mixture of fertilizer material designed for use or claimed to have value in promoting plant growth, with or without inert materials.

Subd. 11. [MOBILE MECHANICAL UNIT.] "Mobile mechanical unit" means any portable machine or apparatus used to blend, mix, or manufacture fertilizer materials.

Subd. 12. [OFFICIAL SAMPLE.] "Official sample" means any sample of commercial fertilizer, soil amendment or plant amendment taken by the commissioner according to methods prescribed by sections 17.711 to 17.729.

Subd. 13. [ORGANIC.] "Organic" when applied to fertilizer nutrients refers only to naturally occurring substances generally recognized as the hydrogen compounds of carbon and their derivatives or synthetic products of similar composition whose water insoluble nitrogen content is at least 60 percent of the total nitrogen guaranteed.

Subd. 13a. [OWNER OF REAL PROPERTY.] "Owner of real property" means a person who is in possession of, has the right of control, or controls the use of real property, including without limitation a person who may be a fee owner, lessee, renter, tenant, lessor, contract for deed vendee, licensor, licensee, or occupant.

Subd. 14. [PERCENT; PERCENTAGE.] "Percent" or "percentage" means the percentage by weight.

Subd. 15. [PERSON.] "Person" includes individuals, partnerships, associations, firms, corporations, companies, and societies; means an individual, firm, corporation, partnership, association, trust, joint stock company, or unincorporated organization, the state, a state agency, or a political subdivision.

Subd. 15a. [PLANT AMENDMENT.] "Plant amendment" means any substance applied to plants or seeds which is intended to improve germination, growth, yield, product quality, reproduction, flavor, or other desirable characteristics of plants except commercial fertilizers, soil amendments, agricultural liming materials, animal and vegetable manures, pesticides, and other materials which may be exempted by rule.

Subd. 15b. [PLANT FOOD.] "Plant food" means any one of the following plant nutrients or any additional plant nutrient which 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. 16. [REGISTRANT.] "Registrant" means the person who registers commercial fertilizer material, soil amendment or plant amendment under the provisions of sections 17.711 to 17.729.

Subd. 16a. [RESPONSIBLE PARTY.] "Responsible party" means a person who at the time of an incident has custody of, control of, or responsibility for a fertilizer, fertilizer container, or fertilizer rinse.

Subd. 16b. [RETAIL FERTILIZER HANDLER.] "Retail fertilizer handler" means a person who sells a commercial fertilizer in a packaged container produced or guaranteed by another person.

Subd. 16c. [RINSATE.] "Rinsate" means a dilute mixture of a fertilizer or fertilizer with water, solvents, oils, commercial rinsing agents, or other substances.

Subd. 16d. [SAFEGUARD.] "Safeguard" means a facility, equipment, device, or system, or a combination of these, as required by rule, designed to prevent an incident.

Subd. 17. [SELL.] "Sell," when applied to commercial fertilizer, soil amendment, or plant amendment, includes:

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

Subd. 17a. [SEWAGE SLUDGE.] "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment. Sewage sludge is exempt from all requirements of this chapter except the soil amendment labeling requirements of section 17-716 unless the sewage sludge meets the plant food content criteria for a commercial fertilizer in which case the sewage sludge will be considered a commercial fertilizer. A copy of the sewage sludge analysis required by the rules of the pollution control agency adopted under section 116-07, subdivision 4, is sufficient to meet the labeling requirements of section 17-716.

Subd. 17b. [SITE.] "Site" includes land and water areas, air space, and plants, animals, structures, buildings, contrivances, and machinery, whether fixed or mobile, including anything used for transportation.

Subd. 18. [SMALL PACKAGE FERTILIZER.] "Small package

fertilizer" means fertilizer material sold exclusively in packages of 25 pounds or less.

Subd. 19. [SOIL AMENDMENT.] "Soil amendment" means any aggregant or additive or any synthetic organic chemical substances, or chemically or physically modified natural substances, or naturally occurring substance, or manufacturing by-products, mixed or unmixed, which are represented as having a primary function of forming or stabilizing soil aggregants in soil to which it is to be applied and thereby improving the resistance of such soil to the slaking action of water, increasing its water and air permeability, improving the resistance of its surface to crusting, improving its ease of cultivation, or otherwise favorably modifying its structural or physical properties: a substance intended to improve the physical characteristics of the soil, except commercial fertilizers, agricultural liming materials, pesticides, and other materials exempted by rules of the commissioner.

Subd. 20. [SPECIALTY FERTILIZER.] "Specialty fertilizer" means any commercial fertilizer labeled and distributed for, but not limited to, the following uses: commercial gardening, greenhouses, nurseries, sod farms, home gardens, house plants, lawns lawn fertilizer not custom applied, shrubs, golf courses, municipal parks, cemeteries, and research or experimental purposes.

Subd. 21. [TON.] "Ton" means a net ton of 2,000 pounds avoirdupois.

Subd. 22. [UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT.] "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of a fertilizer. Exceeding a state water quality or drinking water standard adopted under sections 115.44 and 144.383, or limit adopted under article 1, section 5, constitutes an unreasonable adverse effect on the environment.

Subd. 23. [WILDLIFE.] "Wildlife" means living things that are not human, domesticated, or pests.

Sec. 4. Minnesota Statutes 1988, section 17.714, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION FEE; CERTAIN ITEMS.] Fertilizer brands and grades sold only as small package items or represented and labeled as specialty fertilizer; and soil and plant amendments sold with recommendations for commercial agricultural use, shall must be registered and a fee paid pursuant to section 17.717. Fees paid for registration made in this manner shall be in lieu of any other license or tonnage fees.

Sec. 5. Minnesota Statutes 1988, section 17.714, subdivision 3, is amended to read:

Subd. 3. [COPY OF LABEL, LABELING MATERIAL.] Application for registration of a ~~small package fertilizer or a specialty fertilizer or a soil or plant amendment~~ shall be accompanied by:

(a) A label or label facsimile of each product for which registration is requested; and

(b) A copy of all labeling material used in this state for promotion and sale of each product being registered.

Sec. 6. Minnesota Statutes 1988, section 17.714, subdivision 6, is amended to read:

Subd. 6. [MAY NOT SELL WITHOUT REGISTRATION.] No distributor or manufacturer shall sell, offer for sale or distribute in this state any ~~small package fertilizer~~, specialty fertilizer, soil or plant amendment unless it has been registered with the department of agriculture. Registration of such materials is not a warranty by the department or the state.

Sec. 7. Minnesota Statutes 1988, section 17.714, is amended by adding a subdivision to read:

Subd. 7. [EXCEPTION.] Specialty fertilizers custom applied are exempt from the registration requirements of this section.

Sec. 8. [17.7145] [APPLICATION OF REQUIREMENTS TO SEWAGE SLUDGE AND COMPOST.]

Subdivision 1. [PROVISIONS APPLYING TO SEWAGE SLUDGE.] Sewage sludge given away is exempt from all requirements of this chapter except the labeling requirements of this chapter.

Subd. 2. [ANALYSIS MEETS LABELING REQUIREMENTS.] A copy of the sewage sludge analysis required by the rules of the pollution control agency adopted under section 116.07, subdivision 4, is sufficient to meet the labeling requirements.

Subd. 3. [PROVISIONS APPLYING TO COMPOST.] Compost given away is exempt from all requirements of this chapter.

Sec. 9. Minnesota Statutes 1988, section 17.715, subdivision 1, is amended to read:

Subdivision 1. [LICENSED PERSONS.] A person who manufactures, blends, mixes, retails, custom applies, or otherwise manipu-

lates commercial fertilizer material and a person who stores or distributes bulk fertilizer for resale shall obtain a license from the commissioner for from each fixed location where the person does business within the state where these operations are performed.

Sec. 10. Minnesota Statutes 1988, section 17.715, subdivision 4, is amended to read:

Subd. 4. Each license is effective until January 1 next following the date of its issuance or approval. Licenses for retail fertilizer handlers shall be for the period July 1 to June 30 and shall be renewed thereafter by the licensee on or before July 1 of each year. All other licenses shall be for the period January 1 to December 31 and shall be renewed thereafter by the licensee on or before January 1 of each year. A license shall not be transferable from one person to another, or from the ownership to whom issued to another ownership, or from one location to another location.

Sec. 11. Minnesota Statutes 1988, section 17.715, is amended by adding a subdivision to read:

Subd. 6. [UNLICENSED SALES.] No distributor or manufacturer may sell, offer for sale, or distribute a fertilizer in this state without a license under this chapter unless the person is exempt from the licensing requirements in this chapter.

Sec. 12. Minnesota Statutes 1988, section 17.715, is amended by adding a subdivision to read:

Subd. 7. [COPY OF LABEL AND LABELING MATERIAL.] Application for license must include:

(1) an invoice delivery ticket, label, or label facsimile for each product manufactured or made as required by section 17.716; and

(2) a copy of all labeling material used in this state for promotion of each product manufactured or made.

Sec. 13. [17.7151] [APPLICATION REVIEW.]

Subdivision 1. [SUBSTANTIATION OF CLAIMS.] The commissioner may require a person applying for a license or registration to manufacture or distribute a product for use in Minnesota 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 a commercial fertilizer or soil or plant amendment. The experimental evidence must relate to conditions in Minnesota

for which the product is intended. The commissioner may also require evidence of value when used as directed or recommended.

Subd. 2. [INSUFFICIENT EVIDENCE.] If the commissioner determines that the evidence submitted 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, in order to evaluate its performance and usefulness.

Subd. 3. [REFUSAL TO LICENSE OR REGISTER.] The commissioner may refuse to license or register a commercial fertilizer or soil or plant amendment:

(1) if the application for license or registration is not complete;

(2) if the commissioner determines that the commercial fertilizer, soil amendment, plant amendment, or any other additives with substantially the same contents, will not or is not likely to produce the results or effects claimed when used as directed;

(3) if the commissioner determines that the commercial fertilizer, soil amendment, plant amendment, or any other additive with substantially the same contents, is not useful in this state; or

(4) the facility is not safeguarded for bulk storage under section 17.7155 and as required by rule.

Subd. 4. [APPLICATION REVIEW AND REGISTRATION.] After reviewing the application accompanied by the application fee, the commissioner may issue a conditional license or registration to prevent unreasonable adverse effects on the environment or if the commissioner determines that the applicant needs the license or registration to accumulate information necessary to substantiate claims or to correct minor label violations. The commissioner may prescribe terms, conditions, and a limited period of time for the conditional license or registration. After a conditional license or registration is issued, the commissioner may revoke or modify the license or registration if the commissioner finds that its terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.

The commissioner may deny issuance of a conditional license or registration if the commissioner determines that issuance of a license or registration is not warranted or that the use to be made of the product under the proposed terms and conditions may cause unreasonable adverse effects on the environment.

Subd. 5. [PROTECTION OF TRADE SECRETS.] (a) In submitting data required by this chapter, the applicant may:

(1) clearly mark any portions that in the applicant's opinion are trade secrets, or commercial, or financial information; and

(2) submit the marked material separately from other material.

(b) After consideration of the applicant's request submitted under paragraph (a), the commissioner shall not make any information public that in the commissioner's judgment contains or relates to trade secrets or to commercial or financial information obtained from an applicant. When necessary, information relating to formulas of products may be revealed to a state or federal agency consulted with similar protection of trade secret authority and may be revealed at a public hearing or in findings of facts issued by the commissioner.

(c) If the commissioner proposes to release information that the applicant or registrant believes to be protected from disclosure under paragraph (b), the commissioner shall notify the applicant or registrant by certified mail. The commissioner shall not make the information available for inspection until 30 days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in an appropriate court for a declaratory judgment as to whether the information is subject to protection under this section.

Sec. 14. [17.7153] [FERTILIZER PRACTICES.]

The commissioner shall:

(1) establish best management practices and water resources protection requirements involving fertilizer use, distribution, storage, handling, and disposal;

(2) cooperate with other state agencies and local governments to protect public health and the environment from harmful exposure to fertilizer; and

(3) appoint a task force to study the effects and impact on water resources from nitrogen fertilizer use so that best management practices, a fertilizer management plan, and nitrogen fertilizer use regulations can be developed. The task force must include farmers, representatives from farm organizations, the fertilizer industry, University of Minnesota, environmental groups, representatives of local government involved with comprehensive local water planning, and other state agencies, including the Minnesota pollution control agency, the Minnesota department of health, the Minnesota department of natural resources, the Minnesota state planning agency, the board of animal health, and the board of water and soil resources.

The task force shall review existing research including pertinent research from the University of Minnesota and shall develop recommendations for a nitrogen fertilizer management plan for the prevention, evaluation, and mitigation of nonpoint source occurrences of nitrogen fertilizer in waters of the state. The nitrogen fertilizer management plan must include components promoting prevention and developing appropriate responses to the detection of inorganic nitrogen from fertilizer sources in ground or surface water.

The task force shall report its recommendations to the commissioner by May 1, 1990. The commissioner shall report to the environmental quality board by July 1, 1990, on the task force's recommendations. The recommendations of this task force shall be incorporated into an overall nitrate and related nitrogen plan prepared by the pollution control agency and the department of agriculture as set forth in article 1, section 6.

Sec. 15. [17.7154] [PROHIBITED FERTILIZER ACTIVITIES.]

Subdivision 1. [STORAGE, HANDLING, DISTRIBUTION, OR DISPOSAL.] A person may not store, handle, distribute, or dispose of a fertilizer, rinsate, fertilizer container, or fertilizer application equipment in a manner:

(1) that endangers humans, damages agricultural products, food, livestock, fish, or wildlife;

(2) that will cause unreasonable adverse effects on the environment; or

(3) that will cause contamination of public or other waters of the state as defined in section 105.37, subdivisions 7 and 14, from backsiphoning or backflowing of fertilizers through water wells or from the direct flowage of fertilizers.

Subd. 2. [USE OF PUBLIC WATER SUPPLIES FOR FILLING EQUIPMENT.] A person may not fill fertilizer application equipment directly from a public water supply, as defined in section 144.382, unless the outlet from the public water supply is equipped with a backflow prevention device that complies with parts 4715.2000 to 4715.2280. The person may not introduce fertilizers into the application equipment until after filling the equipment from the public water supply.

Subd. 3. [USE OF PUBLIC WATERS FOR FILLING EQUIPMENT.] A person may not fill fertilizer application equipment directly from public or other waters of the state, as defined in section 105.37, subdivisions 7 and 14, unless the equipment contains proper and functioning anti-backsiphoning mechanisms. The person may

not introduce fertilizers into the application equipment until after filling the equipment from the public waters.

Subd. 4. [CLEANING EQUIPMENT IN OR NEAR SURFACE WATER.] A person may not:

(1) clean fertilizer application equipment in surface waters of the state; or

(2) fill or clean fertilizer application equipment adjacent to surface waters, ditches, or wells where, because of the slope or other conditions, fertilizers or materials contaminated with fertilizers could enter or contaminate the surface waters, groundwater, or wells, as a result of overflow, leakage, or other causes.

Subd. 5. [FERTILIZER, RINSATE, AND CONTAINER DISPOSAL.] A person may only dispose of fertilizer, rinsate, and fertilizer containers in accordance with this chapter. The manner of disposal must not cause unreasonable adverse effects on the environment.

Sec. 16. Minnesota Statutes 1988, section 17.7155, is amended to read:

17.7155 [APPROVAL OF FACILITY AND EQUIPMENT.]

Subdivision 1. [APPROVAL PERMIT.] A person beginning construction of or substantially altering an existing facility or equipment used for the manufacture, blending, handling, or bulk storage of commercial fertilizers, soil or plant amendments shall obtain the approval of a permit from the commissioner on forms provided by the commissioner. The commissioner shall not grant a permit for a site without safeguards adequate to prevent the escape or movement of the fertilizers from the site.

Subd. 2. [TRANSFER FEES.] The approval shall not be transferable from one person to another, or from the ownership to whom issued to another ownership, or from one location to another. An application for a new facility must be accompanied by a nonrefundable application fee of \$100 for each location where fertilizer is stored. An application for a facility that includes both fertilizers, as regulated under this chapter, and pesticides, as regulated under chapter 18B, shall pay only one application fee of \$100. An application to substantially alter a facility or equipment must be accompanied by a nonrefundable \$50 fee. An additional fee of \$250 must be paid by an applicant who begins construction or substantial alteration before a permit is issued.

Sec. 17. [17.7156] [CHEMIGATION.]

Subdivision 1. [PERMIT REQUIRED.] (a) A person may not apply fertilizers through an irrigation system without a chemigation permit from the commissioner. A chemigation permit is required for one or more wells, or other irrigation water source, that is protected from fertilizer contamination by devices as required by rule. The commissioner may allow irrigation to be used to apply fertilizers on crops and land, including agricultural, nursery, turf, golf course, and greenhouse sites.

(b) A person must apply for a chemigation permit on forms prescribed by the commissioner.

Subd. 2. [EQUIPMENT.] A chemigation system must be fitted with effective antisiphon devices or check valves that prevent the backflow of fertilizers or fertilizer-water mixtures into water supplies or other materials during times of irrigation system failure or equipment shutdown. The devices or valves must be installed between:

(1) the irrigation system pump or water source discharge and the point of fertilizer injection; and

(2) the point of fertilizer injection and the fertilizer supply.

Subd. 3. [APPLICATION FEE.] A person initially applying for a chemigation permit must pay a nonrefundable application fee of \$50. A person who holds a valid pesticide chemigation permit as required by chapter 18B is exempt from the fee in this subdivision.

Subd. 4. [RULES.] The commissioner shall, by rule, develop specific requirements for implementation of a program to regulate application of fertilizers by irrigation.

Sec. 18. Minnesota Statutes 1988, section 17.716, subdivision 1, is amended to read:

Subdivision 1. [LABEL CONTENTS.] Any commercial fertilizer offered for sale or sold or distributed in this state in bags, or other containers, shall must have placed on or affixed to the container a label setting forth in clearly legible and conspicuous form the following information: (a) (1) the net weight; (b) (2) the brand and grade. When, except that the grade is not required if no primary nutrients are claimed, and if the commercial fertilizer material is used solely for agricultural purposes, inclusion of the grade on the tag or label, shall be is optional providing if the guaranteed analysis statement is shown in the complete form as in section 17.713, subdivision 8; (c) (3) the guaranteed analysis; (d) (4) the name and address of the guarantor; (5) directions for use; and (6) a derivatives

statement. ~~Such~~ This information, if not appearing on the face or display side of the container in a conspicuous form, ~~shall~~ must appear on the upper one third of the side of the container, or on the upper end of the container or ~~shall~~ must be printed on tags affixed conspicuously to the upper end of the container.

Sec. 19. Minnesota Statutes 1988, section 17.716, subdivision 2, is amended to read:

Subd. 2. [BLENDS AND MIXTURES.] Any distributor who blends or mixes fertilizer materials to a customer's order without a guaranteed analysis of the final mixture shall furnish each and every purchaser, in written or printed form, an invoice or delivery ticket showing the net weight and guaranteed analysis of each and every one of the materials used in the mixture, ~~which shall~~. This document must accompany the delivery. Records of invoices or delivery tickets must be kept for five years after the delivery or application.

Sec. 20. Minnesota Statutes 1988, section 17.717, is amended to read:

17.717 [LICENSE, INSPECTION, AND REGISTRATION FEES.]

Subdivision 1. [LICENSE FEE.] ~~Each~~ An application for a retail fertilizer handlers license from each fixed location in the state must be accompanied by a \$25 fee. An application for a license of another kind from each fixed location within the state shall must be accompanied by a fee of \$50 \$100 fee.

A fee of ~~\$50 shall~~ \$100 must accompany the application for a license for all fixed locations of each firm outside of the state. In the case of mobile mechanical units, each unit owned and operated by any one distributor ~~shall~~ must be licensed at a rate of ~~\$50 \$100~~ for the first unit and ~~\$25 \$50~~ for each additional mobile mechanical unit.

Subd. 1a. [FERTILIZER INSPECTION ACCOUNT.] A fertilizer inspection account is established in the state treasury. The commissioner shall deposit all fees and penalties collected under sections 17.711 to 17.729 in the fertilizer inspection account. Money in that account, including interest earned and any money appropriated for the purposes of sections 17.711 to 17.729, is annually appropriated to the commissioner for the administration and enforcement of sections 17.711 to 17.729.

Subd. 3. [SMALL PACKAGE; SPECIALTY FERTILIZER.] ~~Each~~ An application for registration of a commercial fertilizer material sold as a small package or as a specialty fertilizer shall be accompanied by a registration and inspection fee of \$50 \$100 for each

brand and grade to be sold or distributed. This shall be in accordance with the provisions of section 17.714, subdivision 1.

Subd. 4. [SOIL AMENDMENT, PLANT AMENDMENT.] Each application for registration of a soil amendment or plant amendment shall be accompanied by a registration and inspection fee of \$100 \$200 for each brand sold or distributed. This shall be in accordance with the provisions of section 17.714, subdivision 1.

Subd. 4a. [ADDITIONAL FEE AFTER JANUARY 1 OR JULY 1.] If an application for renewal of a fertilizer blending license or registration of a small package fertilizer, specialty fertilizer, soil amendment or plant amendment is not filed prior to January 1 or July 1 of any year, as required, an additional fee amounting to 50 percent of the amount due shall be assessed before the renewal license or registration may be issued.

Subd. 5. [INSPECTION FEES.] There shall be paid to the commissioner for all commercial fertilizers and soil and plant amendments offered for sale, sold, or distributed in this state an inspection fee at the rate of ten 15 cents per ton, with a minimum fee of \$10. Products sold to manufacturers or exchanged between them are hereby exempted from the fee imposed by this subdivision when used exclusively for manufacturing purposes. Inspection fees of products registered under provisions of subdivisions 3 and 4, are also exempted.

Subd. 6. [ADDITIONAL FEE.] An additional fee of 100 percent of the amount due must be paid by the applicant for each license or registration for products distributed or used in the state before initial state licensing or registration.

Sec. 21. Minnesota Statutes 1988, section 17.718, is amended to read:

17.718 [TONNAGE REPORT.]

Subdivision 1. [SEMIANNUAL STATEMENT.] Each licensed distributor of commercial fertilizer except a retail fertilizer handler and each registrant of a commercial fertilizer, soil amendment, or plant amendment 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 each grade of commercial fertilizer, soil amendment, or plant amendment distributed in this state during the reporting period. A report from a licensee who sells to an ultimate consumer must be accompanied by records or invoice copies indicating the name of the distributor who paid the inspection fee, the net tons received, and the grade or brand name of the products received. The report is due on or before the 30th 31st of the month following the close of each reporting period of each calendar year. The inspection fee at the rate

stated in section 17.717, subdivision 5 shall accompany the statement. For the tonnage report that is not filed or the payment of inspection fees that is not made within 30 31 days after the end of the reporting period, a penalty of ten percent of the amount due, with a minimum penalty of \$10 \$25, shall be assessed against the licensee or registrant, and the total amount of fees due, plus penalty, shall constitute a debt and may be recovered in a civil action against the licensee or registrant. The assessment of this penalty shall not prevent the department from taking other actions as provided in this chapter. The commissioner may by rule require additional reports for the purpose of gathering statistical data relating to fertilizer, soil amendments, and plant amendments distribution in the state.

Subd. 2. When more than one person is involved in the distribution of a commercial fertilizer, the last person licensed distributor who imports, manufactures, or produces the commercial fertilizer or who has the fertilizer registered and who distributes to a nonlicensed or nonregistrant dealer or consumer is responsible for the inspection fee on products produced or brought into this state after July 1, 1989. The distributor must separately list the inspection fee on the invoice to the licensee. The last licensee must retain the invoices showing proof of inspection fees paid for three years and must pay the inspection fee on products brought into this state before July 1, 1989, unless the reporting and paying of fees have been made by a prior distributor of the fertilizer.

Subd. 3. Submission of each tonnage report shall is also be authority for the commissioner's permission to verify the records upon which such the statement of tonnage is based.

Sec. 22. Minnesota Statutes 1988, section 17.719, subdivision 1, is amended to read:

Subdivision 1. [POWERS AND DUTIES OF COMMISSIONER ACCESS AND ENTRY.] The commissioner shall sample, inspect, make analysis of, and test commercial fertilizers, soil amendments and plant amendments offered for sale, sold, or distributed within this state at a time and place and to an extent the commissioner may deem necessary to determine whether the commercial fertilizers, soil amendments and plant amendments are in compliance with the provisions of sections 17.711 to 17.729, and may obtain additional information as the commissioner deems advisable. The commissioner is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers, soil amendments, and plant amendments subject to the provisions of sections 17.711 to 17.729 and rules adopted under section 17.725. (a) The commissioner, upon presentation of official department credentials, must be granted access at reasonable times without delay to sites:

- (1) where a person manufactures, formulates, distributes, uses,

disposes of, stores, or transports a commercial fertilizer, soil amendment, or plant amendment; and

(2) which the commissioner reasonably believes are affected, or possibly affected, by the use of a commercial fertilizer, soil amendment or plant amendment, or device in violation of a provision of this chapter.

(b) The commissioner may enter sites for:

(1) inspection of equipment for the manufacture, blending, distribution, disposal, or application of commercial fertilizers, soil amendments or plant amendments, and the premises on which the equipment is stored;

(2) sampling of sites actually or reportedly exposed to commercial fertilizers, soil amendments, or plant amendments;

(3) inspection of storage, handling, distribution, use, or disposal areas of commercial fertilizer, soil amendments, or plant amendments containers;

(4) inspection or investigation of complaints of injury to the environment;

(5) sampling of commercial fertilizers, soil amendments, or plant amendments;

(6) observation of the use and application of a commercial fertilizer, soil amendments, or plant amendments;

(7) inspection of records related to the manufacture, distribution, storage, handling, use, or disposal of commercial fertilizer, soil amendments, or plant amendments;

(8) investigating the source, nature, extent of an incident, and the extent of the adverse effects on the environment;

(9) an emergency inspection at any time when a suspected incident may threaten public health or the environment; and

(10) other purposes necessary to implement this chapter.

Sec. 23. Minnesota Statutes 1988, section 17.719, subdivision 2, is amended to read:

Subd. 2. [OFFICIAL SAMPLE INSPECTION SAMPLES AND ANALYSES.] An official fertilizer, soil amendment or plant amendment sample shall be one drawn from a lot or shipment of fertilizer, soil amendment or plant amendment sold or exposed for sale in this

state in the manner prescribed by the commissioner. In sampling a lot of commercial fertilizer, soil amendment or plant amendment registered under section 17.714, subdivision 1, a single package may constitute the official sample. (a) Before leaving the premises the commissioner shall provide the owner, operator, or agent in charge of an inspected site with a receipt describing any samples obtained. If an analysis is made of the samples, a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge.

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

In sampling a lot of commercial fertilizer, soil amendment, or plant amendment registered under section 17.714, subdivision 1, a single package may constitute the official sample.

Sec. 24. Minnesota Statutes 1988, section 17.719, subdivision 3, is amended to read:

Subd. 3. [METHODS OF ANALYSIS POWERS OF COMMISSIONER.] The methods of analysis shall be those adopted by the commissioner from published sources such as those of the association of official analytical chemists. In making inspections under this chapter, the commissioner shall have the power to administer oaths, certify as to official acts, take and cause to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses and production of papers, books, documents, records, and testimony. In case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify to any matter regarding which the person may be lawfully interrogated, the district court shall, upon application of the commissioner, compel obedience proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by the court or a refusal to testify therein.

Sec. 25. Minnesota Statutes 1988, section 17.719, subdivision 4, is amended to read:

Subd. 4. [INSPECTION; SAMPLING; ANALYSIS REQUEST FOR INSPECTION.] The commissioner shall inspect facilities and equipment used for the manufacture, blending, handling, or storing of commercial fertilizers or soil and plant amendments. The commissioner is authorized to enter upon any public or private premises during regular business hours in order to have access to facilities and equipment used to manufacture, blend, handle, or store commercial fertilizers or soil and plant amendments subject to the provisions of sections 17.711 to 17.729 and rules adopted under

section 17.725. Any person who believes that a violation of this chapter has occurred may request an inspection by giving notice to the commissioner of such violation. Any such notice shall be in writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the person. If, upon receipt of such notice, the commissioner reasonably believes that such violation occurred, the commissioner shall, as soon as is practicable, make a special inspection in accordance with the provisions of this section to determine if such violation occurred. An inspection conducted pursuant to a complaint may cover an entire site and shall not be limited to that portion of the site specified in the notice. If the commissioner determines that there are no reasonable grounds to believe that such a violation occurred, the commissioner shall notify the person in writing of such determination.

Sec. 26. Minnesota Statutes 1988, section 17.719, is amended by adding a subdivision to read:

Subd. 5. [ORDER.] Upon the refusal or anticipated refusal, based on a refusal to permit entrance on a prior occasion, of an owner, operator, or agent in charge to permit entry as specified in this chapter, the commissioner may apply for an order in the district court in the county in which a site is located, that permits the commissioner to enter and inspect the site.

Sec. 27. Minnesota Statutes 1988, section 17.719, is amended by adding a subdivision to read:

Subd. 6. [EXEMPTIONS FROM SUBPOENA AUTHORITY.] (a) Neither the commissioner nor any employee of the department, including those employees of other approved agencies providing services to the department, is subject to subpoena for purposes of inquiry into any inspection except in enforcement proceedings brought under this chapter.

(b) Once an inspection file is closed by the commissioner, the commissioner shall, upon request from any person, certify as official department records any information contained in a file which is public information.

Sec. 28. Minnesota Statutes 1988, section 17.719, is amended by adding a subdivision to read:

Subd. 7. [PAYMENT OF COSTS.] If an inspection or investigation reveals that a violation of this chapter has occurred, the commissioner may require the violator to pay the commissioner for the reasonable costs incurred by the commissioner in that inspection or investigation. The commissioner may enter an order for recovery of such costs.

Sec. 29. Minnesota Statutes 1988, section 17.721, is amended by adding a subdivision to read:

Subd. 3. [PLANT FOOD DEFICIENCIES.] Paragraphs (a) to (d) cover plant food deficiencies.

(a) Analysis must show that a fertilizer is deficient (1) in one or more of its guaranteed primary plant nutrients beyond the investigational allowances and compensations as established by regulation, or (2) if the overall index value of the fertilizer is shown below the level established by rule.

(b) A deficiency in an official sample of mixed fertilizer resulting from nonuniformity is not distinguishable from a deficiency due to actual plant nutrient shortage and is properly subject to official action.

(c) For the purpose of determining the commercial index value to be applied, the commissioner shall determine at least annually the values per unit of nitrogen, available phosphoric acid, and soluble potash in fertilizers in this state.

(d) If any fertilizer in the possession of the consumer is found by the commissioner to be short in weight, the registrant or licensee of the fertilizer must within 30 days after official notice from the commissioner submit to the consumer a penalty payment of two times the value of the actual shortage.

Sec. 30. Minnesota Statutes 1988, section 17.723, is amended to read:

17.723 [ADULTERATION.]

No person shall distribute an adulterated fertilizer, soil amendment or plant amendment product. A commercial fertilizer, soil amendment or plant amendment shall be deemed to be adulterated: (a) If it contains any deleterious or harmful ingredient in sufficient amount to render it injurious to plant life when applied in accordance with directions for use on the label; or (b) If its composition falls below or differs from that which it is purported to possess by its labeling; or (c) If it contains unwanted crop seed or weed seed.

Adulterated products that cannot be reconditioned must be disposed of according to ~~approved~~ approved methods approved by the commissioner.

Sec. 31. Minnesota Statutes 1988, section 17.725, subdivision 2, is amended to read:

Subd. 2. [LIMING MATERIALS.] The commissioner may adopt

rules governing the labeling, registration, and distribution of liming materials sold for agricultural purposes, including limestone (carbonates), sulfates, slags (silicates), burned lime (oxides), and hydrated lime (hydroxides). Such products shall not be subject to any tonnage fees under section 17.717, subdivision 4. No registration fee may be imposed on any distributor who sells liming materials only at retail to customers.

Sec. 32. Minnesota Statutes 1988, section 17.725, is amended by adding a subdivision to read:

Subd. 4. [NATIONAL CONFORMITY.] The commissioner may promulgate and amend rules for the efficient administration and enforcement of the Minnesota fertilizer, soil amendment and plant amendment law. The rules must conform with national standards, insofar as that is practicable and consistent with state law.

Sec. 33. Minnesota Statutes 1988, section 17.725, is amended by adding a subdivision to read:

Subd. 5. [HEARINGS.] Hearings authorized or required by law must be conducted by the commissioner or an officer, agent, or employee the commissioner designates.

Sec. 34. Minnesota Statutes 1988, section 17.725, is amended by adding a subdivision to read:

Subd. 6. [ADOPTION OF NATIONAL STANDARDS.] Applicable national standards contained in the 1989 official publication number 42, of the Association of American Plant Food Control Officials including the rules and regulations, statements of uniform interpretation and policy, and the official fertilizer terms and definitions, and not otherwise adopted by the commissioner, may be adopted as fertilizer rules of this state.

Sec. 35. Minnesota Statutes 1988, section 17.728, is amended by adding a subdivision to read:

Subd. 6. [ENFORCEMENT REQUIRED.] (a) The commissioner shall enforce this chapter.

(b) Upon the request of the commissioner, county attorneys, sheriffs, and other officers having authority in the enforcement of the general criminal laws shall take action to the extent of their authority necessary or proper for the enforcement of this chapter or special orders, standards, stipulations, and agreements of the commissioner.

(c) The commissioner shall have authority by administrative

order to assess penalties of up to \$5,000 for a violation of a provision of this chapter.

(d) In determining the size of a penalty, the commissioner shall give due consideration to the economic benefit gained by the person by allowing or committing the violation, the gravity of the violation in terms of actual or potential damage to the environment, and the violator's culpability, good faith, and history of violations.

(e) The administrative penalty may be assessed if the person subject to a corrective action order or remedial action order does not comply with the order in a reasonable time as provided in the order. The commissioner must state the amount of the administrative penalty in the corrective action order or remedial action order.

(f) Penalties assessed under this chapter shall be paid to the commissioner for deposit in the fertilizer regulatory account. If a violator fails to pay a penalty which is part of a final order within 30 days, the commissioner may commence a civil action for double the assessed penalty and attorney fees and costs. Any penalty may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office.

Sec. 36. Minnesota Statutes 1988, section 17.728, is amended by adding a subdivision to read:

Subd. 7. [CRIMINAL ACTIONS] For a criminal action, the county attorney from the county where a criminal violation occurred is responsible for prosecuting a criminal violation of this chapter. If the county attorney refuses to prosecute, the attorney general may prosecute.

Sec. 37. Minnesota Statutes 1988, section 17.728, is amended by adding a subdivision to read:

Subd. 8. [CIVIL ACTIONS.] Civil judicial enforcement actions may be brought by the attorney general in the name of the state on behalf of the commissioner. A county attorney may bring a civil judicial enforcement action upon the request of the commissioner and agreement by the attorney general.

Sec. 38. Minnesota Statutes 1988, section 17.728, is amended by adding a subdivision to read:

Subd. 9. [INJUNCTION.] The commissioner may apply to a court with jurisdiction for a temporary or permanent injunction to prevent, restrain, or enjoin violations of this chapter.

Sec. 39. [17.7281] [ADMINISTRATIVE ACTION.]

Subdivision 1. [ADMINISTRATIVE REMEDIES.] The commissioner may seek to remedy violations by a written warning, administrative meeting, cease and desist, stop-use, stop-sale removal, or other special order, seizure, stipulation, agreement, or administrative penalty if the commissioner determines that the remedy is in the public interest.

Subd. 2. [REVOCATION AND SUSPENSION.] The commissioner may, after written notice and hearing, revoke, suspend, or refuse to grant a registration, permit, license, or certification if a person violates this chapter or has a history within the past three years of violations of this chapter.

Subd. 3. [SERVICE OF ORDER OR NOTICE.] If the person is not available for service of an order, the commissioner may attach the order to the commercial fertilizer, soil amendment or plant amendment equipment, or device or facility, and notify the person. The commercial fertilizer, soil amendment, or plant amendment equipment, or device may not be sold, used, or removed until the commercial fertilizer, soil amendment, or plant amendment equipment, or device has been released under conditions specified by the commissioner, an administrative law judge, or a court.

Sec. 40. [17.7282] [ADMINISTRATIVE COMPLIANCE.]

Subdivision 1. [DUTY TO RESPOND.] After service of an order, a person shall be granted at least 45 days from receipt of the order within which to notify the commissioner in writing that the person intends to contest the order. If the person fails properly to notify the commissioner that the person intends to contest the order, the order shall be deemed a final order of the agency and not subject to review by any court or agency.

Subd. 2. [ADMINISTRATIVE REVIEW.] (a) If a person notifies the commissioner that the person intends to contest an order issued under this chapter, the state office of administrative hearings shall conduct a hearing in accordance with the applicable provisions of chapter 14 for hearings. A hearing shall be conducted at a place designated by the commissioner within the county where the violation occurred or where the person contesting the order resides or has a principal place of business or any other place on which all the parties agree.

(b) Notwithstanding any provision of chapter 14, the final administrative law report shall be the final decision of the agency. Only an administrative law judge, under rules adopted by the office of administrative hearings, may entertain any application or reconsideration of a final agency decision.

Subd. 3. [JUDICIAL REVIEW.] (a) The commissioner or any party

aggrieved by a final agency decision may seek judicial review of a final agency decision under sections 14.63 to 14.69.

(b) Any additional evidence required by a reviewing court under section 14.67 shall be taken by an administrative law judge. Only an administrative law judge may change the agency decision or any findings contained in it. The administrative law judge shall file with the reviewing court the additional evidence, together with any modifications or new findings or decisions as provided in section 14.67.

Subd. 4. [RECOVERING EXPENSES.] A prevailing party, including the commissioner, may recover the reasonable and necessary expenses incurred in a contested case or an appeal from a contested case.

Sec. 41. [17.7283] [CIVIL PENALTIES.]

Subdivision 1. [GENERAL PENALTY.] Except as provided in subdivision 2, a person who violates a provision of this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner is subject to a civil penalty of up to \$10,000 per day of violation as determined by the court.

Subd. 2. [DISPOSAL THAT BECOMES HAZARDOUS WASTE.] A person who violates a provision of this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner that relates to disposal of fertilizers, soil amendments, or plant amendments so that they become hazardous waste, is subject to the penalties in section 115.071.

Subd. 3. [DEFENSE TO CIVIL REMEDIES AND DAMAGES.] As a defense to a civil penalty or claim for damages under subdivisions 1 to 4, the defendant may prove that the violation was caused solely by an act of God, an act of war, or an act or failure to act that constitutes sabotage or vandalism, or any combination of these defenses.

Subd. 4. [ACTIONS TO COMPEL PERFORMANCE.] In an action to compel performance of an order of the commissioner to enforce a provision of this chapter, the court may require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.

Subd. 5. [RECOVERY OF PENALTIES BY CIVIL ACTION.] The civil penalties and payments provided for in this section may be recovered by a civil action brought by the county attorney or the attorney general in the name of the state.

Subd. 6. [RECOVERY OF LITIGATION COSTS AND EXPENSES.] A prevailing party may recover the reasonable and necessary value of all or a part of the litigation expenses incurred in an action brought under this chapter for civil penalties or injunctive relief, or in an action to compel compliance. In determining the amount of these litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Sec. 42. [17.7284] [CRIMINAL PENALTIES.]

Subdivision 1. [GENERAL VIOLATION.] Except as provided in subdivisions 2 and 3, a person is guilty of a misdemeanor, if the person violates a provision of this chapter, or a special order, standard, stipulation, agreement, or schedule or compliance of the commissioner.

Subd. 2. [VIOLATION ENDANGERING HUMANS.] A person is guilty of a gross misdemeanor if the person violates a provision of this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner, and the violation endangers humans.

Subd. 3. [VIOLATION WITH KNOWLEDGE.] A person is guilty of a gross misdemeanor if the person knowingly violates a provision of this chapter or standard, or a special order, stipulation, agreement, or schedule of compliance of the commissioner.

Subd. 4. [DISPOSAL THAT BECOMES HAZARDOUS WASTE.] A person who knowingly, or with reason to know, disposes of a fertilizer or soil and plant amendment so that the product becomes hazardous waste is subject to the penalties in section 115.071.

Sec. 43. Minnesota Statutes 1988, section 17.7285, is amended to read:

17.7285 [INCIDENTS.]

The commissioner may apply appropriate, efficient procedures to contain and control fertilizers and soil and plant amendments involved in an emergency incident likely to cause unreasonable adverse effects on the environment. For purposes of this section "incident" includes a flood, fire, tornado, or motor vehicle accident, which unintentionally releases fertilizers and soil and plant amendments on the environment. Persons involved in or responsible for an incident shall report the incident to the commissioner immediately upon discovering the incident. The department of agriculture shall be the lead government agency for decisions involving the emergency.

Sec. 44. [17.7286] [FERTILIZER RELEASE INCIDENTS.]

Subdivision 1. [CORRECTIVE ACTION ORDERS.] A responsible party or an owner of real property must, upon discovering that an incident has occurred, immediately report that incident to the commissioner. The responsible party must submit a written report of the incident to the commissioner containing the information requested by the commissioner within the time specified by the commissioner. After determining an incident has occurred, the commissioner may order the responsible party to take reasonable and necessary corrective actions. The commissioner shall notify the owner of real property where corrective action is ordered that access to the property will be required for the responsible party or the commissioner to take corrective action. A political subdivision may not request or order any person to take an action that conflicts with the corrective action ordered by the commissioner. The attorney general may bring an action to compel corrective action.

Subd. 2. [COMMISSIONER AND COMPELLED PERFORMANCE CORRECTIVE ACTIONS.] The commissioner may take corrective action if:

(1) a responsible party cannot be identified; or

(2) an identified responsible party cannot or will not comply with an order issued under subdivision 1.

Subd. 3. [EMERGENCY CORRECTIVE ACTION.] To assure an adequate response to an incident, the commissioner may take corrective action without following the procedures of subdivision 1 if the commissioner determines that the incident constitutes a clear and immediate danger requiring immediate action to prevent, minimize, or mitigate damage to the public health and welfare or the environment. Before taking an action under this subdivision, the commissioner shall make all reasonable efforts, taking into consideration the urgency of the situation, to order a responsible party to take a corrective action and notify the owner of real property where the corrective action is to be taken.

Subd. 4. [LEAD AGENCY.] The department of agriculture is the lead state agency in taking corrective action for incidents.

Subd. 5. [CONTINGENCY PLAN.] Persons storing bulk fertilizers or soil and plant amendment products must develop and maintain a contingency plan that describes the storage, handling, disposal, and incident handling practices. The plan must be kept at a principal business site or location within this state and must be submitted to the commissioner upon request. The plan must be available for inspection by the commissioner.

Sec. 45. [17.7287] [LIABILITY.]

Subdivision 1. [LIABILITY.] (a) A responsible party is liable for the costs, including administrative costs, for corrective action under section 44. The commissioner may issue an order for recovery of corrective action costs.

(b) A responsible party is also liable for the costs of any destruction to wildlife. Payments of these costs must be deposited in the game and fish fund in the state treasury.

Subd. 2. [AVOIDANCE OF LIABILITY.] (a) A responsible party may not avoid liability by a conveyance of any right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar agreement.

(b) This subdivision does not:

(1) prohibit a person who may be liable from entering an agreement by which the person is insured, held harmless, or indemnified for part or all of the liability;

(2) prohibit the enforcement of an insurance, hold harmless, or indemnification agreement; or

(3) bar a cause of action brought by a person who may be liable or by an insurer or guarantor, whether by right of subrogation or otherwise.

Subd. 3. [OWNER OF REAL PROPERTY.] An owner of real property is not a responsible party for an incident on the property unless that person:

(1) was engaged in manufacturing, making, transporting, storing, handling, applying, distributing, or disposing of a fertilizer on the property;

(2) knowingly permitted any person to make regular use of the property for disposal of fertilizers; or

(3) violated this chapter in a way that contributed to the incident.

Subd. 4. [DEFENSE.] As a defense to a penalty or liability for damages, a person may prove that the violation was caused solely by an act of God, an act of war, or an act or failure to act that constitutes sabotage or vandalism, or any combination of these defenses.

Sec. 46. [17.7288] [APPORTIONMENT AND CONTRIBUTION.]

Subdivision 1. [RIGHT OF APPORTIONMENT; FACTORS.] A person held liable under this chapter has the right to have the trier

of fact apportion liability among the parties as provided in this section. The burden is on each responsible party to show how that responsible party's liability should be apportioned. The trier of fact shall reduce the amount of damages in proportion to any amount of liability apportioned to the party recovering.

In apportioning the liability of a party under this section, the trier of fact shall consider the following:

- (1) the extent to which that party contributed to the incident;
- (2) the amount of commercial fertilizer, soil amendment, or plant amendment involved;
- (3) the degree of toxicity of the commercial fertilizer, soil amendment, or plant amendment involved;
- (4) the degree of involvement of and care exercised by the party in manufacturing, blending, handling, storing, distributing, transporting, applying, and disposing of the commercial fertilizer, soil amendment, or plant amendment;
- (5) the degree of cooperation by the party with federal, state, or local officials to prevent any harm to the public health or the environment; and
- (6) knowledge by the party of the hazardous nature of the commercial fertilizer, soil amendment, or plant amendment.

Subd. 2. [CONTRIBUTION.] If a person is held liable under this chapter and establishes a proportionate share of the aggregate liability, section 604.02, subdivisions 1 and 2, apply with respect to contribution and reallocation of any uncollectible amounts, except that an administrative law judge may also perform the functions of a court identified in section 604.02, subdivision 2.

Sec. 47. [EMPLOYEES; COMPENSATION.]

The commissioner may employ necessary agents and assistants to administer and enforce this chapter, none of whom, except those who are employed on a full-time basis, shall come within or be governed by chapter 43A. The compensation for the unclassified employees shall be on the basis of a rating and salary scale determined by the commissioner's plan of the department of employee relations or the appropriate bargaining unit contract.

Sec. 48. [REPEALER.]

Minnesota Statutes 1988, sections 17.714, subdivisions 4, 4a, and

4b; 17.721; 17.726; 17.727; 17.728, subdivisions 4 and 5; 17.729; and 17.73, subdivision 5, paragraph (d), are repealed.

ARTICLE 3 PESTICIDE CONTROL

Section 1. [17.114] [SUSTAINABLE AGRICULTURE.]

Subdivision 1. [PURPOSE.] The purpose of this section is to assure the viability of Minnesota agriculture.

Subd. 2. [REPORT.] The commissioner of agriculture shall investigate, demonstrate, report on, and make recommendations on the current and future sustainability of Minnesota agriculture.

Subd. 3. [DEFINITIONS.] For purposes of this section, the following definitions apply:

(a) "Sustainable agriculture" represents the best aspects of traditional and modern agriculture by using a fundamental understanding of nature, as well as the latest scientific advances to create integrated, self-reliant, resource conserving practices that increase farm profitability, maintain or improve the quality of soil and water resources, and lessen dependency on nonrenewable resources, and thereby enhance the enrichment of the environment and provide short- and long-term productive agriculture.

(b) "Integrated pest management" means use of a combination of approaches, incorporating the judicious application of ecological principles, management techniques, cultural and biological controls, and chemical methods, to keeping pests below levels where they do economic damage.

Subd. 4. [DUTIES.] The commissioner shall:

(1) establish a task force of appropriate agencies and organizations to assist the department by:

(i) recommending indices or measures to assess the long-term sustainability of Minnesota agriculture;

(ii) assisting the commissioner in evaluating the identified trends;

(iii) identifying new innovations; and

(iv) suggesting state policies and programs that may be needed to

assure the sustainability of Minnesota agriculture and related natural resources;

(2) establish a clearinghouse and provide information, appropriate educational opportunities, and other assistance to individuals, producers, and groups about sustainable agricultural techniques, practices, and opportunities;

(3) survey producers, support services, and organizations to determine information and research needs in the area of sustainable agricultural practices;

(4) demonstrate the applicability of sustainable agriculture practices to Minnesota conditions;

(5) coordinate the efforts of state agencies regarding activities relating to sustainable agriculture;

(6) direct the programs of the department so as to work toward the sustainability of Minnesota agriculture;

(7) inform agencies of how state or federal programs could utilize and support sustainable agriculture practices;

(8) work with farmers, the University of Minnesota, public post-secondary institutions, and other appropriate organizations to identify opportunities and needs as well as promote cooperation, assure coordination, and avoid duplication of efforts regarding research, teaching, and extension work relating to sustainable agriculture; and

(9) report to the legislature every odd-numbered year on at least the following:

(i) the presentation and analysis of findings regarding the current status and trends of the economic condition of producers, the status of soil and water resources utilized by production agriculture, the magnitude of off-farm inputs used and the amount of nonrenewable resources used by Minnesota farmers;

(ii) a description of current state or federal programs directed toward sustainable agriculture including significant results and experience of those programs;

(iii) a description of specific actions the department of agriculture is taking in the area of sustainable agriculture;

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

(v) suggestions for changes in existing programs or policies or enactment of new programs of policies that will affect farm profitability, maintain soil and water quality, reduce input costs, or lessen dependence upon nonrenewable resources.

Subd. 5. [INTEGRATED PEST MANAGEMENT.] The state shall promote and facilitate the use of integrated pest management through education, financial assistance, information and research.

Subd. 6. [INTEGRATED PEST MANAGEMENT APPROACH.] The commissioner shall coordinate the development of a state approach to the promotion and use of integrated pest management, which shall include delineation of the responsibilities of the state, public post-secondary institutions, Minnesota extension service, local units of government, and the private sector; establishment of information exchange and integration; procedures for identifying research needs and reviewing and preparing informational materials; procedures for factoring integrated pest management into state laws, rules, and uses of pesticides; and identification of barriers to adoption. The commission shall report to the governor and legislature by November 15, 1990 and on a biennial basis thereafter.

Subd. 7. [CONSULTANT CERTIFICATION.] The commissioner shall, in consultation with Minnesota extension service and the consultant community, develop recommendations for a mandatory state crop consultant certification program under chapter 326 and report its recommendations to the governor and legislature by November 15, 1990. The program shall include consideration of educational requirements, current professional certification programs, and certification subcategories based on the need for consultant specialization.

Subd. 8. [STATE USES OF PESTICIDES AND NUTRIENTS.] The state shall use integrated pest management techniques in its management of public lands, including roadside rights-of-way, parks and forests; and shall use planting regimes that minimize the need for pesticides and added nutrients.

Subd. 9. [USER INFORMATION SYSTEM.] The commissioner shall promote establishment of a pilot pesticide and nutrient user information system at the county level in cooperation with the board of water and soil resources, the United States Soil Conservation Service, and the Minnesota extension service, to ensure that accurate and consistent information is available at the local level on recommended application rates and possible environmental impacts.

Subd. 10. [COOPERATION OF OTHER AGENCIES.] Other agencies of state government and the University of Minnesota shall cooperate with the commissioner in the exercise of responsibilities under this section. The commissioner of agriculture shall consult

with the University of Minnesota and other agencies and organizations in carrying out duties under this section.

Sec. 2. Minnesota Statutes 1988, section 17.73, subdivision 3, is amended to read:

Subd. 3. [ANALYSES REPORTING STANDARDS.] (a) The results obtained from soil or plant analysis must be reported in accordance with standard reporting units established by the commissioner by rule. The standard reporting units must conform as far as practical to uniform standards that are adopted on a regional or national basis.

(b) If a certified laboratory offers a recommendation, the University of Minnesota recommendation or that of another land grant college in a contiguous state must be offered in addition to other recommendations, and the source of the recommendation must be identified on the recommendation form. If relative levels such as low, medium, or high are presented to classify the analytical results, the corresponding relative levels based on the analysis as designated by the University of Minnesota or the land grant college in a contiguous state must also be presented.

(c) Information on efficient and environmentally sound practices based on research studies shall be included with all soil test results.

Sec. 3. Minnesota Statutes 1988, section 18B.01, subdivision 5, is amended to read:

Subd. 5. [COMMERCIAL APPLICATOR.] "Commercial applicator" means a person who has or is required to have a commercial applicator license.

Sec. 4. Minnesota Statutes 1988, section 18B.01, is amended by adding a subdivision to read:

Subd. 6a. [CORRECTIVE ACTION.] "Corrective action" means action taken to minimize, eliminate, or clean up an incident.

Sec. 5. Minnesota Statutes 1988, section 18B.01, subdivision 12, is amended to read:

Subd. 12. [INCIDENT.] "Incident" means a flood, fire, tornado, transportation accident, storage container rupture, ~~portable container rupture~~, leak, spill, emission, discharge, escape, leach, disposal, or other event that releases or immediately threatens to release a pesticide accidentally or otherwise into the environment, and may cause unreasonable adverse effects on the environment. "Incident" does not include the lawful use or intentional release of a

pesticide in accordance with its approved label or labeling or a discharge or other release authorized by law.

Sec. 6. Minnesota Statutes 1988, section 18B.01, subdivision 15, is amended to read:

Subd. 15. [NONCOMMERCIAL APPLICATOR.] "Noncommercial applicator" means a person with who has or is required to have a noncommercial applicator license.

Sec. 7. Minnesota Statutes 1988, section 18B.01, is amended by adding a subdivision to read:

Subd. 15a. [OWNER OF REAL PROPERTY.] "Owner of real property" means a person who is in possession of, has the right of control, or controls the use of real property, including without limitation a person who may be a fee owner, lessee, renter, tenant, lessor, contract for deed vendee, licensor, licensee, or occupant.

Sec. 8. Minnesota Statutes 1988, section 18B.01, subdivision 19, is amended to read:

Subd. 19. [PESTICIDE DEALER.] "Pesticide dealer" means a person with who has or is required to have a pesticide dealer license.

Sec. 9. Minnesota Statutes 1988, section 18B.01, subdivision 21, is amended to read:

Subd. 21. [PRIVATE APPLICATOR.] "Private applicator" means a person certified to use ~~or supervise use of~~ restricted use pesticides.

Sec. 10. Minnesota Statutes 1988, section 18B.01, subdivision 23, is amended to read:

Subd. 23. [RESPONSIBLE PARTY.] "Responsible party" means a person or persons who at the time of an incident has custody of, control of, or responsibility for a pesticide, pesticide container, or pesticide rinse.

Sec. 11. Minnesota Statutes 1988, section 18B.01, is amended by adding a subdivision to read:

Subd. 24a. [RETAIL PESTICIDE HANDLER.] "Retail pesticide handler" means a person, other than a pesticide dealer, who sells a commercial pesticide in a packaged container that was produced or guaranteed by another person.

Sec. 12. Minnesota Statutes 1988, section 18B.01, subdivision 26, is amended to read:

Subd. 26. [SAFEGUARD.] "Safeguard" means a facility, equipment, device, or system, or a combination of these, designed to prevent the escape or movement of a pesticide from the place it is stored or kept under conditions that might otherwise result in contamination of the environment an incident.

Sec. 13. Minnesota Statutes 1988, section 18B.01, subdivision 30, is amended to read:

Subd. 30. [STRUCTURAL PEST CONTROL APPLICATOR.] "Structural pest control applicator" means a person with who has or is required to have a structural pest control license.

Sec. 14. Minnesota Statutes 1988, section 18B.01, subdivision 31, is amended to read:

Subd. 31. [UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT.] "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide. Exceeding a state water quality or drinking water standard adopted under sections 115.44 and 144.383, or limits adopted under article 1, section 5, constitutes an unreasonable adverse effect on the environment.

Sec. 15. Minnesota Statutes 1988, section 18B.03, is amended by adding a subdivision to read:

Subd. 4. [EMPLOYEES; COMPENSATION.] The commissioner may employ necessary agents and assistants to administer and enforce this chapter, none of whom, except those who are employed on a full-time basis, shall come within or be governed by chapter 43A. The compensation for the unclassified employees shall be on the basis of a rating and salary scale determined by the commissioner's plan of the department of employee relations or the appropriate bargaining unit contract.

Sec. 16. Minnesota Statutes 1988, section 18B.04, is amended to read:

18B.04 [PESTICIDE IMPACT ON WATER QUALITY THE ENVIRONMENT.]

The commissioner shall:

(1) determine the impact of pesticides on the environment, including surface water and ground water in this the state;

(2) develop best management practices and water resources pro-

tection measures as defined in article 1, section 2, involving pesticide distribution, storage, handling, use, and disposal; and

(3) cooperate with and assist other state agencies and local governments to protect public health and the environment from harmful exposure to pesticides.

Sec. 17. Minnesota Statutes 1988, section 18B.07, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED PESTICIDE USE.] (a) A person may not use, store, handle, distribute, or dispose of a pesticide, rinsate, pesticide container, or pesticide application equipment in a manner:

- (1) that is inconsistent with a label or labeling;
- (2) that endangers humans, damages agricultural products, food, livestock, fish, or wildlife, or beneficial insects; or
- (3) that will cause unreasonable adverse effects on the environment.

(b) A person may not:

(1) direct a pesticide on onto property beyond the boundaries of the target site. A person may not apply a pesticide resulting in;

(2) apply a pesticide so as to cause damage to adjacent nearby property;

(c) A person may not directly;

(3) apply a pesticide on a human by overspray or target site spray;
or

(d) A person may not

(4) apply a pesticide in a manner so as to expose a worker human in an immediately adjacent, open field area.

Sec. 18. Minnesota Statutes 1988, section 18B.07, subdivision 3, is amended to read:

Subd. 3. [POSTING.] (a) If the pesticide labels prescribe specific hourly or daily intervals for human reentry following application, the person applying the pesticide must post fields, buildings, or areas where the pesticide has been applied. The posting must be done with placards in accordance with label requirements and rules adopted under this section.

(b) Fields Sites being treated with pesticides through irrigation systems must be posted throughout the period of pesticide treatment. The posting must be done in accordance with labeling and rules adopted under this chapter.

Sec. 19. Minnesota Statutes 1988, section 18B.07, subdivision 4, is amended to read:

Subd. 4. [PESTICIDE SAFEGUARDS AT APPLICATION SITES.] A person may not allow a pesticide, rinsate, or unrinsed pesticide container to be stored, kept, or to remain in or on any site without safeguards adequate to prevent the escape or movement of the pesticides from the site an incident.

Sec. 20. Minnesota Statutes 1988, section 18B.07, subdivision 5, is amended to read:

Subd. 5. [USE OF PUBLIC WATER SUPPLIES FOR FILLING EQUIPMENT.] A person may not fill pesticide application equipment directly from a public water supply, as defined in section 144.382, unless the outlet from the public water supply is equipped with a backflow prevention device that complies with the Minnesota Plumbing Code under Minnesota Rules, parts 4715.2000 to 4715.2280, and unless the equipment contains proper and functioning anti-backsiphoning equipment. The person may not introduce pesticides into the application equipment until after filling the equipment from a public water supply.

Sec. 21. Minnesota Statutes 1988, section 18B.07, subdivision 6, is amended to read:

Subd. 6. [USE OF PUBLIC WATERS FOR FILLING EQUIPMENT.] (a) A person may not fill pesticide application equipment directly from public or other waters of the state, as defined in section 105.37, subdivision 7 or 14, unless the equipment contains proper and functioning anti-backsiphoning mechanisms. The person may not introduce pesticides into the application equipment until after filling the equipment from the public waters.

(b) This subdivision does not apply to permitted applications of aquatic pesticides to public waters.

Sec. 22. Minnesota Statutes 1988, section 18B.07, subdivision 7, is amended to read:

Subd. 7. [CLEANING EQUIPMENT IN OR NEAR SURFACE WATER.] (a) A person may not:

(1) clean pesticide application equipment in surface waters of the state; or

(2) fill or clean pesticide application equipment adjacent to surface waters, ditches, or wells where, because of the slope or other conditions, pesticides or materials contaminated with pesticides could enter or contaminate the surface waters, ground water, or wells, as a result of overflow, leakage, or other causes.

(b) This subdivision does not apply to permitted application of aquatic pesticides to public waters.

Sec. 23. Minnesota Statutes 1988, section 18B.08, subdivision 1, is amended to read:

Subdivision 1. [PERMIT REQUIRED.] (a) A person may not apply pesticides through an irrigation system without a chemigation permit from the commissioner. Only one chemigation permit is required for ~~two~~ one or more wells or other irrigation water sources that are protected from pesticide contamination by the same devices as required by rule. The commissioner may allow irrigation to be used to apply pesticides on crops and land, including agricultural, nursery, turf, golf course, and greenhouse sites.

(b) A person must apply for a chemigation permit on forms prescribed by the commissioner.

Sec. 24. Minnesota Statutes 1988, section 18B.08, subdivision 3, is amended to read:

Subd. 3. [EQUIPMENT.] A chemigation system must be fitted with effective antisiphon devices or check valves that prevent the backflow of pesticides or pesticide-water mixtures into water supplies or other materials during times of irrigation system failure or equipment shutdown. The devices or valves must be installed between:

(1) the irrigation system pump or water source discharge and the point of pesticide injection; and

(2) the point of pesticide injection and the pesticide supply.

Sec. 25. Minnesota Statutes 1988, section 18B.08, subdivision 4, is amended to read:

Subd. 4. [APPLICATION FEE.] A person initially applying for a chemigation permit must pay a nonrefundable application fee of \$50 for each well that is to be used in applying the pesticides by irrigation. A person who holds a valid fertilizer chemigation permit, as defined in chapter 17, is exempt from the fee in this section.

Sec. 26. Minnesota Statutes 1988, section 18B.15, is amended to read:

18B.15 [PESTICIDE RELEASE INCIDENTS.]

Subdivision 1. [DUTIES OF RESPONSIBLE PARTY CORRECTIVE ACTION ORDERS.] (a) A responsible party involved in an incident or an owner of real property must immediately, upon discovering that an incident has occurred, report the that incident to the department of agriculture and provide information as requested by the commissioner. The responsible party must pay for the costs and immediately take all action necessary to minimize or abate the release and to recover pesticides involved in the incident.

(b) The responsible party must submit a written report of the incident to the commissioner containing the information requested by the commissioner within the time specified by the commissioner and also submit a written report to the commissioner containing the information requested by the commissioner within the time specified by the commissioner. After determining that an incident has occurred, the commissioner may order the responsible party to take reasonable and necessary corrective actions. The commissioner shall notify the owner of real property where corrective action is ordered that access to the property will be required for the responsible party or the commissioner to take corrective action. A political subdivision may not request or order any person to take an action that conflicts with the corrective action ordered by the commissioner. The attorney general may bring an action to compel corrective action.

Subd. 2. [COMMISSIONER'S COMMISSIONER AND COMPELLED PERFORMANCE CORRECTIVE ACTION.] (a) If in the judgment of the commissioner the responsible party does not take immediate and sufficient action to abate the release of and to recover the pesticide, The commissioner may take corrective action necessary to mitigate or correct the conditions resulting from an incident. The responsible party must reimburse the commissioner for the costs incurred by the commissioner in the enforcement of this subdivision.

(b) The department of agriculture is the lead state agency for responding to and taking action with regard to pesticide incidents. if:

(1) a responsible party cannot be identified; or

(2) an identified responsible party cannot or will not comply with an order issued under subdivision 1.

Subd. 3. [EMERGENCY CORRECTIVE ACTION.] To assure an adequate response to an incident, the commissioner may take corrective action without following the procedures of subdivision 1 if the commissioner determines that the incident constitutes a clear and immediate danger requiring immediate action to prevent,

minimize, or mitigate damage to the public health and welfare or the environment. Before taking an action under this subdivision, the commissioner shall make all reasonable efforts, taking into consideration the urgency of the situation, to order a responsible party to take a corrective action and notify the owner of real property where the corrective action is to be taken.

Subd. 4. [LEAD AGENCY.] The department of agriculture is the lead state agency in taking corrective action for incidents.

Sec. 27. Minnesota Statutes 1988, section 18B.17, subdivision 2, is amended to read:

Subd. 2. [EDUCATION AND TRAINING AGREEMENTS.] For purposes of education and training only, the commissioner may enter into agreements or contracts with qualified public or private organizations that wish to offer training programs developed under this chapter. In addition, the commissioner may provide pesticide information and related educational materials to interested clientele and residents of Minnesota.

Sec. 28. Minnesota Statutes 1988, section 18B.18, is amended to read:

18B.18 [INSPECTION.]

Subdivision 1. [ACCESS AND ENTRY.] (a) The commissioner, ~~and the commissioner's agents~~, upon ~~issuance~~ presentation of a notice of inspection official department credentials, must be granted access at reasonable times without delay to ~~(1) sites where a restricted use pesticide is used; (2) (1) where a person manufactures, formulates, distributes, uses, disposes of, stores, or transports a pesticide in violation of provisions of this chapter; and (3) to all sites (2) which the commissioner reasonably believes are affected, or possibly affected, by the use of a pesticide, rinsate, pesticide container, or device in violation of a provision of this chapter.~~

(b) The commissioner ~~and commissioner's agents~~ may enter sites for:

(1) inspection of equipment for the manufacture, formulation, distribution, disposal, or application of pesticides and the premises on which the equipment is stored;

(2) sampling of sites actually or reportedly exposed to pesticides;

(3) inspection of storage, handling, distribution, use, or disposal areas of pesticides or pesticide containers;

(4) inspection or investigation of complaints of injury to humans, wildlife, domesticated animals, crops, or the environment;

(5) sampling of pesticides;

(6) observation of the use and application of a pesticide;

(7) inspection of records related to the manufacture, distribution, storage, handling, use, or disposal of pesticides; and

(8) investigating the source, nature, and extent of an incident, and the extent of the adverse effects on the environment; and

(9) other purposes necessary to implement this chapter.

Subd. 2. [NOTICE OF INSPECTION SAMPLES AND ANALYSES.] Before leaving the premises inspected, The commissioner shall provide the owner, operator, or agent in charge with a receipt describing the suspected violation and any samples obtained. The commissioner shall also split any samples obtained and provide these to the owner, operator, or agent in charge for independent analysis if so desired. If an analysis is made of the samples, a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge within 30 days of completion. If an analysis is not completed on the samples obtained, the commissioner shall notify the owner, operator, or agent in charge within 30 days of making this decision.

Subd. 3. [OBTAINING EVIDENCE.] In making inspections under this chapter, the commissioner may administer oaths, certify as to official acts, take and cause to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses and production of papers, books, documents, records, and testimony. If a person fails to comply with a subpoena lawfully issued, or a witness refuses to produce evidence or testify to a matter regarding which the person may be lawfully interrogated, the district court shall, upon application of the commissioner, compel obedience proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by the court or a refusal to testify in the court.

Subd. 4. [REQUEST FOR INSPECTION.] A person who believes that a violation of this chapter has occurred may request an inspection by giving notice to the commissioner of the violation. The notice must be in writing, set forth with reasonable particularity the grounds for the notice, and be signed by the person. If upon receipt of the notice the commissioner reasonably believes that a violation occurred, the commissioner shall provide the party believed responsible with a copy of the request for investigation, excluding the name of the person who made the request, and notice of intent to investigate. The commissioner shall make a special inspection in

accordance with this section as soon as practicable to determine if a violation occurred. An inspection conducted because of a complaint may cover an entire site and is not limited to that portion of the site specified in the notice. If the commissioner determines that there are no reasonable grounds to believe that a violation occurred, the commissioner shall notify the person in writing of that determination.

Subd. 5. [REFUSAL TO PERMIT ENTRY.] Upon the refusal or anticipated refusal, based on a refusal to permit entrance on a prior occasion, of an owner, operator, or agent in charge to permit entry under this chapter, the commissioner may apply for an order in the district court in the county in which a site is located to compel a person with authority to permit the commissioner to enter and inspect the site.

Subd. 6. [SUBPOENA OF DEPARTMENTAL EMPLOYEES.] (a) Neither the commissioner nor any employee of the department, including those employees of other approved agencies providing services to the department, is subject to subpoena for purposes of expert witness testimony.

(b) Once an inspection file is closed by the commissioner, the commissioner shall, upon request from any person, certify as official department records any information contained in a file which is public information.

Subd. 7. [COSTS OF INVESTIGATION.] If an inspection or investigation reveals that a violation of this chapter has occurred, the commissioner may require the violator to pay the commissioner for the reasonable costs incurred by the commissioner in that inspection or investigation. The commissioner may enter an order for recovery of those costs.

Sec. 29. [18B:191] [RESPONSIBILITY FOR COSTS.]

Subdivision 1. [RESPONSIBLE PARTY.] (a) A responsible party is liable for the costs including administrative costs for corrective action under section 19. The commissioner may issue an order for recovery of those costs.

(b) A responsible party is liable for the costs of any destruction of wildlife. Payments of these costs must be deposited in the game and fish fund in the state treasury.

Subd. 2. [AVOIDANCE OF LIABILITY.] (a) A responsible party may not avoid liability by means of a conveyance of any right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar agreement.

(b) This subdivision does not:

(1) prohibit a person who may be liable from entering an agreement by which the person is insured, held harmless, or indemnified for part or all of the liability;

(2) prohibit the enforcement of an insurance, hold harmless, or indemnification agreement; or

(3) bar a cause of action brought by a person who may be liable or by an insurer or guarantor, whether by right of subrogation or otherwise.

Subd. 3. [OWNER OF REAL PROPERTY.] An owner of real property is not a responsible party for an incident on the owner's property unless that owner:

(1) was engaged in manufacturing, formulating, transporting, storing, handling, applying, distributing, or disposing of a pesticide on the property;

(2) knowingly permitted a person to make regular use of the property for disposal of pesticides; or

(3) violated this chapter in a way that contributed to the incident.

Subd. 4. [COMPLIANCE WITH APPROVED LABELS OR LABELING.] (a) A pesticide user is not a responsible party for a use of a pesticide if the person has used the pesticide in accordance with its approved label or labeling and state laws, rules, and commissioner's orders.

(b) It is a complete defense for liability if the person has complied with the provisions in paragraph (a).

Subd. 5. [DEFENSES.] As a defense to a penalty or liability for damages, a person may prove that the violation was caused solely by an act of God, an act of war, or an act or failure to act that constitutes sabotage or vandalism, or any combination of these defenses.

Sec. 30. [18B.192] [APPORTIONMENT AND CONTRIBUTION.]

Subdivision 1. [RIGHT OF APPORTIONMENT; FACTORS.] A responsible party held liable under this chapter may have the trier of fact apportion liability among the responsible parties under this section. The burden is on each responsible party to show how that responsible party's liability should be apportioned. The trier of fact shall reduce the amount of damages in proportion to any amount of liability apportioned to the party recovering.

In apportioning the liability of a party under this section, the trier of fact shall consider the following:

(1) the extent to which that responsible party contributed to the incident;

(2) the amount of pesticide involved;

(3) the degree of toxicity of the pesticide involved;

(4) the degree of involvement of and care exercised by the responsible party in manufacturing, formulating, handling, storing, distributing, transporting, applying, and disposing of the pesticide;

(5) the degree of cooperation by the responsible party with federal, state, or local officials to prevent harm to the public health or the environment; and

(6) knowledge by the responsible party of the hazardous nature of the pesticide.

Subd. 2. [CONTRIBUTION.] If a responsible party is held liable under this chapter and establishes a proportionate share of the aggregate liability, the provisions of section 604.02, subdivisions 1 and 2, apply with respect to contribution and reallocation of any uncollectible amounts, except that an administrative law judge may also perform the functions of a court identified in section 604.02, subdivision 2.

Sec. 31. [18B.193] [ADMINISTRATIVE PENALTIES.]

Subdivision 1. [FACTORS.] In determining the size of the penalty, the commissioner shall give due consideration to the economic benefit gained by the person by allowing or committing the violation, the gravity of the violation in terms of actual or potential damage to the environment, and the violator's culpability, good faith, and history of violations.

Subd. 2. [DOLLAR LIMIT.] The commissioner may by administrative order assess penalties of up to \$5,000 for a violation of this chapter.

Subd. 3. [PAYMENT.] Penalties assessed under this chapter must be paid to the commissioner for deposit in the pesticide regulatory account. If a violator fails to pay a penalty which is part of a final order within 30 days, the commissioner may commence a civil action for double the assessed penalty and attorney fees and costs. A penalty may be recovered in a civil action in the name of the department brought in the district court of the county where the

violation is alleged to have occurred or the district court where the commissioner has an office.

Sec. 32. Minnesota Statutes 1988, section 18B.20, is amended by adding a subdivision to read:

Subd. 7. [EMPLOYER LIABILITY FOR EMPLOYEES.] Structural pest control applicators, commercial applicators, noncommercial applicators, and pesticide dealers are civilly liable for violations of this chapter by their employees and agents.

Sec. 33. [18B.205] [ADMINISTRATIVE COMPLIANCE.]

Subdivision 1. [CONTESTED ORDER.] After being served with an order, a person has at least 45 days from receipt of the order within which to notify the commissioner in writing that the person intends to contest the order. If the person fails to properly notify the commissioner that the person intends to contest the order, the order is a final order of the agency and not subject to review by any court or agency.

Subd. 2. [ADMINISTRATIVE REVIEW.] (a) If a person notifies the commissioner that the person intends to contest an order issued under this chapter, the state office of administrative hearings shall conduct a hearing in accordance with the applicable provisions of chapter 14 for hearings. A hearing shall be conducted at a place designated by the commissioner, within the county where the violation occurred, or where the person contesting the order resides or has a principal place of business or any other place on which all the parties agree.

(b) Notwithstanding any provision of chapter 14, the final administrative law report shall be the final decision of the agency. Only an administrative law judge, under rules adopted by the office of administrative hearings, may entertain an application for reconsideration of a final agency decision.

Subd. 3. [JUDICIAL REVIEW.] (a) The commissioner or any party aggrieved by a final agency decision may seek judicial review of a final agency decision under sections 14.63 to 14.69.

(b) Any additional evidence required by a reviewing court under section 14.67 shall be taken by an administrative law judge. Only an administrative law judge may change the agency decision or any findings contained in it. The administrative law judge shall file with the reviewing court the additional evidence, together with any modifications or new findings or decisions, as provided in section 14.67.

Subd. 4. [EXPENSES.] The commissioner may recover the rea-

sonable expenses incurred by the commissioner or the attorney general in a contested case or an appeal from a contested case if the commissioner ultimately prevails in that matter. The commissioner's certification of expenses is prima facie evidence that the expenses are reasonable and necessary.

Sec. 34. Minnesota Statutes 1988, section 18B.21, is amended to read:

18B.21 [ADMINISTRATIVE ACTION REMEDIES FOR VIOLATIONS.]

Subdivision 1. [ADMINISTRATIVE REMEDIES.] The commissioner may seek to remedy violations of this chapter or the commissioner's orders by (1) a written warning, (2) an administrative meeting, (3) a cease and desist, stop-use, stop-sale, removal, administrative penalty, or other special order, or (4) a seizure, stipulation, or agreement, if the commissioner determines that the remedy is in the public interest.

Subd. 2. [REVOCATION AND SUSPENSION.] The commissioner may, after written notice and hearing, revoke, suspend, or refuse to grant or renew a registration, permit, license, or certification if a person violates a provision of this chapter or has a history, within the last three years, of violations of chapter 18A or 18B.

Subd. 3. [REMEDIAL ACTION ORDERS SERVICE OF ORDER OR NOTICE.] (a) If the commissioner has probable cause that a pesticide, pesticide container, rinsate, pesticide equipment, or device is being used, manufactured, distributed, stored, or disposed of in violation of a provision of this chapter, the commissioner may investigate and issue a written cease and desist, stop-sale, stop-use, or removal order or other remedial action to the owner, custodian, or other responsible party. If the owner, custodian, or other responsible party a person is not available for service of the an order, the commissioner may attach the order to the pesticide, pesticide container, rinsate, pesticide equipment, or device or facility and notify the owner, custodian, other responsible party, or the registrant. The pesticide, pesticide container, rinsate, pesticide equipment, or device may not be sold, used, or removed until the violation has been corrected and the pesticide, pesticide container, rinsate, pesticide equipment, or device has been released in writing under conditions specified by the commissioner, or until the violation has been otherwise disposed of by an administrative law judge, or a court.

(b) If a violation of a provision of this chapter results in conditions that may have an unreasonable adverse effect on humans, domestic animals, wildlife, or the environment, the commissioner may, by order, require remedial action, including removal and proper disposal.

Sec. 35. Minnesota Statutes 1988, section 18B.26, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) A person may not use or distribute a pesticide in this state unless it is registered with the commissioner. Pesticide registrations expire on December 31 of each year and may be renewed on or before that date for the following calendar year.

(b) Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as an ingredient in the formulation of a pesticide that is registered under this chapter.

(c) An unregistered pesticide that was previously registered with the commissioner may be used only with the written permission of the commissioner.

(d) Each pesticide with a unique EPA registration number or brand name must be registered with the commissioner.

Sec. 36. Minnesota Statutes 1988, section 18B.26, subdivision 3, is amended to read:

Subd. 3. [APPLICATION FEE.] (a) An application for initial registration and renewal must be accompanied by a nonrefundable application fee of ~~\$125~~ \$200 for each pesticide to be registered.

(b) An additional fee of \$100 must be paid by the applicant for each pesticide to be registered if the application is a renewal application that is submitted after December 31.

(c) ~~An additional fee of \$200 must be paid by the applicant for each pesticide distributed or used in the state before initial state registration.~~

Sec. 37. Minnesota Statutes 1988, section 18B.26, subdivision 5, is amended to read:

Subd. 5. [APPLICATION REVIEW AND REGISTRATION.] (a) The commissioner may not deny the registration of a pesticide because the commissioner determines the pesticide is not essential.

(b) The commissioner shall review each application and may approve, deny, or cancel the registration of any pesticide. The commissioner may impose state use or distribution restrictions on a pesticide as part of the registration to prevent unreasonable adverse effects on the environment.

(c) The commissioner must notify the applicant of the approval, denial, cancellation, or state use or distribution restrictions within 30 days after the application and fee are received.

(d) The applicant may request a hearing on any adverse action of the commissioner within 30 days after being notified by the commissioner.

Sec. 38. Minnesota Statutes 1988, section 18B.26, is amended by adding a subdivision to read:

Subd. 6. [WITHDRAWAL.] A person who intends to discontinue a pesticide registration must do one of the following to ensure complete withdrawal from distribution or further use of the pesticide:

(1) terminate a further distribution within the state and continue to register the pesticide annually for two successive years;

(2) initiate and complete a total recall of the pesticide from all distribution in the state within 60 days from the date of notification to the commissioner of intent to discontinue registration; or

(3) submit to the commissioner evidence adequate to document that no distribution of the registered pesticide has occurred in the state.

Sec. 39. [18B.281] [PESTICIDE EDUCATION AND TRAINING.]

Subdivision 1. [EDUCATION AND TRAINING.] The commissioner shall develop, in conjunction with the University of Minnesota extension service, unique and innovative educational and training programs addressing pesticide concerns including, but not limited to: (1) water quality protection; (2) endangered species; (3) pesticide residues in food and water; (4) worker protection; (5) chronic toxicity; (6) integrated pest management; and (7) pesticide disposal. Educational planning session committees must include representatives of industry and of the commissioner. Specific current regulatory concerns must be discussed and, where appropriate, incorporated into each training session. These training materials must be used as a parameter for all educational programs affected by any organization.

Subd. 2. [TRAINING MANUAL AND EXAMINATION DEVELOPMENT.] The commissioner, in conjunction with the University of Minnesota extension service, shall continually revise and update pesticide applicator training manuals and examinations. The manuals and examinations must be written to meet or exceed the minimum standards required by the United States Environmental Protection Agency and pertinent state-specific information. Questions in the examinations must be determined by the responsible

agencies. Manuals and examinations must include pesticide management practices that discuss prevention of pesticide occurrence in groundwaters of the state.

Subd. 3. [PESTICIDE APPLICATOR EDUCATION AND EXAMINATION REVIEW BOARD.] The commissioner shall establish and chair a pesticide applicator education and examination review board. This board shall meet at least once a year before the initiation of pesticide educational planning programs. The purpose of this board is to discuss topics of current concern that can be incorporated into pesticide applicator training sessions and appropriate examinations. This board shall review and evaluate the various educational programs recently conducted and recommend options to increase overall effectiveness. Membership on this board must represent industry, private, nonprofit organizations, and other governmental agencies, including the University of Minnesota, the pollution control agency, and the departments of health, natural resources, and transportation.

Sec. 40. Minnesota Statutes 1988, section 18B.31, subdivision 3, is amended to read:

Subd. 3. [LICENSE.] A pesticide dealer license:

(1) expires on December 31 of each year unless it is suspended or revoked before that date; and

(2) is not transferable to another person- or location; and

(3) must be prominently displayed to the public in the pesticide dealer's place of business.

Sec. 41. Minnesota Statutes 1988, section 18B.31, subdivision 5, is amended to read:

Subd. 5. [APPLICATION FEE.] (a) An application for a pesticide dealer license must be accompanied by a nonrefundable application fee of \$50.

(b) If an application for renewal of a pesticide dealer license is not filed before January 1 of the year for which the license is to be issued, an additional fee of \$20 must be paid by the applicant before the license is issued.

(c) A \$10 fee must be paid for the issuance of a duplicate pesticide dealer license.

Sec. 42. Minnesota Statutes 1988, section 18B.32, subdivision 2, is amended to read:

Subd. 2. [LICENSES.] (a) A structural pest control license:

(1) expires on December 31 of the year for which the license is issued; ~~and~~

(2) is not transferable; and

(3) must be prominently displayed to the public in the structural pest controller's place of business.

(b) The commissioner shall establish categories of master, journeyman, and fumigator for a person to be licensed under a structural pest control license.

Sec. 43. Minnesota Statutes 1988, section 18B.33, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) A person may not apply a pesticide for hire without a commercial applicator license for the appropriate use categories except a licensed structural pest control applicator.

(b) A person with a commercial applicator license may not apply pesticides on or into surface waters without an aquatic category endorsement on a commercial applicator license.

(c) A commercial applicator licensee must have a valid license identification card when applying pesticides for hire and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The commissioner shall prescribe the information required on the license identification card.

Sec. 44. Minnesota Statutes 1988, section 18B.33, subdivision 3, is amended to read:

Subd. 3. [LICENSE.] A commercial applicator license:

(1) expires on December 31 of the year for which it is issued, unless suspended or revoked before that date; ~~and~~

(2) is not transferable to another person; and

(3) must be prominently displayed to the public in the commercial applicator's place of business.

Sec. 45. Minnesota Statutes 1988, section 18B.33, subdivision 7, is amended to read:

Subd. 7. [APPLICATION FEES.] (a) A person initially applying for or renewing a commercial applicator license as a business entity must pay a nonrefundable application fee of \$50; ~~except a person who is an employee of a business entity that has a commercial applicator license and is applying for or renewing a commercial applicator license as an individual the nonrefundable application fee is \$25.~~

(b) If a renewal application is not filed before March 1 of the year for which the license is to be issued, an additional penalty fee of \$10 must be paid before the commercial applicator license may be issued.

(c) A \$10 fee must be paid for the issuance of a duplicate commercial applicator license.

Sec. 46. Minnesota Statutes 1988, section 18B.34, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] (a) Except for a licensed commercial applicator, certified private applicator, or licensed structural pest control applicator, a person, including a government employee, may not use a restricted use pesticide in performance of official duties without having a noncommercial applicator license for an appropriate use category.

(b) ~~A person with~~ A licensed noncommercial applicator license may not apply pesticides into or on surface waters without an aquatic category endorsement on the license.

(c) A licensee must have a valid license identification card when applying pesticides and must display it upon demand by an authorized representative of the commissioner or a law enforcement officer. The license identification card must contain information required by the commissioner.

Sec. 47. Minnesota Statutes 1988, section 18B.34, subdivision 2, is amended to read:

Subd. 2. [LICENSE.] A noncommercial applicator license:

(1) expires on December 31 of the year for which it is issued unless suspended or revoked before that date; ~~and~~

(2) is not transferable; and

(3) must be prominently displayed to the public in the noncommercial applicator's place of business.

Sec. 48. Minnesota Statutes 1988, section 18B.34, subdivision 5, is amended to read:

Subd. 5. [FEES.] (a) A person initially applying for or renewing a noncommercial applicator license as a business entity must pay a nonrefundable application fee of \$50. ~~A person who is an employee of a business entity that has a noncommercial applicator license and is applying for or renewing a noncommercial applicator license as an individual must pay a nonrefundable application fee of \$25, except an applicant who is a government employee who uses pesticides in the course of performing official duties must pay a nonrefundable application fee of \$10.~~

(b) If an application for renewal of a noncommercial license is not filed before March 1 in the year for which the license is to be issued, an additional penalty fee of \$10 must be paid before the renewal license may be issued.

(c) A \$10 fee must be paid for the issuance of a duplicate noncommercial applicator license.

Sec. 49. Minnesota Statutes 1988, section 18B.36, is amended to read:

18B.36 [PRIVATE APPLICATOR CERTIFICATION.]

Subdivision 1. [REQUIREMENT.] (a) Except for a licensed commercial or noncommercial applicator, only a person certified as a private applicator may use ~~or supervise the use of~~ a restricted use pesticide to produce an agricultural commodity:

(1) as a traditional exchange of services without financial compensation; or

(2) on a site owned, rented, or managed by the person or the person's employees.

(b) A private applicator may not purchase a restricted use pesticide without presenting a private applicator card or the card number.

Subd. 2. [CERTIFICATION.] (a) The commissioner shall prescribe certification requirements and provide training that meets or exceeds EPA standards to certify persons as private applicators and provide information relating to changing technology to help ensure a continuing level of competency and ability to use pesticides properly and safely. The training may be done through cooperation with other government agencies and must be a minimum of three hours in duration.

(b) A person must apply to the commissioner for certification as a private applicator. After completing the certification requirements, which must include an examination as determined by the commis-

sioner, an applicant must be certified as a private applicator to use restricted use pesticides. The certification is for a period of five three years from the applicant's nearest birthday.

(c) The commissioner shall issue a private applicator card to a private applicator.

Subd. 3. [FEES.] (a) A person applying to be certified as a private applicator must pay a nonrefundable \$10 application fee for the certification period.

(b) A \$5 fee must be paid for the issuance of a duplicate private applicator card.

Sec. 50. Minnesota Statutes 1988, section 18B.37, subdivision 1, is amended to read:

Subdivision 1. [PESTICIDE DEALER.] (a) A pesticide dealer must maintain records of all sales of restricted use pesticides as required by the commissioner. Records must be kept at the time of the sale on forms supplied by the commissioner or on the pesticide dealer's forms if they those forms are approved by the commissioner.

(b) Records must be submitted annually with the renewal application for a pesticide dealer license or upon request of the commissioner.

(c) Copies of records required under this subdivision must be maintained by the pesticide dealer for a period of five years after the date of the pesticide sale.

Sec. 51. Minnesota Statutes 1988, section 18B.37, subdivision 2, is amended to read:

Subd. 2. [COMMERCIAL AND NONCOMMERCIAL APPLICATORS.] (a) A commercial ~~or noncommercial~~ applicator, or the applicator's authorized agent, ~~must~~ shall maintain a record of pesticides used on each site. A noncommercial applicator, or the applicator's authorized agent, shall maintain a record of restricted use pesticides used on each site. The record must include the:

(1) date of the pesticide use;

(2) time the pesticide application was completed;

(3) brand name of the pesticide, EPA registration number, and dosage used;

(4) number of units treated;

- (5) temperature, wind speed, and wind direction;
- (6) location of the site where the pesticide was applied;
- (7) name and address of the customer;
- (8) name and signature of the applicator, company name, license number of the applicator, and address, and signature of the applicator or company; and
- (9) any other information required by the commissioner.

(b) Portions of records not relevant to a specific type of application may be omitted upon approval from the commissioner.

(c) All information for this record requirement must be contained in a single page document not to exceed five pages for each day's pesticide application, or individual site application. Portions of the required record may include a map to identify treated areas. Invoices. An invoice containing the required information may constitute the required record.

(d) A commercial applicator must give a copy of the record to the customer when the application is completed.

(e) Records must be retained by the applicator, company, or authorized agent for five years after the date of treatment.

Sec. 52. Minnesota Statutes 1988, section 18B.37, subdivision 3, is amended to read:

Subd. 3. [STRUCTURAL PEST CONTROL APPLICATORS.] (a) A structural pest control applicator must maintain a record of each structural pest control application conducted by that person or by the person's employees. The record must include the:

- (1) date of structural pest control application;
- (2) target pest;
- (3) brand name of the pesticide, EPA registration number, and amount of pesticide used;
- (4) for fumigation, the temperature and exposure time;
- (5) time the pesticide application was completed;
- (6) name and address of the customer;

(6) (7) structural pest control applicator's company name and address, applicator's signature, and license number; and

(7) (8) any other information required by the commissioner.

(b) Invoices All information for this record requirement must be contained in a single page document for each pesticide application. An invoice containing the required information may constitute the record.

(c) Records must be retained for five years after the date of treatment.

(d) A copy of the record must be given to a person who ordered the application that is present at the site where the structural pest control application is conducted, placed in a conspicuous location at the site where the structural pest control application is conducted immediately after the application of the pesticides, or delivered to the person who ordered an application or the owner of the site.

Sec. 53. Minnesota Statutes 1988, section 18B.37, subdivision 4, is amended to read:

Subd. 4. [STORAGE, HANDLING, AND DISPOSAL PLAN.] A commercial, noncommercial, or structural pest control applicator or the licensed business that the applicator is employed by must develop and maintain a plan that describes its pesticide storage, handling, and disposal practices. The plan must be kept at a principal business site or location within this state and must be submitted to the commissioner upon request on forms provided by the commissioner. The plan must be available for inspection by the commissioner.

Sec. 54. [18B.375][RETAIL PESTICIDE HANDLERS LICENSE.]

Subdivision 1. [REQUIREMENT.] Except as provided in section 18B.31, a person may not distribute a pesticide without a retail pesticide handlers license.

Subd. 2. [RESPONSIBILITY.] A retail pesticide handler is responsible for the acts of a person who assists the handler in the distribution of pesticides.

Subd. 3. [LICENSE.] A retail pesticide handlers license:

(1) is for the period July 1 to June 30 of the following year and must be renewed annually by the licensee on or before July 1; and

(2) is not transferable from the person to whom the license was issued to another person or from one location to another location.

Subd. 4. [APPLICATION.] A person must apply to the commissioner for a retail pesticide handlers license on the forms and in the manner required by the commissioner. The commissioner must provide to the applicant educational materials and regulatory updates that will assist the dealer relating to pesticide recommendations, storage, handling, and use. Portions of these educational materials and regulatory updates must be given to purchasers of pesticide products by persons licensed as retail pesticide handlers.

Subd. 5. [APPLICATION FEE.] (a) An application for a retail pesticide handlers license from each fixed location within the state must be accompanied by a nonrefundable fee of \$25.

(b) If an application for renewal of a retail pesticide handlers license is not filed before June 30 of the year for which the license is to be issued, an additional fee of \$12.50 must be paid by the applicant before the license will be issued.

Sec. 55. [18B.41] [PESTICIDE MANAGEMENT PLAN.]

Subdivision 1. [PLAN SPECIFICATIONS.] The commissioner shall develop a pesticide management plan for the prevention, evaluation, and mitigation of occurrences of pesticides or pesticide breakdown products in groundwaters and surface waters of the state. The pesticide management plan must include components promoting prevention, developing appropriate responses to the detection of pesticides or pesticide breakdown products in groundwater and surface waters, and providing responses to reduce or eliminate continued pesticide movement to groundwater and surface water as outlined in subdivisions 3 to 8.

The pesticide management plan shall be coordinated and developed with other state agency plans and with other state agencies through the environmental quality board. In addition, farm organizations, farmers, environmental organizations, and industry shall be involved in the pesticide management plan development.

Subd. 2. [DEFINITIONS.] The definitions in this subdivision apply to this section.

(a) "Pesticide" means a pesticide active ingredient as defined in section 18B.01, subdivision 18, or the breakdown product or metabolite of the pesticide active ingredient.

(b) "Specific management plan" means a plan applied to a pesticide and may be specific to a pesticide-sensitive groundwater protection area that incorporates voluntary chemical and nonchemical activities, procedures, and practices or pesticide use restrictions established by the department of agriculture in consultation

with the University of Minnesota agricultural extension service due to determination of common detection of a pesticide in groundwater.

(c) "Nonpoint source" means the presence of a pesticide in groundwater or surface water from normal registered use of a pesticide.

(d) "Pesticide-sensitive groundwater protection areas" means a geographically definable area with characteristics of susceptibility to pesticide migration to groundwater and containing criteria as stipulated in article 1, section 5, subdivision 2.

(e) "Best management practices" means practices as defined in article 1, section 2, subdivision 2.

(f) "Water resources protection measures" has the meaning given it in article 1, section 2, subdivision 5.

(g) "Monitoring" means a program designed for the collection of data, through a network of groundwater quality sampling stations or surface water sampling points, for scientific inquiry and statistically significant analysis.

Subd. 3. [PESTICIDE-SENSITIVE GROUNDWATER PROTECTION AREAS.] The commissioner shall designate pesticide-sensitive groundwater protection areas based on criteria established in article 1, section 7, subdivision 2, and may involve cooperation with the department of natural resources, the pollution control agency, the University of Minnesota, and other pertinent local, state, or federal agencies. Pesticide-sensitive groundwater protection areas must be based on factors associated with susceptibility of groundwater to the leaching or direct movement of pesticides to the groundwater.

Upon designation of pesticide-sensitive groundwater protection areas the commissioner shall conduct an assessment of the likelihood of certain pesticides to migrate to groundwater. Determination of pesticide mobility must be based on the best currently available data and may involve pesticide registrants data and state and federal data bases. Mobile pesticide determination must include pesticide use, physiochemical properties, and previous groundwater detection information.

The commissioner shall increase regulatory efforts in pesticide-sensitive groundwater protection areas, provide additional and increased pesticide educational and training activities for prevention of movement of pesticides to water resources.

Subd. 4. [PESTICIDE USE INFORMATION.] The commissioner shall monitor urban and rural pesticide use on a biennial basis.

Information shall be collected and automated consistent with article 6, section 6.

Subd. 5. [BEST MANAGEMENT PRACTICES.] The commissioner shall promote best management practices that minimize the potential for pesticide movement to water resources throughout the state. Within a pesticide-sensitive groundwater protection area the commissioner shall promote additional appropriate best management practices and may consult with representatives of farmers, local and state agencies, the University of Minnesota, federal agencies, and the pesticide industry. The best management practices for agricultural and urban pesticide use must be practical and appropriate for implementation in the pesticide-sensitive groundwater protection areas. In addition to agronomic and horticultural best management practices, increased and expanded pesticide educational programs for counties with designated pesticide groundwater protection areas shall be provided.

Subd. 6. [EVALUATION OF DETECTION.] The commissioner shall evaluate the detection of pesticides in groundwaters of the state to determine the probable source and possible courses of action. Evaluation of the detection of the presence of a pesticide may include, but is not limited to, the following items:

(1) the methods of sample collection, handling, and confirmation mechanisms;

(2) the adherence of the reporting laboratory to good laboratory practices;

(3) the adequacy of the quality control and quality assurance programs;

(4) the physiochemical properties of the pesticide and their relationship, if any, to the detection;

(5) the general climatological, geographical, and hydrogeological factors that may impact the detection of the pesticide;

(6) the relationship of the concentration detected to the health based standard;

(7) the information available of the construction of the well from which the sample was obtained;

(8) the information available on pesticide use in the area;

(9) other potential pesticide sources; and

(10) the adherence to label directions, including precautions on the pesticide product label.

If conditions indicate a likelihood that the detection of the pesticide to be a result of normal registered use, the commissioner shall evaluate the need for increased promotion of best management practices and water resources protection measures to mitigate potential nonpoint source impact. Monitoring and subsequent evaluation shall occur on an as needed basis to determine if the pesticide is commonly detected and the potential nonpoint impacts of the pesticide in similar conditions.

Subd. 7. [SPECIFIC PESTICIDE MANAGEMENT PLAN.] The commissioner shall develop a specific pesticide management plan for a pesticide if the pesticide has been determined to be commonly detected in groundwater as a result of normal registered use following evaluation by the commissioner. Each specific pesticide management plan must be designed to minimize movement to groundwater through a series of efforts such as increased educational activities, increased training and certification, and increased enforcement activities.

The commissioner shall develop and implement a focused groundwater monitoring and hydrogeologic evaluation following common pesticide detection to evaluate contamination frequency and concentration trend. Assessment of the site-specific and pesticide-specific conditions and the likelihood of common detection must include monitoring, pesticide use information, physical and chemical properties of the pesticide hydrogeologic information and review of information, and data from other local, state, or federal monitoring data bases.

The specific pesticide management plan must be developed following evaluation, increased monitoring efforts, and site-specific and pesticide-specific information. The specific management plan must include best management practices and water resources protection measures and pesticide use restrictions commensurate with applicable information obtained by the commissioner, the severity of the groundwater contamination and the trend assessment. The specific pesticide management plan must involve the registrant and be coordinated with the department of natural resources, the pollution control agency, the University of Minnesota agricultural extension service, the Minnesota environmental education board, the environmental quality board, the state planning agency, the department of health, the board of water and soil resources, and may include consultation with appropriate federal agencies, local governmental units, farm organizations, and the pesticide industry. The specific pesticide management plan shall be updated at no more than two-year intervals.

Subd. 8. [ACTIONS TO COMMON DETECTIONS WITH CON-

CENTRATIONS OR TRENDS GREATER THAN HEALTH LIMITS.] The commissioner shall impose additional use restrictions, or label modifications or cancel a pesticide use when:

(1) common detections of pesticides exceed previous or newly established limits as described in article 1, section 5 or, where applicable, state drinking water standards; or

(2) if trend analysis indicates that common detections will exceed limits as described in article 1, section 5 or, where applicable, state drinking water standards notwithstanding implementation of best management practices and water resources protection measures or previous use restrictions.

Restrictions may include limitations on product purpose, rate, time of application, frequency of application, method of application, application to soil types or crops, or geographic area of application. Restrictions may be altered based on continued trend analysis of common pesticide detections.

Subd. 9. [RULES.] The commissioner shall adopt permanent rules necessary to implement this section. The rules must contain at a minimum:

(1) an education and information plan to promote pesticide best management practices and water resources protection measures in pesticide-sensitive groundwater protection areas;

(2) investigation and monitoring procedures to assess unusual pesticide detections in groundwater;

(3) procedures to implement best management practices and water resources protection measures, increased monitoring, and trend evaluation following the common detection of pesticides; and

(4) regulatory actions to be taken if trend analysis or common detections indicate exceedance of limits as described in article 1, section 5 or, where appropriate, state drinking water standards.

Sec. 56. [PESTICIDE CONTAINER COLLECTION AND RECYCLING PILOT PROJECT.]

Subdivision 1. [PESTICIDE; DEFINITION.] For the purposes of this section, "pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subd. 2. [PROJECT.] The department of agriculture, in consultation and cooperation with the commissioner of the pollution control

agency, shall design and implement a pilot collection project, to be completed by June 30, 1991, to:

(1) collect, recycle, and dispose of empty, triple-rinsed pesticide containers;

(2) develop, demonstrate, and promote proper pesticide container management; and

(3) evaluate the current pesticide container management methods and the cause and extent of the problems associated with pesticide containers.

Subd. 3. [COLLECTION AND DISPOSAL.] The department of agriculture shall provide for the establishment and operation of temporary collection sites for pesticide containers. The department may limit the type and quantity of pesticide containers acceptable for collection.

Subd. 4. [INFORMATION AND EDUCATION.] The department shall develop informational and educational materials to promote proper methods of pesticide container management.

Subd. 5. [REPORT.] During the pilot project, the department of agriculture shall conduct surveys and collect information on proper and improper pesticide container storage and disposal. By November 30, 1991, the department shall report to the legislature its conclusions from the project and recommendations for additional legislation or rules governing management of pesticide containers.

Subd. 6. [MANAGEMENT AND DISPOSAL.] The department of agriculture or other entity collecting pesticide containers must manage and dispose of the containers in compliance with applicable federal and state requirements.

Sec. 57. [REVISOR'S INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes, the sections in column A shall be renumbered as the sections in column B.

Column A

18A.49
18B.08
18B.15
18B.18
18B.20
18B.21
18B.22

Column B

18B.40
18B.285
18B.19
18B.15
18B.21
18B.18
18B.20

Cross-references to these sections within Minnesota Statutes must also be corrected.

Sec. 58. [REPEALER.]

Minnesota Statutes 1988, sections 18B.16; 18B.19; 18B.20, subdivision 6, are repealed.

ARTICLE 4

WASTE PESTICIDE COLLECTION

Section 1. [115.84] [DEFINITIONS.]

Subdivision 1. [COLLECTION SITE.] "Collection site" means a permanent or temporary designated location with scheduled hours for collection where pesticide end users may bring their waste pesticides.

Subd. 2. [LOCAL UNIT OF GOVERNMENT.] "Local unit of government" means a statutory or home rule charter city, town, county, soil and water conservation district, watershed district, any other special purpose district, and local or regional board.

Subd. 3. [PESTICIDE.] "Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance, mixture, or substances intended for use as a plant regulator, defoliant, or desiccant.

Subd. 4. [PESTICIDE END USER.] "Pesticide end user" means a farmer or other person who owns a pesticide. Pesticide end user does not include the manufacturer, formulator, or packager.

Subd. 5. [WASTE PESTICIDE.] "Waste pesticide" means a pesticide that the pesticide end user considers a waste. A waste pesticide can be a canceled pesticide, an unusable pesticide, or a usable pesticide.

Sec. 2. [115.84] [WASTE PESTICIDE COLLECTION PROGRAM.]

Subdivision 1. [COLLECTION AND DISPOSAL.] The agency shall establish and operate a program to collect and dispose of waste pesticides. The program shall be made available to pesticide end users whose waste generating activity occurs in the state of Minnesota.

Subd. 2. [IMPLEMENTATION.] In conducting the program the agency will comply with all applicable federal and state laws. The agency may obtain a United States Environmental Protection Agency hazardous waste identification number to manage the waste pesticides collected. The agency may limit the type and quantity of waste pesticides accepted for collection and may assess pesticide end users for portions of the costs incurred.

Subd. 3. [INFORMATION AND EDUCATION.] The agency shall provide informational and educational materials regarding waste pesticides and the proper management of waste pesticides to the public.

Subd. 4. [DEPARTMENT OF AGRICULTURE.] The agency shall develop the program in this section in consultation and cooperation with the commissioner of agriculture.

Subd. 5. [WASTE PESTICIDE COLLECTION ACCOUNT.] A waste pesticide account is established in the state treasury. All assessments received under subdivision 2 shall be deposited in the state treasury and credited to the waste pesticide account and are appropriated to the agency to pay for costs incurred to implement this program.

Subd. 6. [AUTHORITY.] The agency may adopt rules to administer this section.

Subd. 7. [COOPERATIVE AGREEMENTS.] The agency may enter into cooperative agreements with state and local units of government for administration of the collection program.

ARTICLE 5

WATER SUPPLY MONITORING AND PROTECTION

Section 1. [144.389] [SAFE DRINKING WATER FEES.]

Subdivision 1. [FEE SETTING.] Every owner of a residential service connection to a public water supply must pay to the public water supply an annual fee of \$3.20. Every owner of a nonresidential service connection to a public water supply must pay an annual fee of \$20 to the public water supply. The fee may be adjusted by the commissioner of health according to section 16A.128. However, no public hearing is required for an adjustment.

Subd. 2. [PAYMENT AND COLLECTION OF FEE.] Fees paid by the supply shall be based on the total number of the supply's service connections to be verified every two years. The public water supply shall pay the fees to the department of health for deposit in the state

treasury. The supply shall pay one-fourth of the total yearly fee to the state once each calendar quarter. The first quarterly payment is due on or before September 30, 1989. In lieu of quarterly payments, a water supplier with fewer than 50 service connections may make a single annual payment by June 30 of each year, starting in 1990. The public water supply shall pay the fees to the department of health for deposit in the state treasury as nondedicated general fund revenues.

Sec. 2. Minnesota Statutes 1988, section 156A.01, is amended to read:

156A.01 [LEGISLATIVE INTENT.]

It is The legislative intent and purpose in of sections 156A.01 to 156A.08 156A.09 is to reduce and minimize the waste of ground water groundwater resources within this state by reasonable legislation in licensing of drillers or makers of water wells and the regulation of exploratory borings in Minnesota and to. Sections 156A.01 to 156A.09 are also intended to protect the health and general welfare by providing a means for the development and protection of the natural resource of underground water in an orderly, sanitary and reasonable manner. In furtherance of the above intents and purposes, To carry out the intent of sections 156A.01 to 156A.09 and in recognition of the effects of that exploration and mining of metallic minerals have on ground water groundwater resources, the legislature finds that it is necessary to require submission to the state of factual data generated by exploratory borings to the state, for the purpose of controlling: (1) control possible adverse environmental effects of mining, to; (2) preserve the natural resources, and to; (3) encourage the planning of future land utilization, while at the same time promoting; (4) promote the orderly development of mining, the encouragement of; (5) encourage good mining practices; and the recognition (6) recognize and identification of identify the beneficial aspects of mining.

Sec. 3. Minnesota Statutes 1988, section 156A.02, is amended to read:

156A.02 [DEFINITIONS; EXCLUSIONS.]

Subdivision 1. For the purposes of sections 156A.01 to 156A.08 156A.09, the following terms have the meanings given them in this section.

Subd. 1a. [WATER WELL.] "Water well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of the same excavation is intended for the location, diversion, artificial recharge, or acquisition extraction of groundwater; provided, however, that the term, Water well includes monitoring well as defined in subdivision 13.

Water well does not include excavation by backhoe, or otherwise for temporary dewatering of groundwater for nonpotable use during construction, where the depth thereof of the excavation is 25 feet or less; nor shall does it include an excavation other than exploratory boring made for the purpose of obtaining to obtain or prospecting prospect for oil, natural gas, minerals, or products of mining or quarrying, or for the inserting excavation to insert media to repressure oil or natural gas bearing formations or for storing to store petroleum, natural gas, or other products; nor an excavation for nonpotable use for wildfire suppression activities.

Subd. 1b. [DEPARTMENT.] "Department" means the department of health.

Subd. 1c. [DEWATERING WELL.] "Dewatering well" means any water well that is used to lower the groundwater level or piezometric surface and maintain the level or piezometric surface at a predetermined depth.

Subd. 2. [WATER WELL CONTRACTOR OR CONTRACTOR.] For the purposes of sections 156A.01 to 156A.08, "Water well contractor" and "contractor" means any person, firm, copartnership partnership, association or corporation, who shall construct constructs, abandon, or repair repairs, or seals a water well or seals a water well upon land other than its own for compensation.

Subd. 2a. [WATER WELL DRILLING MACHINE.] "Water well drilling machine" means any machine or device such as a cable tool, rotary, hollow rod, or auger, used for construction, abandonment, or repair, or sealing of a water well or a hole excavated for an elevator or a hydraulic cylinder.

Subd. 3. Sections 156A.01 to 156A.08 shall not require licensing of (1) an individual who drills a water well on land which is owned or leased by the individual and is used by the individual for farming or agricultural purposes or as the individual's place of abode; or (2) to an individual who performs labor or services for a water well contractor in connection with the drilling, abandonment, or repair of a water well at the direction and at the personal supervision of a licensed water well contractor; provided, however, that the individual shall comply with all other provisions of sections 156A.01 to 156A.08 and with any rule or well code adopted thereunder.

Subd. 4. [EXPLORER.] For the purposes of sections 156A.01 to 156A.08 "Explorer" means a person who has the right to drill any exploratory boring.

Subd. 5. [EXPLORATORY BORING.] For the purposes of sections 156A.01 to 156A.08 "Exploratory boring" means any surface drilling done for the purpose of exploring to explore or prospecting prospect for oil, natural gas, and metallic minerals, including but

not limited to the following: iron, copper, zinc, lead, gold, silver, titanium, vanadium, nickel, cadmium, molybdenum, chromium, manganese, cobalt, zirconium, beryllium, thorium, uranium, aluminum, platinum, palladium, radium, tantalum, tin, and niobium. "Exploratory boring" does not include drilling done in the Biwabik iron formation in relation to natural iron ore or activities regulated pursuant according to section 298.48.

Subd. 6. [GROUNDWATER THERMAL EXCHANGE DEVICE.] For the purposes of sections 156A.02 to 156A.10 "Groundwater thermal exchange device" means any heating or cooling device, the operation of which is dependent upon extraction and reinjection of groundwaters from an independent aquifer. Thermal exchange devices licensed under this chapter shall be sealed against the introduction of any foreign substance into the system, but shall be so constructed as to permit periodic inspection of water quality and temperature.

Subd. 7. [VERTICAL HEAT EXCHANGER.] For the purposes of sections 156A.02 to 156A.11 "Vertical heat exchanger" means any earth-coupled heating or cooling device consisting of a sealed piping system installed vertically in the ground for the purpose of transferring to transfer heat to or from the surrounding earth.

Subd. 8. [COMMISSIONER.] "Commissioner" means the commissioner of health.

Subd. 9. [DELEGATED AGENCY.] "Delegated agency" means a board of health as defined in chapter 145A that has an agreement with the commissioner of health to perform all or part of the inspection, reporting, and enforcement duties authorized under provisions of this chapter and the water well construction code as defined in subdivision 15, pertaining to the permitting, construction, repair, and sealing of water wells and holes excavated to install elevator shafts and hydraulic cylinders.

Subd. 10. [ELEVATOR SHAFT.] "Elevator shaft" means any bore hole, jack hole, drilled hole, or excavation constructed to install an elevator shaft or hydraulic cylinder for elevators.

Subd. 11. [ELEVATOR SHAFT CONTRACTOR.] "Elevator shaft contractor" means a person, firm, partnership, or corporation licensed by the commissioner to drill or excavate holes to install elevator shafts and hydraulic cylinders.

Subd. 12. [ENVIRONMENTAL BORE HOLE.] "Environmental bore hole" means a hole drilled, cored, bored, washed, driven, dug, or jetted in the ground used to monitor chemical, radiological or biological contaminants. An environmental bore hole does not include any other well, boring, or other excavation as defined in this chapter.

Subd. 13. [LIMITED WATER WELL CONTRACTOR.] "Limited water well contractor" means a person, firm, partnership, association, or corporation licensed to perform one or more of the following activities:

- (1) modify or repair well casings, well screens, or well diameters;
- (2) construct unconventional wells such as drive points or dug wells;
- (3) seal wells;
- (4) install water well pumps or pumping equipment; or
- (5) excavate holes for installation of elevator shafts or hydraulic cylinders for elevators.

Subd. 14. [MONITORING WELL.] "Monitoring well" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of extracting groundwater for physical, chemical, or biological testing. Monitoring well includes water wells installed to measure groundwater levels or to test hydrologic properties in an area being investigated for potential or existing groundwater contamination.

Subd. 15. [MONITORING WELL CONTRACTOR.] "Monitoring well contractor" means a person who is registered by the department to construct monitoring wells and who is a professional engineer registered according to sections 326.02 to 326.15 in the branches of civil or geological engineering, or a geologist certified by the American Institute of Professional Geologists.

Subd. 16. [WELLHEAD PROTECTION AREA.] "Wellhead protection area" means the surface and subsurface area surrounding a water well or well field that supplies a public water system, through which contaminants are likely to move toward and reach the water well or well field.

Subd. 17. [WELL CERTIFICATE.] "Well certificate" means the certificate containing information required under section 156A.043, subdivision 4. A well certificate is submitted at the time of property sale or transfer to the county recorder and subsequently to the department of health.

Subd. 18. [DRIVE POINT WELL.] "Drive point well" means a well constructed by forcing a pointed well screen, attached to sections of pipe, into the ground. The screen and casing are forced or driven into the ground with a hammer, maul, or weight. Drive points are typically installed in 1¼ to two inch casings, soft formations, and shallow aquifers.

Sec. 4. Minnesota Statutes 1988, section 156A.03, is amended to read:

156A.03 [REGULATION AND LICENSING.]

Subdivision 1. [COMMISSIONER OF HEALTH REGULATES WATER WELL WORK AND MONITORING WELL WORK AND EXCAVATION FOR ELEVATOR SHAFTS AND HYDRAULIC CYLINDERS.] The state commissioner of health shall regulate and license the: (1) drilling and, constructing, and repair of all water wells within this state; (2) sealing of unused wells; (3) installing of water well pumps and pumping equipment; (4) excavating or drilling holes for the installation of elevator shafts and hydraulic cylinders for elevators and sealing of holes excavated for the installation of elevator shafts and hydraulic cylinders for elevators; and (5) installing and sealing environmental bore holes. The commissioner of health shall examine and license water well contractors and, limited water well contractors, and elevator shaft contractors and shall examine and register monitoring well contractors. After consultation with the commissioner of natural resources and the pollution control agency, the commissioner shall establish standards for the design, location, construction, abandonment, and repair and sealing of water wells within this state. As provided in section 156A.071, the commissioner shall license explorers engaged in exploratory boring and shall examine individuals who supervise or oversee exploratory boring.

Subd. 2. [WATER WELL CONTRACTORS MUST BE LICENSED.] No contractor person shall drill, construct, abandon, or repair a water well within this state unless in possession of a valid license to do so issued annually by the state commissioner of health. An applicant who is otherwise qualified but who does not have practical field experience in the operation of conventional drilling machines such as a cable tool, rotary, hollow rod, or auger, but who does install unconventional wells such as drive point, or who is in the well repair service which involves modification to the well casing, screen, depth, or diameter below the upper termination of the well casing, shall have the license limited to such water well contracting work.

A person who desires to drill, construct, repair, or seal one or more wells in this state must apply to the commissioner of health for a water well contractor's license. In the application, the person must set out qualifications for the license, the equipment the person will use in the contracting, and other information required by the commissioner. The application must be on forms prescribed by the commissioner. The commissioner shall charge a fee of \$50 according to section 144.122 for the filing of the application by any person. The commissioner shall not act upon any application until the fee has been paid. When the commissioner has approved the application, the applicant shall take an examination given by the commissioner.

Subd. 2a. [LIMITED LICENSES REQUIRED FOR CERTAIN WORK.] (a) A limited water well contractor, as defined in section 156A.02, subdivision 12, may obtain a license limited to the following work:

(1) modifying or repairing well casings, well screens, or well diameters;

(2) constructing unconventional wells such as drive points or dug wells;

(3) sealing wells; or

(4) installing water well pumps or pumping equipment; or

(5) excavating holes to install elevator shafts or hydraulic cylinders for elevators.

(b) After December 31, 1989, no person shall perform the work described in this subdivision, within this state, unless the individual possesses a valid license issued annually by the commissioner of health. A person performing the work under this section must apply to the commissioner for a license. In the application, the person must set out qualifications for the license, the equipment the person will use in the contracting, and other information required by the commissioner. The application must be on forms prescribed by the commissioner. The commissioner shall charge a fee of \$50 for the filing of the application. The commissioner shall not act upon an application until the fee has been paid. When the commissioner has approved the application, the applicant shall take an examination given by the commissioner. All of the conditions in paragraph (a) apply to persons excavating holes to install elevator shafts or hydraulic cylinders for elevators except that the license requirement applies after December 1990.

Subd. 3. [EXEMPTION FROM LICENSING MONITORING WELL CONTRACTORS MUST BE REGISTERED.] A professional engineer registered pursuant to the provisions of sections 326.02 to 326.15, in the branches of civil or geological engineering, shall not be required to be licensed as a water well contractor under the provisions of this section to drill test borings or to install piezometer wells for engineering purposes, or to construct groundwater quality sampling and monitoring wells as defined in rules promulgated by the commissioner. Test holes, piezometer wells installed for engineering purposes, and other wells described by this subdivision, shall be constructed, maintained and abandoned in accordance with this chapter and the rules promulgated thereunder.

Any A professional engineer or certified geologist engaged in the practice of constructing groundwater quality sampling and monitor-

ing wells as described in ~~this subdivision~~ section 3, subdivision 13, shall register with the commissioner on forms provided by the commissioner.

After December 31, 1990, a person seeking initial registration as a monitoring well contractor under this subdivision must meet examination and experience requirements that the commissioner establishes in rule.

Subd. 4. [EXEMPTIONS FROM LICENSING REQUIREMENTS.] (a) Sections 156A.01 to 156A.09 do not require licensing of (1) an individual who drills a water well on land that is owned or leased by the individual and is used by the individual for farming or agricultural purposes or as the individual's place of abode, or (2) an individual who performs labor or services for a water well contractor in connection with the drilling, repair, or sealing of a water well at the direction and at the personal supervision of a licensed water well contractor. An individual exempt under this subdivision must comply with sections 156A.01 to 156A.09 and with any rule adopted under those sections.

(b) Test holes, piezometer wells installed for engineering purposes, and other wells described by this subdivision, shall be constructed, maintained, and sealed according to sections 156A.01 to 156A.09, and the rules adopted under those sections.

Subd. 5. [BONDING REQUIREMENTS.] As a condition of licensing water well contractors, limited water well contractors or registering monitoring well contractors under this section, a person seeking a license or registration shall give a \$10,000 bond to the state. The bond shall be conditioned upon the faithful and lawful performance of work contracted for or performed by the person in Minnesota. The bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of the performance. The bond shall be in lieu of all other license bonds to any political subdivision of the state. The bond shall be written by a corporate surety licensed to do business in Minnesota.

Subd. 6. [LICENSE AND REGISTRATION FEE; ISSUANCE OF LICENSE OR REGISTRATION.] On successfully passing the examination for original license or registration required under subdivision 2 or 3, and showing evidence of bonding required in subdivision 5, the applicant shall submit to the commissioner a license fee of \$250 or a registration fee of \$50. Upon receiving the fee and bond information, the commissioner may issue a license or registration.

Subd. 7. [NONTRANSFERABILITY OF LICENSES AND REGISTRATION; RENEWAL PROCEDURES.] A license or registration issued under this section is not transferable. The person licensed or registered must submit to the commissioner an application to renew the license or registration on a date set by the commissioner. The

renewal application must be accompanied by a fee set by the commissioner under section 144.122. The application must also include documentation that the person has met requirements for continuing education that the commissioner establishes by rule. The person must also pay a penalty fee set by the commissioner under section 144.122 if the person submits the renewal application after the required renewal date. If a person submits a renewal application after the required renewal date, the person shall not perform the work for which the person was licensed or registered from the renewal date until the date the person submits an application, fee, and penalty fee.

Subd. 8. [REGISTRATION OF DRILLING MACHINES REQUIRED.] As part of the application for licensing or registration, or annual renewal of a license or registration, a person licensed or registered under this section must pay an annual fee of \$100 for the registration with the commissioner of each drilling machine used to construct water wells and monitoring wells and to excavate holes for elevator shafts or hydraulic cylinders, and \$50 for the registration of each machine such as a pump hoist used to repair wells, seal wells, or install pumps.

Subd. 9. [FEES DEPOSITED WITH STATE TREASURER.] Fees collected for licenses or registration under this section shall be submitted to the department for deposit in the general fund.

Subd. 10. [RECIPROCITY.] The commissioner may license or register, without giving an examination, a person who is licensed or registered in any state, territory, or possession of the United States, or any foreign country, if: (1) the requirements for licensing or registration under which the water well contractor was licensed or registered do not conflict with sections 156A.01 to 156A.09; (2) the requirements are of a standard not lower than that specified by the rules adopted under sections 156A.01 to 156A.09; and (3) equal reciprocal privileges are granted to licensees of this state. A person who seeks a license or registration under this subdivision must apply for the license or registration and pay the fees required under this section.

Subd. 11. [POLITICAL SUBDIVISIONS CANNOT REQUIRE ADDITIONAL LICENSES OR REGISTRATION.] No political subdivision shall require a person licensed or registered under this section to pay a license or registration fee. However, a political subdivision shall be provided upon request with a list of licensed water well contractors, limited water well contractors, elevator shaft contractors, and monitoring well contractors.

Sec. 5. [156A.041] [REQUIREMENTS FOR WATER WELL AND MONITORING WELL CONSTRUCTION AND SEALING AND ELEVATOR SHAFT EXCAVATION AND SEALING.]

Subdivision 1. [WRITTEN CONTRACT REQUIRED.] A person licensed or registered under sections 156A.01 to 156A.09 shall not construct or seal a well or excavate or seal a hole for an elevator shaft or hydraulic cylinder until the well owner or owner of the property on which the water well or hole for the elevator shaft or hydraulic cylinder is located and the person signs a written contract that describes the nature of the work to be performed and the estimated cost of the work. A person may not construct a monitoring well until the owner of the property on which the well is located and the well owner sign a written contract that describes the nature of the work to be performed, the estimated cost of the work, and provisions for sealing the well.

Subd. 2. [PERMIT REQUIRED.] After December 31, 1989, a person shall not construct a water well, dewatering well, or a monitoring well, and after December 31, 1990, excavate a hole to install an elevator shaft or hydraulic cylinder for an elevator, until the commissioner of health or delegated agency issues a permit for construction. If an initial well is unsuccessful, the permit shall be modified to indicate the location of the successful well. No other permit may be required by a county or municipality. The commissioner of health may adopt rules that modify the procedures for applying for a permit for construction when conditions arise that endanger the public health and welfare or cause a need to protect the groundwater and those conditions require the monitoring well contractor, elevator shaft contractor, or well contractor to begin constructing a water well or hole for an elevator shaft or hydraulic cylinder before obtaining a permit. The owner of a well shall obtain an annual maintenance permit for:

(1) a water well that is used less than 28 days a year as a primary source of water for domestic, agricultural, commercial, industrial or public use;

(2) a monitoring well that is used for more than 12 months after completion of construction;

(3) a water well used as a secondary or a backup source of water located on a property served by a public water supply; or

(4) a dewatering well that is used for more than 12 months after completion of construction.

Subd. 3. [WATER WELLS MUST BE IDENTIFIED.] When a water well has been constructed, the contractor shall attach to the well a label showing the unique well number, the depth of the well, the contractor's name, and the date the well was constructed.

Subd. 4. [NONCONFORMING MONITORING WELL.] Any monitoring well whose casing is completed less than 12 inches above grade, may only be constructed if there is no alternative location for

constructing a well that ends at least 12 inches above grade. All these monitoring wells must be constructed and sealed in accordance with rules to be adopted by the commissioner.

(a) A plan describing the proposed location and construction of the monitoring well shall be submitted for review and approval by the commissioner before construction. A \$150 fee shall accompany the plan.

(b) After December 31, 1989, a person shall not construct a nonconforming monitoring well until the commissioner of health or delegated agency issues a permit for construction. The owner of a nonconforming monitoring well shall obtain an annual maintenance permit for a well that is used for more than 12 months after completion of construction.

Subd. 5. [DISTANCE REQUIREMENTS FOR SOURCES OF CONTAMINATION.] No person may place, construct, or install an actual or potential source of contamination any closer to a well than the isolation distances set in the Minnesota water well code adopted under section 156A.05 unless a variance has been issued by the commissioner according to the procedures in the water well construction code.

Subd. 6. [WHEN A WATER WELL MUST BE SEALED.] A water well must be permanently sealed according to the water well construction code if any or all of the following conditions exist:

(1) the water well is contaminated;

(2) the water well has not been sealed according to the rules of the commissioner;

(3) the water well is located, constructed, or maintained in such a manner that its continued use or existence endangers the quality of the groundwater or provides a health or safety hazard;

(4) the water well does not produce water because it is not equipped with an operable pump or the electrical supply has been disconnected from the well, or

(5) the water well has construction failure that may include holes in the casing, collapsed hole, plugged screens, or pumps only sediment or sand.

Subd. 7. [REPORT OF WORK.] Within 30 days after completion or sealing of a well or completion of an excavation for or sealing of an elevator shaft or hydraulic cylinder, a person licensed or registered under this chapter or a person exempt under section 156A.03, subdivision 4, paragraph (a), clause (1), shall submit to the commis-

sioner of health a verified report upon forms provided by the commissioner. The report must contain the following information: (1) the name and address of the owner of the well, elevator shaft or hydraulic cylinder shaft and the actual location of the well or elevator shaft or hydraulic cylinder shaft; (2) a log of the materials and water encountered in connection with drilling, and related pumping tests; and (3) other information the commissioner may require concerning the drilling or sealing of the well or hole for an elevator shaft or hydraulic cylinder. Within 30 days after receiving the report, the commissioner of health shall send one copy of the report to the commissioner of natural resources, the local soil and water conservation district within which the well or elevator shaft or hydraulic cylinder shaft is located, and one copy to the director of the Minnesota geological survey.

Sec. 6. [156A.042] [ENVIRONMENTAL BORE HOLES.]

Any environmental bore hole shall be constructed, sealed, and reported in accordance with rules to be adopted by the commissioner.

Sec. 7. [156A.043] [RIGHTS AND DUTIES OF OWNER OF PROPERTY ON WHICH A WATER WELL IS LOCATED.]

Subdivision 1. [PERMITS AND FEES FOR WATER WELLS AND HOLES EXCAVATED TO INSTALL ELEVATOR SHAFTS OR HYDRAULIC CYLINDERS FOR ELEVATORS.] The owner of the property on which a well is located must obtain a permit for well construction from the commissioner or delegated agency. The owner must pay a fee of \$150 for a new well drilled with pumping capacity of less than 50 gallons a minute; and \$300 for wells with pumping capacity of 50 gallons a minute or more. The owner of a well that is unsealed and that meets any of the conditions in section 5, subdivision 2, must pay an annual maintenance permit fee of \$50.

The owner of the property on which water wells are constructed for the purpose of dewatering shall pay a permit fee of \$50 for each well constructed. A dewatering project comprising more than ten wells shall be issued a single permit for \$500. All the wells constructed for a project must be recorded on the permit.

The owner of the property with dewatering wells operating for more than 12 months after completion of construction must pay an annual maintenance permit fee of \$25 for each well.

For monitoring wells and nonconforming monitoring wells, the owner of the land on which a monitoring well is located must obtain a permit for each well. The fee for construction of monitoring wells is \$50 for each well. The property owner must annually renew the permit and pay a maintenance fee of \$25 for each well.

For excavating holes for the purpose of installing elevator shafts or hydraulic cylinders for elevators, the owner of the property must obtain a permit for each hole to be excavated. The fee for excavating holes for elevator shafts or hydraulic cylinders for elevators is \$150 for each hole.

Subd. 2. [DISCLOSURE OF WELLS TO BUYER.] Effective July 1, 1990, before signing an agreement to sell or transfer property, the seller or transferor shall disclose in writing to the buyer or transferee information about the status and the location of all wells on the property, including the town, range, section, and quartile. In the disclosure, the seller or transferor must indicate, for each well, whether it is in use, not in use, or permanently sealed. At the time of sale, the same information must be provided on a well certificate form available from the commissioner signed by the seller or transferor of the property. The county recorder shall not record a deed, instrument, or writing for which a certificate of value is required under section 272.115, unless the well certificate required by this section accompanies the deed, instrument, or writing. The owner shall retain a copy. The county recorder shall transmit the well certificate to the department of health within 30 days after receiving the certificate.

Subd. 3. [FAILURE TO DISCLOSE AT TIME OF SALE.] If a seller or transferor fails to disclose the existence of a well at the time of sale, the buyer or transferee has a civil right of action for damages against the seller for any costs relating to the cleanup of any groundwater contamination related to the fact that the well was not properly sealed at the time of sale. The right of action must be exercised by the buyer or transferee within six years after the date the buyer purchased or transferee received the property on which the well is located.

Subd. 4. [WHO MUST SEAL WELLS.] To seal wells, the owner of property on which a well is located shall employ a licensed water well contractor or a contractor with a license to seal unused wells. The owner of property with monitoring wells, or holes for elevator shafts, or hydraulic cylinders for elevators shall employ a licensed water well contractor, a contractor with a license to seal unused wells, or a monitoring well contractor to seal monitoring wells no longer in use; and an elevator shaft contractor to seal holes no longer used for elevator shafts or shafts for hydraulic cylinders for elevators.

Subd. 5. [OWNER'S CAUSE OF ACTION.] The owner of the property on which a water well or a shaft for an elevator or hydraulic cylinder for an elevator is located has a cause of action for civil damages against a person whose action or inaction caused contamination of the well. The right of an owner to maintain a cause of action extends for a period of six years after the owner knows or becomes aware of the contamination of the well. The court may

award damages, reasonable attorneys' fees, and costs and disbursements.

Subd. 6. [FEES DEPOSITED WITH STATE TREASURER.] Fees collected for permits or registration under this section shall be submitted to the department for deposit in the general fund.

Sec. 8. [156A.045] [PERMITS FOR GROUNDWATER THERMAL EXCHANGE DEVICES.]

Subdivision 1. [PERMIT REQUIRED.] Notwithstanding any department or agency rule to the contrary, the commissioner shall issue, upon request by the owner of the property and submission of a \$50 fee, permits for the reinjection of water by a properly constructed well into the same aquifer from which the water was drawn for the operation of a groundwater thermal exchange device.

Subd. 2. [PROCEDURES FOR GROUNDWATER EXCHANGE.] Withdrawal and reinjection shall be accomplished by a closed system in which the waters drawn for thermal exchange have no contact or commingling with water from other sources or with any polluting material or substances. The closed system must be constructed to allow opening for inspection by the commissioner. Wells that are part of a groundwater thermal exchange system shall serve no other function. However, water may be supplied to the domestic water system if the supply is taken off the thermal exchange system ahead of the heat exchange unit, and if the water discharges to a break tank through an air gap that is at least twice the effective diameter of the water inlet to the tank. A groundwater thermal exchange system may be used for domestic water heating only if the water heating device is an integral part of the heat exchange unit that is used for space heating and cooling.

Subd. 3. [LIMITATIONS AND REQUIREMENTS FOR PERMITS.] As a condition of the permit issued under subdivision 1, an applicant shall agree to allow inspection by the commissioner of health during regular working hours for department inspectors. A maximum of 200 permits shall be issued for small systems having maximum capacities of 20 gallons per minute or less. The small systems shall be subject to inspection twice a year. A maximum of ten permits shall be issued for larger systems having maximum capacities from 20 to 50 gallons per minute. These larger systems shall be subject to inspection four times a year. The commissioner may adopt rules to administer this section.

Subd. 4. [REQUIREMENTS FOR WATER APPROPRIATION APPLY.] Water appropriation permit requirements and penalties provided in sections 105.41 to 105.416 and related rules adopted and enforced by the department of natural resources apply to groundwater thermal exchange permit recipients. A person issued a permit under subdivision 1 must comply with this section for the permit to

be valid. Noncompliance subjects the person to sanctions for the noncomplying activity that are available to the department of health and pollution control agency.

Sec. 9. [156A.047] [VERTICAL HEAT EXCHANGER; LICENSING AND REGULATION.]

Subdivision 1. [LICENSE REQUIREMENTS.] No water well contractor shall drill or construct any excavation used to install a vertical heat exchanger unless the water well contractor has a valid water well contractor's license.

Subd. 2. [REGULATIONS FOR VERTICAL HEAT EXCHANGERS.] Vertical heat exchangers must be constructed, maintained, and sealed according to sections 156A.01 to 156A.09, and rules adopted under those sections.

Subd. 3. [PERMIT REQUIRED.] No water well contractor shall install a vertical heat exchanger without first obtaining a permit from the commissioner of health. The water well contractor must apply for the permit on forms provided by the commissioner and must pay a \$50 fee. As a condition of the permit, the owner of the property on which the vertical heat exchanger is to be installed shall agree to allow inspection by the commissioner, or an agent, during regular working hours of department of health inspectors.

Sec. 10. Minnesota Statutes 1988, section 156A.05, is amended to read:

156A.05 [POWERS AND DUTIES OF THE COMMISSIONER OF HEALTH.]

Subdivision 1. [POWERS OF COMMISSIONER.] The state commissioner of health shall possess all possesses the powers reasonable and necessary to exercise effectively the authority granted by sections 156A.01 to 156A.08 156A.09.

Subd. 1a. [DUTIES.] The commissioner shall:

(1) regulate the drilling, construction, and sealing of water wells within this state;

(2) examine and license water well contractors, persons modifying or repairing well casings, well screens, or well diameters; constructing unconventional wells such as drive points or dug wells; sealing wells; installing water well pumps or pumping equipment; and excavating or drilling holes for the installation of elevator shafts or hydraulic cylinders for elevators; and sealing holes for elevator shafts and hydraulic cylinders for elevator shafts;

(3) register and examine monitoring well contractors;

(4) license explorers engaged in exploratory boring and examine individuals who supervise or oversee exploratory boring;

(5) after consultation with the commissioner of natural resources and the pollution control agency, establish standards for the design, location, construction, repair, and sealing of water wells and holes for elevator shafts or hydraulic cylinders within the state; and

(6) issue permits for construction and maintenance of wells, groundwater thermal devices, vertical heat exchangers, and excavation for holes to install elevator shafts or hydraulic cylinders.

Subd. 1b. [PROCEDURES FOR PERMITS.] The commissioner of health shall establish procedures for application, approval, and issuance of permits by rule. The commissioner may modify fees by rule.

Subd. 1c. [FEES FOR VARIANCES.] The commissioner of health shall charge a fee of \$150 to cover the administrative cost of processing a request for a variance or modification of rules under Minnesota Rules, part 4725.0400. The fee is nonrefundable.

Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner of health shall by December 31, 1971, in the manner prescribed by chapter 15, hold a public hearing and promulgate adopt rules necessary under chapter 14 to carry out the purposes of sections 156A.01 to 156A.08 156A.09 including, but not limited to:

(a) Issuance of licenses for qualified water well contractors, persons modifying or repairing well casings, well screens, or well diameters; constructing unconventional wells such as drive points or dug wells; sealing wells; installing water well pumps or pumping equipment and excavating holes for installing elevator shafts or hydraulic cylinders; and issuance of registration for monitoring well contractors.

(b) Establishment of conditions for examination and review of applications for license.

(c) Establishment of conditions for revocation and suspension of license.

(d) Establishment of minimum standards for design, location, construction, abandonment, and repair, and sealing of wells and holes dug to construct elevator shafts or hydraulic cylinders, to effectuate carry out the purpose and intent of sections 156A.01 to 156A.08 156A.09. The use of plastic water well casing is expressly

permitted and the commissioner shall adopt appropriate construction procedures and material standards in rule.

(e) Establishment of a system for reporting on wells drilled and abandoned by licensed water well contractors sealed.

(f) Modification of fees prescribed in chapter 156A, according to the procedures for setting fees in sections 16A.128 and 144.122.

(g) Establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination.

(h) Establishment of wellhead protection measures for water wells serving public water supplies.

(i) Establishment of procedures for coordinating collection of well data with other state and local governmental agencies.

(j) Establishment of criteria and procedures for submission of reports, formation samples or cuttings, water samples, or other special information required for geologic and water resource mapping.

Subd. 3. [INSPECTIONS BY COMMISSIONER.] The state commissioner of health may inspect and have access at all reasonable times to any well site, including water wells drilled, abandoned sealed, or repaired or being drilled, abandoned, or repaired, and shall have access to same at all reasonable times. The commissioner may also collect water samples from the wells.

Subd. 4. [COMMISSIONER MAY ORDER REPAIRS AND SEALING OF WELLS.] The commissioner may order the owner of a well to take remedial measures, including making repairs, reconstructing or abandoning sealing the well in accordance with according to rules of the commissioner. The order may be issued if the commissioner determines, based upon inspection of the well and site or an analysis of water from the well, that any of the following conditions exist:

(1) the well is contaminated,

(2) the well has not been abandoned in accordance with sealed according to the rules of the commissioner,

(3) the well is in such a state of disrepair that its continued existence endangers the quality of the groundwater located, constructed, or maintained in such a manner that its continued use or existence endangers the quality of the groundwater or provides a health or safety hazard,

(4) the water well does not produce water because it is not equipped with an operable pump or the electrical supply has been disconnected from the well, or

(5) the well is located in such a place or constructed in such a manner that its continued use or existence endangers the quality of the groundwater the water well has construction failure that may include holes in the casing, collapsed holes, plugged screens, or pumps only sediment or sand.

The order may be enforced in an action to seek compliance brought by the commissioner in the district court of the county in which the well is located.

The owner has a cause of action for civil damages against any person whose action or inaction caused contamination of the well. The right of an owner to maintain a course of action as provided herein extends for a period of six years after the owner knows or becomes aware of the contamination of the well. The court shall award damages, reasonable attorneys' fees, and costs and disbursements.

The commissioner may also order the owner of the property on which a monitoring well or dewatering well is located, to seal a well if the owner does not obtain a maintenance permit for a monitoring well, nonconforming monitoring well, or dewatering well within 14 months after construction, or does not renew the maintenance permit annually thereafter.

Subd. 5. [COMMISSIONER MAY RECOVER COSTS.] Failure to comply with a commissioner's order to seal a water well may result in the commissioner entering into a contract to have the well sealed. Any expense incurred by the state in sealing a well pursuant to an order to seal shall constitute and be a lien in favor of the state against the land involved. The state may recover its costs by either of the following means:

(a) The amount of the expense shall be certified to the county auditor, who shall enter the expense upon the tax books, as a special assessment upon the land, to be collected in the same manner as other real estate taxes on the parcel for the next year.

(b) If the amount certified in paragraph (a) exceeds \$1,000, the state may allow the assessment to be collected in ten equal annual installments payable to the county treasurer with the taxes on the property next due. When collected by the county treasurer the amount shall be reimbursed to the state treasurer.

(c) The lien attaches to real property on which the well is located. The lien is perfected by filing a copy of the lien with the county

recorder or registrar of deed where the well and property are located and serving or mailing by return receipt a copy of the lien to the property owner.

Subd. 6. [ENFORCEMENT OF THE LIEN.] The commissioner may enforce the lien in the manner provided for a judgment lien under chapter 550 or certify the amount to the county auditor, which must be assessed against the property and collected in the same manner as real estate taxes.

Subd. 7. [ASSESSMENT OF INSTALLMENTS.] (a) In lieu of certifying the entire amount to be collected, the commissioner may have the amount due assessed in seven or less equal installments.

(b) The installment due must be entered on the tax lists for the year and collected in the same manner as real estate taxes for that year by collecting one-half of the total of the installment with and as a part of the real estate taxes.

Subd. 8. [SATISFACTION OF LIEN.] The amount due of a lien under this section may be paid at any time. When the amount of the lien is paid, the commissioner must execute a satisfaction of the lien and record the satisfaction with the county recorder or registrar of deeds where the lien was filed.

Subd. 9. [APPROPRIATION OF RECOVERED COSTS.] Costs of sealing wells recovered from property owners shall be deposited in the state treasury and credited to the account from which the amounts were originally appropriated.

Sec. 11. Minnesota Statutes 1988, section 156A.06, is amended to read:

156A.06 [WATER WELL CONTRACTORS' AND EXPLORATORY BORERS' ADVISORY COUNCIL ON WATER WELLS AND EXPLORATORY BORING; MEMBERS; TERMS; EMPLOYEES.]

Subdivision 1. [ADVISORY COUNCIL ESTABLISHED.] There is hereby created (a) The advisory council on water well contractors and wells, exploratory borers advisory council, herein referred to as the borings and elevator shaft excavations ("advisory council," is established as an advisory council to the state commissioner of health. The advisory council shall be composed consist of 16 15 voting members. Of the 16 15 voting members;

(1) one member shall be from the state department of health, appointed by the state commissioner of health;

(2) one member shall be from the department of natural resources, appointed by the commissioner of natural resources;

(3) one member shall be a member of the Minnesota geological survey of the University of Minnesota appointed by the director; ~~two members~~

(4) one member shall be engaged in the business of exploratory boring for minerals a licensed exploratory borer;

(5) one member shall be a licensed elevator shaft contractor;

(6) two members must be members of the public members who are not connected with the business of exploratory boring or the water well drilling industry;

(7) one member shall be from the pollution control agency, appointed by the commissioner of the pollution control agency;

(8) one member shall be a professional engineer monitoring well contractor; one member shall be a certified professional geologist; and

(9) six members shall be contractors must be residents of Minnesota appointed by the commissioner of health, who are actively engaged in the water well drilling industry, with not to exceed more than two from the seven county metropolitan area and at least four from the remainder rest of the state who shall be representative of represent different geographical regions.

(b) They shall be residents of the state of Minnesota and appointed by the commissioner of health. No appointee of the water well drilling industry shall serve more than two consecutive terms. The appointees to the advisory council from the water well drilling industry shall must have been bona fide residents of this state for a period of at least three years prior to before appointment and shall. Members must have had at least five years experience in the water well drilling business. Expiration of the council shall expire, and the terms of the appointed members and the compensation and removal of all members shall be as provided in are governed by section 15.059.

Sec. 12. Minnesota Statutes 1988, section 156A.071, is amended to read:

156A.071 [EXPLORATORY BORING; LICENSING AND REGULATION PROCEDURES.]

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following words have the meanings given them:

(a) "Data" includes but is not limited to all samples and factual noninterpreted data obtained from exploratory borings and samples including analytical results;

(b) "Parcel" means a government section, fractional section, or government lot; and

(c) "Samples" means at least a one-quarter portion of all samples from exploratory borings that are customarily collected by the explorer.

Subd. 2. [LICENSING LICENSE REQUIRED.] An explorer engaging in exploratory boring shall obtain a license to do so ~~in accordance with~~ according to the provisions of this chapter and the rules adopted ~~thereunder~~ under this chapter. The explorer may designate a responsible individual who supervises and oversees the making of exploratory borings. Before an individual supervises or oversees an exploratory boring, the individual shall take and pass an examination on those sections of the Minnesota Water Well Construction Code relating to construction, location, and abandonment sealing of wells, which apply to exploratory borings. A professional engineer registered pursuant according to sections 326.02 to 326.15, or a certified professional geologist ~~shall is not be required to take the examination specified required in this section subdivision but shall be required to must be licensed in accordance with according to~~ this section to engage in exploratory boring.

Subd. 3. [REGISTRATION.] At least 30 days ~~prior to before~~ commencing exploratory borings, an explorer shall register with the commissioner of natural resources and provide a copy of the registration to the commissioner of health. The registration shall include:

(a) The identity of the firm, association, or company engaged in exploratory boring; and

(b) The identification of an agent, including the agent's business address. The commissioner of natural resources may require a bond, security, or other assurance from an explorer if the commissioner of natural resources has reasonable doubts ~~as to about the explorer's financial ability to comply with requirements of law relating to exploratory boring. An explorer shall register annually with the commissioner of natural resources while conducting exploratory boring.~~

Subd. 4. [INFORMATIONAL REQUIREMENTS.] At least ten days ~~prior to the commencement of before~~ beginning exploratory boring, ~~each an~~ explorer shall submit to the commissioner of natural resources a county road map having a scale of one-half inch equal to one mile, as prepared by the state department of transportation, ~~indicating showing~~ the location of each proposed exploratory boring

to the nearest estimated 40 acre parcel. The explorer must submit a copy of this map shall be submitted to the commissioner of health.

Subd. 5. [ACCESS TO DRILL SITES.] The commissioner of health, the commissioner of natural resources, the commissioner of the pollution control agency, the agent of a board of community health board as authorized under section 145A.04, and their officers and employees shall have access to exploratory boring sites for the purpose of inspecting to inspect the drill holes, drilling, and abandonment sealing of exploratory borings, and for the purpose of sampling to sample ambient air and drilling waters, and measuring to measure the radioactivity of the waste drill cuttings at the drilling site at the time of on-site observation.

Subd. 6. [EMERGENCY NOTIFICATION.] The explorer shall promptly notify the commissioner of health, the commissioner of natural resources, the pollution control agency, and the authorized agent board of health of any occurrence during exploratory boring that has a potential for significant adverse health or environmental effects and. The explorer shall take such reasonable action as may be reasonably possible to minimize such the adverse effects. The commissioner of health may inspect data prior to before its submission as required by subdivision 8, if necessary, to accomplish the purposes of the laws relating to explorers and exploratory borings. The data examined by the commissioner of health shall be considered to be is not public data prior to the time for making any submissions of the data before it is submitted under subdivision 8 or 9.

Subd. 7. [PERMANENT AND TEMPORARY ABANDONMENT SEALING PROCEDURES.] Permanent and temporary abandonment sealing of exploratory borings shall be accomplished pursuant according to rules adopted in accordance with under this chapter.

Subd. 8. [ABANDONMENT SEALING REPORT.] Within 30 days of permanent or temporary abandonment sealing of an exploratory boring, the explorer shall submit on forms provided by the commissioner of health a report to the commissioner of health and the commissioner of natural resources a report to. The report must be on forms provided by the commissioner of health and must include:

- (a) The location of each drill hole at as large a scale as possible, which is normally prepared as part of the explorer's record;
- (b) The type and thickness of overburden and rock encountered;
- (c) Identification of water bearing formations encountered;
- (d) Identification of hydrologic conditions encountered;

- (e) Method of ~~abandonment~~ sealing used;
- (f) Methods of construction and drilling used;
- (g) Average scintillometer reading of waste drill cuttings prior to before backfilling of the recirculation pits.

Subd. 9. [SUBMISSION OF DATA FROM EXPLORATORY BORINGS.] Data obtained from exploratory borings shall be submitted by the explorer to the commissioner of natural resources as follows:

(a) Upon application for a state permit required for activities relating to mineral deposit evaluation, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. The explorer may identify portions of the data which ~~that~~, if released, would impair the competitive position of the explorer submitting the data. Data so identified shall be considered to be not public data. If requested to disclose the data, the commissioner shall mail notice of the request to the explorer and determine whether release of the data would impair the competitive position of the explorer submitting the data. If the commissioner determines that release of the data would impair the competitive position of the explorer submitting the data, the commissioner shall not release the data to any person other than parties to the proceedings relating to the permit under consideration. Parties to the proceedings shall maintain the confidentiality of data. Further, data ~~which~~ are classified as not public shall not be released by the commissioner until 30 days after mailed notice to the explorer of the commissioner's intention to do so. ~~Under no circumstances shall~~ The commissioner shall not release data to any person engaged in exploration, mining, milling, or related industry pertaining to any mineral. If the commissioner determines to release data, the explorer may demand a contested case hearing on the commissioner's determination or may withdraw the permit application and the data shall not be released. Any person aggrieved by the decision of the commissioner may appeal the decision ~~in accordance with~~ according to chapter 14.

(b) Upon application for a state permit required for mine development, the explorer shall submit to the commissioner of natural resources data relevant to the proposal under consideration. This data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others.

(c) Within six months after termination by the explorer of its lease or any other type of exploration agreement on a property all data shall be submitted. The data shall be considered public data and persons submitting the data shall not be subject to civil or criminal liability for its use by others. Data submitted to the commissioner of natural resources ~~prior to before~~ May 1, 1980 need not be submitted under this section. The commissioner of natural resources shall

designate which samples shall be submitted, and shall specify the location to which where the sample shall be delivered. In the event that if the explorer requires certain samples in their entirety, the commissioner of natural resources may waive the requirement for a one-fourth portion of the samples. Samples submitted become property of the state.

(d) As used in this subdivision, "mineral deposit evaluation" means examining an area to determine the quality and quantity of minerals, excluding exploratory boring but including obtaining a bulk sample, by such means as excavating, trenching, constructing shafts, ramps, tunnels, pits and producing refuse and other associated activities. "Mineral deposit evaluation" shall does not include activities intended, by themselves, for commercial exploitation of the ore body. "Mine development" means those activities undertaken after mineral deposit evaluation for commercial exploitation of the ore body.

Sec. 13. Minnesota Statutes 1988, section 156A.075, is amended to read:

156A.075 [LOCAL CONTROL OF EXPLORERS ALLOWED.]

Nothing contained in Laws 1980, chapter 535 shall be construed as limiting chapter 156A limits the lawful authority of local units of government to prohibit mineral exploration within their boundaries, require permits from explorers, or impose reasonable requirements and fees upon explorers, consistent with the provisions of Laws 1980, chapter 535 sections 156A.01 to 156A.09, other state laws, and rules promulgated thereunder adopted under those laws.

Sec. 14. Minnesota Statutes 1988, section 156A.08, is amended to read:

156A.08 [PENALTIES.]

Subdivision 1. [VIOLATIONS ARE GROSS MISDEMEANORS.]
~~Any person who shall~~ A person is guilty of a gross misdemeanor if the person: (1) willfully violate violates any lawful rule or order of the commissioner, or who shall engage; (2) engages in the business of drilling or making water wells, sealing wells, installing pumps or pumping equipment, or excavating holes for elevator shafts or hydraulic cylinders without first having obtained a license as required in sections 156A.01 to 156A.08 required, or who shall engage 156A.09; (3) engages in the business of exploratory boring without either being licensed in accordance with the provisions of under this chapter, or being registered as a professional engineer or certified as a professional geologist; or who shall violate (4) violates any provision of sections 156A.01 to 156A.08, shall be guilty of a gross misdemeanor 156A.09. Any A violation of sections 156A.01 to 156A.08 156A.09 shall be prosecuted by the county attorney in the

county in which the said violation occurred or is occurring, and. The trial thereof shall be held in that county.

Subd. 2. [DENIAL OF RENEWAL.] The commissioner may deny an application for renewal of a license or registration if the applicant has violated any provision of sections 156A.01 to 156A.09 or rules adopted under those sections. The following are sufficient grounds to refuse renewal:

(1) failure to submit a well report, well sealing report, or report on excavation of holes to install elevator shafts or hydraulic cylinders; or

(2) failure to obtain a well permit or a permit to excavate a hole to install an elevator shaft or a hydraulic cylinder before construction.

Subd. 3. [SUSPENSION, REVOCATION OF LICENSE OR REGISTRATION.] A license or registration issued under sections 156A.01 to 156A.09 may be suspended or revoked upon finding that the licensee or person registered has violated provisions of sections 156A.01 to 156A.09 or the rules and regulations adopted under sections 156A.01 to 156A.09 that apply to the particular license or registration. Proceedings by the commissioner of health under this section and review of the proceedings shall be according to the administrative procedure act.

Subd. 4. [HEARING.] The commissioner may, after providing a person with reasonable notice and a hearing, suspend or revoke the license or registration of the person upon finding that the person has violated requirements of this chapter or rules adopted under this chapter that apply to the person's license or registration. Proceedings by the commissioner of health according to this section and review shall be according to chapter 14.

Subd. 5. [ADMINISTRATIVE PENALTIES.] The commissioner may seek to remedy violations of this chapter or the commissioner's orders by imposing administrative penalties. The penalties may be appealed within ten days of the order in a contested case hearing under chapter 14.

(a) A well contractor or limited well contractor who seals a well, a monitoring well contractor who seals a monitoring well, or an elevator shaft contractor who seals a hole that was used for an elevator shaft in a manner that does not comply with the water well construction code, shall be assessed \$500.

(b) A well contractor or monitoring well contractor who fails to comply with the rules in the water well construction code relating to location of wells in relation to potential sources of contamination,

grouting, materials, or construction techniques shall be assessed \$500.

(c) A well contractor or monitoring well contractor shall be assessed \$250 if the contractor: (1) constructs a well without an approved plan review when a plan review is required; (2) constructs a well without a permit; (3) fails to register a drilling rig or pump rig and fails to display the state decal and the registration number on the machine; or (4) fails to comply with the rules in the water well construction code relating to disinfection of water wells and submission of well construction or well sealing logs and water samples.

(d) A person who fails to disclose or who falsifies information about the status and location of wells on property before signing an agreement of sale or transfer of the property, or on a well certificate shall be assessed \$250 unless the seller or transferor can show that reasonable steps were taken to determine that no unreported wells exist on the property. Steps include examination of historical and land ownership records.

(e) A person who employs a well contractor on the person's property and fails to obtain a permit for construction of the well, or who fails to have a well sealed in accordance with the rules, shall be assessed \$250.

Sec. 15. [156A.09] [DUTIES AND RESPONSIBILITIES OF LOCAL UNITS OF GOVERNMENT.]

Subdivision 1. [DELEGATED AUTHORITY.] In conjunction with section 145A.07, subdivision 1, the commissioner of health may enter into an agreement with any board of health to delegate all or part of the inspection, reporting, and enforcement duties authorized under provisions of chapter 156A and the Minnesota water well code pertaining to the permitting, construction, repair, and sealing of water wells and holes excavated to install elevator shafts and hydraulic cylinders for elevators.

Subd. 2. [UNSEALED WELLS MAY BE DECLARED PUBLIC HEALTH NUISANCES.] A county may abate as a public health nuisance any well described in section 156A.05, subdivision 4, in the manner prescribed in section 145A.04, subdivision 8.

Subd. 3. [IMPOUNDING OF EQUIPMENT.] Upon notice from the commissioner of health, local law enforcement authorities shall impound the equipment of any person who has constructed, repaired, or sealed wells or installed pumps or pumping equipment or excavated holes for installing elevator shafts or hydraulic cylinders without a license or registration as required under this chapter. The equipment shall remain in the custody of the local law enforcement office until a final court order is issued.

Sec. 16. Minnesota Statutes 1988, section 326.37, is amended to read:

326.37 [PLUMBERS; SUPERVISION BY STATE COMMISSIONER OF HEALTH; RULES; VIOLATION; PENALTY.]

Subdivision 1. [MINIMUM STANDARDS.] The state commissioner of health may, by rule, prescribe minimum standards which shall be uniform, and which standards shall thereafter be effective for all new plumbing installations, including additions, extensions, alterations, and replacements connected with any water or sewage disposal system owned or operated by or for any municipality, institution, factory, office building, hotel, apartment building, or any other place of business regardless of location or the population of the city or town in which located. Violation of the rules shall be a misdemeanor.

Subd. 2. [STANDARDS FOR CAPACITY.] By January 1, 1991, all new and replacement floor-mounted water closets may not have a flush volume of more than 1.6 gallons. The water closets must meet the standards of the commissioner and the American National Standards Institute.

Subd. 3. [ADMINISTRATION.] The commissioner shall administer the provisions of sections 326.37 to 326.45 and for such purposes may employ plumbing inspectors and other assistants.

Sec. 17. [REPEALER.]

Minnesota Statutes 1988, sections 156A.02, subdivision 3; 156A.031; 156A.04; 156A.07; 156A.10; and 156A.11, are repealed.

ARTICLE 6

**EDUCATION; RESEARCH; MONITORING;
AND INFORMATION MANAGEMENT**

Section 1. Minnesota Statutes 1988, section 116E.03, subdivision 9, is amended to read:

Subd. 9. [PRIVATE GRANT AND FEDERAL FUNDS.] The chief administrative officer of the state board is the state agent to apply for, receive, and disburse state, private, grant and federal grant funds made available to the state by private organizations or federal law or rules and regulations promulgated thereunder for any purpose related to the powers and duties of the state board or the regional councils. The chief administrative officer shall comply with any and all requirements of such private organizations or federal law or such rules and regulations promulgated thereunder to enable the funds to be applied for, received, and disbursed. All such moneys received by the chief administrative officer of the state board shall be deposited in the state treasury and are hereby annually appropri-

ated to the chief administrative officer for the purposes for which they are received. None of such moneys in the state treasury shall cancel and they shall be available for expenditure in accordance with the requirements of federal law or the terms of such private grants. No application for federal funds or private grants under this subdivision shall be submitted to federal authorities or private organizations for approval unless the proposed budget for the expenditure of such funds is approved by the governor and reported to the standing committee on finance of the senate and the standing committee on appropriations of the house of representatives.

Sec. 2. [116E.05] [WATER INFORMATION COMMITTEE ESTABLISHED.]

Subdivision 1. [WATER RESOURCES INFORMATION AND EDUCATION COMMITTEE.] The environmental education board shall establish a water resources information and education committee. Members of the committee shall serve without compensation, but each citizen member of the committee may be reimbursed for actual and necessary expenses incurred in the performance of that member's duties. The committee shall report to the environmental education board.

Subd. 2. [DUTIES.] The committee shall:

(1) identify water resources information and education needs, priorities, and goals and prepare an implementation plan to guide state activities relating to water resources information and education;

(2) coordinate the development and evaluation of water information and education materials and resources;

(3) coordinate the dissemination of water information and education through existing delivery systems;

(4) prepare an interdisciplinary program of instruction on water education for teachers and students in kindergarten through grade 12; and

(5) prepare an annual report on program results.

The committee shall report to the environmental education board on its progress and recommendations under this subdivision. The board shall have final approval over all activities and recommendations of the committee.

Subd. 3. [COMMITTEE MEMBERSHIP.] The water information and education committee shall include state agency personnel and private citizens with education and information expertise, including

public representatives from the department of natural resources, pollution control agency, Minnesota extension service, local governments involved in comprehensive local water planning, environmental education board, department of education, department of agriculture, environmental quality board, metropolitan council, department of health, board of water and soil resources, soil conservation service, educational institutions, and other public agencies with responsibility for water or public education.

The environmental education board shall appoint and set the terms for the citizen committee members.

Sec. 3. [116E.06] [CONSISTENCY OF STATE INFORMATION ACTIVITIES.]

State agency information and education activities must be consistent with the implementation plan required under section 2.

Sec. 4. Minnesota Statutes 1988, section 116C.40, is amended by adding a subdivision to read:

Subd. 4. [COMMITTEE.] "Committee" means the water research coordinating committee established in section 2.

Sec. 5. Minnesota Statutes 1988, section 116C.40, is amended by adding a subdivision to read:

Subd. 5. [WATER RESEARCH.] "Water research" means a scientific investigation or inquiry into the occurrence, properties, or conditions of groundwater and surface water resources, the impacts of existing and new practices on the resource, and any other activities that contribute to the understanding of water and the impact of human activities on water resources.

Sec. 6. Minnesota Statutes 1988, section 116C.41, subdivision 1, is amended to read:

Subdivision 1. [WATER PLANNING.] The board shall:

(1) coordinate public water resource management and regulation activities among the state agencies having jurisdiction in the area;

(2) initiate, coordinate, and continue to develop comprehensive long-range water resources planning in furtherance of the plan adopted by the water planning board entitled "A Framework for a Water and Related Land Resources Strategy for Minnesota, 1979";

(3) coordinate water planning activities of local, regional, and federal bodies with state water planning and integrate these plans with state strategies; and

(4) coordinate development of state water policy recommendations and priorities, and recommend a program for funding identified needs, including priorities for implementing the state water resources monitoring plan under clause (5);

(5) develop a plan for monitoring the state's water resources in cooperation with state agencies and local units of government participating in the monitoring of water resources and in the development of comprehensive local water plans;

(6) administer federal water resources planning with multiagency interests; and

(7) establish minimum data compatibility standards governing the collection and automation of water resource and related data that has common value for natural resource planning.

Sec. 7. [116C.42] [WATER RESEARCH COORDINATING COMMITTEE.]

Subdivision 1. [ESTABLISHMENT OF WATER RESEARCH COORDINATING COMMITTEE.] The environmental quality board shall establish and administer a committee to identify and recommend priorities for water research. The committee shall include representatives from the department of agriculture, board of water and soil resources, local governments involved in comprehensive water planning, department of health, department of natural resources, pollution control agency, United States Department of Agriculture, state planning agency, United States Geological Survey, the state universities, and the University of Minnesota.

Subd. 2. [NEEDS EVALUATION.] The water research coordinating committee shall evaluate and report to the board on water research needs and recommend priorities for addressing these needs. The committee shall also identify the results of existing water research that may affect the administration of state and local programs. The committee shall report its findings to the environmental quality board by May 1 of each even-numbered year. The board shall report to the governor and legislature, including the Minnesota future resources commission, the legislative commission on water, and other appropriate bodies by November 15 of each even-numbered year. The committee shall advise the board on developing the report.

ARTICLE 7

LOCAL WATER RESOURCES
PROTECTION AND MANAGEMENT

Section 1. [105.486] [SHORELAND GRANTS.]

The commissioner of natural resources may make grants to local governments:

(1) to administer, monitor and enforce state approved shoreland management ordinances;

(2) to adopt shoreland management ordinances consistent with statewide standards;

(3) to develop comprehensive lake by lake or river shoreland management strategies that provide a unique plan to guide activities on and adjacent to a lake or river; and

(4) to implement elements of a comprehensive lake or river management strategy.

Sec. 2. [105.487] [ACTION ON GRANT APPLICATIONS.]

Upon receipt of a request for a grant the commissioner of natural resources must confer with the local government requesting the grant and may make a grant based on the following considerations:

(1) the number and classification of lakes and rivers in the jurisdiction of the local government;

(2) the extent of current shoreland development;

(3) the development trends for the lakes and rivers;

(4) the miles of lake and river shoreline;

(5) whether the shoreland management ordinance or regulation adopted by the local government meets the minimum standards established by the commissioner;

(6) the degree and effectiveness of administration, enforcement and monitoring of the existing shoreland ordinances;

(7) the degree to which the grant request is consistent with local water plans develop under Minnesota Statutes chapter 110B, 112, and 473.875 and 473.883;

(8) the ability of the local government to finance the program or project; and

(9) the degree to which the program considers a comprehensive approach to lake or river management including land use, recreation, water levels, surface water use, fish, wildlife, and water quality that may be secondary to the other elements.

Sec. 3. [105.488] [LIMITATIONS.]

(a) The maximum annual grant to local government for purposes of section 1, clauses (1) and (2), may not exceed the local contribution to the shoreland management activity.

(b) Any federal program aid for shoreland management shall serve to reduce the state and local contribution to the activity.

Sec. 4. [110C.01] [SHORT TITLE.]

Sections 4 to 9 may be cited as the "local water resources protection and management program."

Sec. 5. [110C.02] [PURPOSE.]

The purpose of the local water resources protection and management program is to provide state financial and technical assistance to local units of government for local programs to protect and manage water resources within the framework provided by approved comprehensive local water plans.

Sec. 6. [110C.03] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 4 to 9, the terms defined in this section have the meanings given them.

Subd. 2. [BOARD.] "Board" means the board of water and soil resources.

Subd. 3. [LOCAL UNIT OF GOVERNMENT.] "Local unit of government" means a statutory or home rule charter city, town, county, or soil and water conservation district, watershed district, an organization formed for the joint exercise of powers under section 471.59, a local health board, or other special purpose district or authority with local jurisdiction in water and related land resources management.

Subd. 4. [COMPREHENSIVE LOCAL WATER PLAN.] "Comprehensive local water plan" means a county water plan authorized under section 110B.04, a watershed management plan required under section 473.878, an overall plan required under section 112.46, or a county groundwater plan authorized under section 473.8785.

Sec. 7. [110C.04] [COMPREHENSIVE LOCAL WATER PLANS HAVE PRIORITY FOR FINANCIAL ASSISTANCE.]

State agencies must give priority to local requests that are part of, or responsive to, a comprehensive local water plan when adminis-

tering programs for water-related financial and technical assistance.

Sec. 8. [110C.05] [LOCAL WATER RESOURCES PROTECTION AND MANAGEMENT GRANTS.]

Subdivision 1. [ESTABLISHMENT; FINANCIAL ASSISTANCE TO COUNTIES.] A local water resources protection and management grants program is established. The board shall provide financial assistance to counties for cooperative local government activities that protect and improve water quality or quantity. These activities may include, but are not limited to, planning, official controls, and other activities to implement comprehensive local water plans.

Subd. 2. [COUNTY SPONSORSHIP.] Funding requests must be submitted to the board by a county. A county must coordinate and submit requests on behalf of other units of government within its jurisdiction. A county may contract with other appropriate local units of government to implement programs conducted under this section. An explanation of the program responsibilities proposed to be contracted with other local units of government must accompany grant requests. A county that contracts with other local units of government is responsible for ensuring that state funds are properly expended and for providing an annual report to the board describing expenditures of funds and program accomplishments.

Subd. 3. [FINANCIAL ASSISTANCE.] Grants may be used to employ persons and to obtain and use information necessary to implement the following activities:

(1) develop comprehensive local water plans under sections 110B.04 and 473.8785 which have not received state funding for water resources planning as provided for in Laws 1987, chapter 404, section 30, subdivision 5, clause (a);

(2) implement water resources programs identified as priorities in comprehensive local water plans; or

(3) revise shoreland zoning ordinances prior to July 1, 1991.

Subd. 4. [LIMITATIONS.] Grants provided to carry out mandated or delegated state programs under this section shall be reviewed by the agency having statutory program authority to assure compliance with minimum state standards. At the request of the agency commissioner, the board shall revoke that portion of the grant used to support a noncompliant program.

Grants provided for the purpose of developing comprehensive

local water plans shall not be awarded for greater than a two-year time period.

Subd. 5. [RULES.] The board shall adopt rules that:

(a) establish performance criteria for grant administration for local implementation of state delegated or mandated programs that recognize regional variations in program needs and priorities;

(b) recognize the unique nature of state delegated or mandated programs;

(c) specify that program activities contracted by a county to another local unit of government are eligible for funding;

(d) require that grants from the board shall not exceed the amount matched by participating local units of government; and

(e) specify a process for the board to establish a base level grant amount that all participating counties may be eligible to receive.

Subd. 6. [ELIGIBILITY.] A county requesting funds must have adopted a comprehensive local water plan unless the request is made under subdivision 3, clause (1) or (3).

Subd. 7. [PRIORITIES.] The board must consider requests for funding according to the following:

(1) completing comprehensive local water plans under sections 110B.04 and 473.8785;

(2) adoption, administration, and enforcement of official controls;

(3) indicate the participation of several local units of government, including multicounty efforts;

(4) complement goals of federal, state, and local units of government; and

(5) demonstrate long-term commitments to effective water protection and management programs.

Subd. 8. [COORDINATED REVIEW OF COUNTY WATER RESOURCES PROTECTION AND MANAGEMENT PROGRAM.] (a) The board shall consult with appropriate agencies to evaluate grant requests and coordinate project activities with other state, federal, and local resource management projects.

(b) Grants specified for shoreland management shall be allocated according to priorities established by the department of natural resources.

Sec. 9. [110C.06] [WELL SEALING GRANTS.]

Subdivision 1. [POLICY.] The board shall make grants to counties to seal wells. The board may allocate funds to counties to be used to share the cost of sealing priority wells. The county shall use the state funds to pay up to 75 percent, but not to exceed \$2,000 per well, of the cost of sealing priority wells.

Subd. 2. [REPORT.] The board in consultation with the commissioner of health shall make annual reports to the legislature on the status of expenditures and well sealings.

Subd. 3. [SUNSET.] The grant program established under this section shall not continue beyond June 30, 1995. Grants provided between July 1, 1989 and June 30, 1995, are contingent upon biennial appropriation of funds.

Subd. 4. [ELIGIBILITY.] All wells proposed for sealing with grants by the board under this section must be wells identified as part of the priority action in an approved comprehensive local water plan and are wells that qualify for sealing under criteria established by the board.

Subd. 5. [APPLICATION.] (a) Counties shall complete and submit applications for well sealing grants on forms prescribed by the board.

(b) In its application, the county shall provide evidence that it has consulted the local community health service boards, soil and water conservation districts, and other appropriate local units of government or organizations in preparing the application.

Subd. 6. [BOARD DUTIES.] (a) The board, in selecting counties for participation, shall consult with the commissioners of natural resources, pollution control, and health, and the director of the Minnesota geological survey, and must consider appropriate criteria including the following:

- (1) diversity of well construction;
- (2) diversity of geologic conditions;
- (3) current use of affected aquifers;
- (4) diversity of land use; and

(5) aquifer susceptibility to contamination by unsealed wells.

(b) The board and the commissioner of health shall establish priorities for sealing wells based upon the following criteria:

(1) well construction, depth, and condition;

(2) importance of aquifer as public and private water supply source;

(3) proximity to known or potential point or nonpoint contamination sources;

(4) current contamination of the well or aquifer;

(5) susceptibility of aquifer to contamination by unsealed wells;

(6) limited availability of alternative sources of drinking water;

(7) potential for use of the well for monitoring groundwater;

(8) anticipated changes in land or water use;

(9) unique conditions such as construction, rehabilitation, or demolition areas; and

(10) danger to humans or animals of falling into the well.

Subd. 7. [COUNTY DUTIES AND RESPONSIBILITIES.] (a) A county may contract for the administration of the well sealing program with another local unit of government.

(b) A county, or contracted local unit of government, shall contract with landowners to share in the cost of sealing priority wells in accordance with subdivision 6. The contract shall specify that:

(1) sealing must be done in accordance with chapter 156A and the commissioner of health rules relating to sealing of wells;

(2) that payment shall be made to the landowner, upon completion of sealing of the well by a contractor licensed in accordance with chapter 156A; and

(3) that a record of well sealing shall be filed along with a copy of the water well record with the commissioner of health.

(c) The county shall make an annual report to the board, by or before February 15 of each year, on the status of the well sealing

grant program including the number and location of wells sealed and the amount spent on each.

(d) The county must consult with local health boards, soil and water conservation districts, planning and zoning departments, and other appropriate organizations during program implementation.

(e) To encourage landowner participation in the program, the county shall publicize in newspapers of general circulation, information regarding availability of state funds to share the cost of sealing wells, and invite the public to report to the county on the existence of wells that need to be sealed.

Subd. 8. [LANDOWNER RIGHTS AND RESPONSIBILITIES.] The owner shall file the record of well sealing with the county recorder or register of deeds where the sealed well is located.

Sec. 10. Minnesota Statutes 1988, section 115.093, subdivision 5, is amended to read:

Subd. 5. [LOCAL UNIT OF GOVERNMENT.] "Local unit of government" means a statutory or home rule charter city, town, county, soil and water conservation district, watershed district, an organization formed for the joint exercise of powers under section 471.59, an Indian tribe or an authorized Indian tribal organization, and any other special purpose district or authority exercising authority in water and related land resources management at the local level.

ARTICLE 8

WATER APPROPRIATION PRIORITIES

Section 1. [105.406] [ONCE-THROUGH SYSTEMS PROHIBITED.]

After January 1, 1992, it is unlawful for any person, firm, or corporation, including the state, or any of its agencies or political subdivisions, or the University of Minnesota, to appropriate or use any groundwater in the state in a once-through comfort cooling or heating system that draws a continuous stream of water to remove heat for cooling, heating, or refrigeration purposes.

Sec. 2. Minnesota Statutes 1988, section 105.41, subdivision 1a, is amended to read:

Subd. 1a. [WATER ALLOCATION RULES, PRIORITIES.] The commissioner shall submit to the legislature by January 1, 1975, for

its approval, proposed adopt rules in the manner provided in chapter 14, governing the allocation of waters among potential water users. For the purposes of this section, "consumption" shall mean water withdrawn from a supply which is lost for immediate further use in the area. These rules must be based on the following priorities for the consumptive appropriation and use of water:

First priority: domestic water supply, excluding industrial and commercial uses of municipal water supply, and use for power production that meets the contingency planning provisions of section 105.417, subdivision 5.

Second priority: any use of water that involves consumption of less than 10,000 gallons of water a day. In this section "consumption" means water withdrawn from a supply that is lost for immediate further use in the area.

Third priority: agricultural irrigation, involving consumption in excess of 10,000 gallons a day, and processing of agricultural products.

Fourth priority: power production involving consumption in excess of 10,000 gallons a day in excess of the use provided for in the contingency plan developed pursuant to section 105.417, subdivision 5.

Fifth priority: other uses, involving consumption in excess of 10,000 gallons a day.

Appropriation and use of surface water from streams during periods of flood flows and high water levels must be encouraged subject to consideration of the purposes for use, quantities to be used, and the number of persons appropriating water.

Appropriation and use of surface water from lakes of less than 500 acres in surface area must be discouraged.

The treatment and reuse of water from nonconsumptive uses shall be encouraged.

Diversions of water from the state for use in other states or regions of the United States or Canada must be discouraged.

No permit may be issued under this section unless it is consistent with state, regional, and local water and related land resources management plans, if regional and local plans are consistent with statewide plans. The commissioner must not modify or restrict the amount of appropriation from a groundwater source authorized in a permit issued under section 105.44, subdivision 8, between May 1 and October 1 of any year, unless the commissioner determines the

authorized amount of appropriation endangers any domestic water supply.

Sec. 3. Minnesota Statutes 1988, section 105.418, is amended to read:

105.418 [CONSERVATION OF PUBLIC WATER SUPPLIES.]

During periods of critical water deficiency as determined by the governor and declared by order of the governor, public water supply authorities appropriating water shall adopt and enforce restrictions consistent with rules adopted by the commissioner of natural resources within their areas of jurisdiction. The restrictions must limit lawn sprinkling, car washing, golf course and park irrigation, and other nonessential uses and have appropriate penalties for failure to comply with the restrictions. The commissioner may adopt emergency rules according to sections 14.29 to 14.36 relating to matters covered by this section during the year 1977. Disregard of critical water deficiency orders, even though total appropriation remains less than that permitted, is grounds for immediate modification of any public water supply authority's appropriator's permit.

ARTICLE 9

LEGISLATIVE COMMISSION ON WATER

Section 1. [3.89] [ESTABLISHMENT OF LEGISLATIVE COMMISSION ON WATER.]

Subdivision 1. [CREATION; MEMBERSHIP; VACANCIES; COMMITTEES.] There is created in the legislative branch a joint legislative commission on water. The commission shall consist of 12 members appointed as follows:

(1) six members of the senate to be appointed by the subcommittee on committees and to serve until their successors are appointed;

(2) six members of the house to be appointed by the speaker of the house and to serve until their successors are appointed; and

(3) vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out the function thereof, and such vacancies shall be filled in the same manner as the original positions.

Subd. 2. [STAFF.] The commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of such additional legal and other personnel and

consultants as may be necessary to enable it to carry out its functions, or to contract for services to supply necessary data, except that any state employees subject to the civil service laws and regulations who may be assigned to the commission shall retain civil service status without interruption or loss of status or privilege. The staff shall be hired and supervised for the commission by the executive director of the Minnesota future resources commission.

Subd. 3. [DATA FROM STATE AGENCIES; AVAILABILITY.] The commission may request information from any state officer or agency in order to assist it in carrying out its duties and such officer or agency is authorized and directed to promptly furnish any data required, subject to applicable requirements or restrictions imposed by chapter 13 and section 15.17.

Subd. 4. [POWERS AND DUTIES.] The commission shall review water policy reports and recommendations of the environmental quality board submitted under section 116C.41 and article 6, section 6, the biennial report of the board of water and soil resources required by section 110B.35, subdivision 7, paragraph (g), and such other water-related reports as may be required by the legislature. The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission or its committees shall be made available to any standing or interim committee of the legislature upon request of the chair of the respective committee.

Subd. 5. [STUDY.] The commission shall study the state's water management needs for the year 2000 and report its findings to the governor and legislature by November 15, 1991.

Subd. 6. [EXPIRATION.] The provisions of this section shall expire on June 30, 1995.

ARTICLE 10

APPROPRIATION

Section 1. [APPROPRIATION.]

Subdivision 1. [STATE PLANNING AGENCY.] For the purposes of this act, \$ is appropriated from the general fund to the state planning agency and its complement is increased by people.

Subd. 2. [DEPARTMENT OF NATURAL RESOURCES.] For purposes of this act, \$ is appropriated from the general fund to

the department of natural resources and its complement is increased by people.

For purposes of article 7, section 1, funding must be allocated as follows:

(a) adoption, administration and enforcement of shoreland ordinances \$

(b) development and implementation of unique comprehensive lake or river management programs:

<u>(1) General</u>	\$
<u>(2) North Shore Management Board</u>	\$
<u>(3) Lake Minnetonka Conservation District</u>	\$
<u>(4) Mississippi Headwaters Board</u>	\$

Subd. 3. [DEPARTMENT OF AGRICULTURE.] For the purposes of this act, \$ is appropriated from the general fund to the department of agriculture and its complement is increased by people.

Subd. 4. [MINNESOTA GEOLOGICAL SURVEY.] For the purposes of this act, \$ is appropriated from the general fund to the Minnesota geological survey and its complement is increased by people.

Subd. 5. [MINNESOTA EXTENSION SERVICE.] For the purposes of this act, \$ is appropriated from the general fund to the University of Minnesota extension service and its complement is increased by people.

Subd. 6. [MINNESOTA ENVIRONMENTAL EDUCATION BOARD.] For the purposes of this act, \$ is appropriated from the general fund to the Minnesota environmental education board and its complement is increased by people.

Subd. 7. [POLLUTION CONTROL AGENCY.] For the purposes of this act, \$ is appropriated from the general fund to the pollution control agency and its complement is increased by people.

Subd. 8. [BOARD OF WATER AND SOIL RESOURCES.] For the purposes of this act, \$ is appropriated from the general fund to the board of water and soil resources and its complement is increased by people.

Subd. 9. [DEPARTMENT OF HEALTH.] For the purposes of this act, \$ is appropriated from the general fund to the department of health and its complement is increased by people."

Delete the title and insert:

"A bill for an act relating to groundwater; establishing best management practices and water resources protection requirements; regulating pollution limits; changing various requirements and procedures concerning fertilizer, soil amendments, and plant amendments; requiring a study of sustainable agriculture; changing certain pesticide laws; requiring a pesticide management plan; providing for responses to pesticide and fertilizer incidents; establishing a safe drinking water account; imposing an annual fee; reorganizing and revising laws on water wells, exploratory boring, and elevator shafts; establishing a water information committee; providing for local water resources protection and management; establishing water appropriation priorities; establishing a legislative commission on water; appropriating money; amending Minnesota Statutes 1988, sections 17.713; 17.714, subdivisions 1, 3, 6, and by adding a subdivision; 17.715, subdivisions 1, 4, and by adding subdivisions; 17.7155; 17.716, subdivisions 1 and 2; 17.717; 17.718; 17.719, subdivisions 1, 2, 3, 4, and by adding subdivisions; 17.721, by adding a subdivision; 17.723; 17.725, subdivision 2, and by adding subdivisions; 17.728, by adding subdivisions; 17.7285; 17.73, subdivision 3; 18B.01, subdivisions 5, 12, 15, 19, 21, 23, 26, 30, 31, and by adding subdivisions; 18B.03, by adding a subdivision; 18B.04; 18B.07, subdivisions 2, 3, 4, 5, 6, and 7; 18B.08, subdivisions 1, 3, and 4; 18B.15; 18B.17, subdivision 2; 18B.18; 18B.20, by adding a subdivision; 18B.21; 18B.26, subdivisions 1, 3, 5, and by adding a subdivision; 18B.31, subdivisions 3 and 5; 18B.32, subdivision 2; 18B.33, subdivisions 1, 3, and 7; 18B.34, subdivisions 1, 2, and 5; 18B.36; 18B.37, subdivisions 1, 2, 3, and 4; 105.41, subdivision 1a; 105.418; 115.093, subdivision 5; 116C.40, by adding subdivisions; 116C.41, subdivision 1; 116E.03, subdivision 9; 156A.01; 156A.02; 156A.03; 156A.05; 156A.06; 156A.071; 156A.075; 156A.08; and 326.37; proposing coding for new law as Minnesota Statutes, chapters 110C and 115D; proposing coding for new law in Minnesota Statutes, chapters 3; 17; 18B; 105; 115; 116C; 116E; 144; and 156A; repealing Minnesota Statutes 1988, sections 17.714, subdivisions 4, 4a, and 4b; 17.721; 17.726; 17.727; 17.728, subdivisions 4 and 5; 17.729; 17.73, subdivision 5, paragraph (d); 18B.16; 18B.19; 18B.20, subdivision 6; 156A.02, subdivision 3; 156A.031; 156A.04; 156A.07; 156A.10; and 156A.11."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 543, A bill for an act relating to animals; clarifying

regulations pertaining to dangerous dogs; prohibiting local ordinances that define specific breeds of dogs as dangerous; amending Minnesota Statutes 1988, sections 347.50, subdivisions 4, 5, and by adding a subdivision; 347.51, subdivision 5, and by adding subdivisions; 347.53; 347.54; and 609.226, subdivision 1.

Reported the same back with the following amendments:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1988, section 343.29, subdivision 1, is amended to read:

Subdivision 1. [DELIVERY TO SHELTER.] Any peace officer, animal control officer, or any agent of the federation or county or district societies for the prevention of cruelty, may remove, shelter, and care for any animal which is not properly sheltered from cold, hot, or inclement weather or any animal not properly fed and watered, or provided with suitable food and drink. When necessary, a peace officer, animal control officer, or agent may deliver the animal to another person to be sheltered and cared for, and furnished with suitable food and drink. In all cases, the owner, if known, shall be immediately notified, and the person having possession of the animal, shall have a lien thereon for its care and keeping, the reasonable value of the food and drink furnished, and the expenses of the notice. If the owner or custodian is unknown and cannot by reasonable effort be ascertained, or does not, within five days after notice, redeem the animal by paying the expenses authorized by this subdivision, the animal may be treated as an stray."

Page 2, after line 16, insert:

"Sec. 6. Minnesota Statutes 1988, section 347.51, subdivision 6, is amended to read:

Subd. 6. [COUNTIES WITHOUT LICENSING SYSTEMS.] If an owner of a dangerous dog resides in a county that does not license dogs under sections 347.08 to 347.21, the owner shall obtain a certificate as required under this section from the county auditor or other person designated by the county board in the county where the owner resides."

Page 2, after line 29, insert:

"Sec. 9. Minnesota Statutes 1988, section 347.51, is amended by adding a subdivision to read:

Subd. 9. [CONTRACTED SERVICES.] A county may contract

with another political subdivision or other person to provide the services required under sections 347.50 to 347.54."

Page 3, line 21, delete "killed" and insert "destroyed"

Page 3, line 23, delete "killing" and insert "destroying"

Page 3, line 26, delete "reasonable"

Page 4, line 4, delete "killed" and insert "destroyed"

Page 4, line 6, delete "killing" and insert "destroying"

Page 4, line 8, delete "reasonable"

Page 4, line 14, before "confining" insert ", impounding,"

Page 4, line 26, delete "8" and insert "11"

Page 4, line 27, delete "9" and insert "12"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "sections" insert "343.29, subdivision 1,"

Page 1, line 6, delete the second "subdivision" and insert "subdivisions"

Page 1, line 7, after the comma insert "6,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 621, A bill for an act relating to government operations; creating a drug abuse prevention resource council; providing for its membership, powers, and duties; appropriating money; amending Minnesota Statutes 1988, section 256.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 121; 144; and 152.

Reported the same back with the following amendments:

Page 2, line 20, delete "shall" and insert "may"

Page 3, line 5, delete "(10)" and insert "(7)"

Page 3, delete lines 14 to 16

Page 3, line 17, delete "(5)" and insert "(4)"

Page 3, line 20, delete "(6)" and insert "(5)"

Page 3, line 24, delete "(7)" and insert "(6)"

Page 3, line 27, delete "(8)" and insert "(7)"

Page 3, line 29, delete the semicolon and insert a period

Page 3, delete lines 30 to 36

Page 4, line 4, delete "and recommending" and insert "describing efforts that have been made to enhance and improve utilization of existing resources and to identify deficits in prevention efforts, and recommending appropriate changes, including"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 622, A bill for an act relating to consumer protection; providing for enhanced civil penalties for deceptive acts targeted at senior citizens or vulnerable adults; providing factors a court may consider in determining to impose an enhanced civil penalty; providing that sums collected must be credited to the account of the state board on aging; amending Minnesota Statutes 1988, section 256.975, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 325F.

Reported the same back with the following amendments:

Page 1, lines 14 and 15 delete "VULNERABLE ADULTS" and insert "HANDICAPPED PERSONS"

Page 1, line 21, delete "vulnerable adults" and insert "handi-capped persons"

Page 1, line 23, delete "vulnerable adults" and insert "handi-capped persons"

Page 1, line 27, delete "vulnerable adults" and insert "handicapped persons"

Page 1, line 28, delete "VULNERABLE ADULTS" and insert "HANDICAPPED PERSONS"

Page 2, line 6, delete "Vulnerable adult" and insert "Handicapped person" and delete "18 years of age or"

Page 2, line 7, delete "older"

Page 2, line 8, after "that" insert "substantially"

Page 2, line 18, delete "one or more"

Page 2, lines 18 and 19, delete "vulnerable adults" and insert "handicapped persons"

Page 2, line 20, before the period insert ", if one or more of the factors in paragraph (b) are present"

Page 2, line 27, delete "to one or more" and insert "at"

Page 2, line 28, delete "vulnerable adults" and insert "handicapped persons"

Page 2, line 29, delete "one or more"

Page 2, line 30, delete "vulnerable adults" and insert "handicapped persons"

Page 3, line 1, delete "vulnerable adult" and insert "handicapped person"

Page 3, line 2, delete "one or more"

Page 3, lines 2 and 3, delete "vulnerable adults" and insert "handicapped persons"

Amend the title as follows:

Page 1, line 4, delete "vulnerable adults" and insert "handicapped persons"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 627, A bill for an act relating to motor carriers; exempting rear-end dump trucks operated by private agricultural carriers between point of production and point of processing from requirements for rear-end protection; amending Minnesota Statutes 1988, section 221.031, subdivision 2a.

Reported the same back with the following amendments:

Page 1, line 19, after "truck" insert "or other rear-unloading truck,"

Page 1, line 22, after "processing" insert "or storage"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 633, A bill for an act relating to motor vehicles; increasing and allocating fees and motor vehicle excise tax for dealer plates; restricting use of dealer plates; amending Minnesota Statutes 1988, section 168.27, subdivision 16.

Reported the same back with the following amendments:

Page 1, after line 6, insert:

"Section 1: Minnesota Statutes 1988, section 168.053, subdivision 1, is amended to read:

Subdivision 1. Any person, firm, or corporation engaged in the business of transporting motor vehicles owned by another, by delivering, by drive-away or towing methods, either singly or by means of the full mount method, the saddle mount method, the tow bar method, or any other combination thereof, and under their own power, vehicles over the highways of the state from the manufacturer or any other point of origin, to any point of destination, within or without the state, shall make application to the registrar for a drive-away in transit license. This application for annual license shall be accompanied by a registration fee of \$250 and contain such information as the registrar may require. Upon the filing of the application and the payment of the fee, the registrar shall issue to each drive-away operator a general distinguishing number, which number must be carried and displayed on the power unit consistent

with section 169.79 and such number shall remain on the vehicle while being operated within the state. Additional plates bearing the same distinguishing number desired by any drive-away operator may be secured from the registrar of motor vehicles upon the payment of a fee of \$2 \$5 for each set of additional license plates. Any person, firm, or corporation engaging in the business as a drive-away operator, of transporting and delivering by means of full mount method, the saddle mount method, the tow bar method, or any combination thereof, and under their own power, motor vehicles, who fails or refuses to file or cause to be filed an application, as is required by law, and to pay the fees therefor as the law requires, shall be found guilty of violating the provisions of sections 168.053 to 168.057; and, upon conviction, fined not less than \$50, and not more than \$100, and all costs of court. Each day so operating without securing the license and plates as required therein shall constitute a separate offense within the meaning thereof."

Page 1, line 16, after "for" insert "each of"

Page 2, after line 28, insert:

"Sec. 3. Minnesota Statutes 1988, section 168.27, subdivision 17, is amended to read:

Subd. 17. [APPLICATION.] Every licensed dealer in motor vehicles may make application upon a blank provided by the registrar for that purpose for a general distinguishing number for use upon all new or used motor vehicles being transported from the dealer's source of supply, or other place of storage, to the dealer's place of business, or to another place of storage, or from one dealer to another. A general distinguishing number shall be assigned by the registrar to the dealer for that purpose, and the registrar shall then issue to the dealer the number of plates as the dealer may request, upon the payment by the dealer to the registrar of the sum of \$2 \$5 per plate. The plates shall be known as "in transit" plates. The registrar may issue "in transit" plates, upon the payment of the sum of \$2 \$5 to the registrar, to dealers duly licensed in other states or provinces upon information furnished in the manner as the registrar may prescribe, and which satisfies the registrar that persons or companies applying therefor are duly licensed dealers under the laws of the states or provinces.

Sec. 4. Minnesota Statutes 1988, section 168.27, subdivision 22, is amended to read:

Subd. 22. [MOTORIZED BICYCLES, BOAT AND SNOWMOBILE TRAILERS.] Any person, copartnership or corporation having a permanent enclosed commercial building or structure either owned in fee or leased and engaged in the business, either exclusively or in addition to any other occupation, of selling motorized bicycles, boat trailers, horse trailers or snowmobile trailers, may apply to the

registrar for a dealer's license. Upon payment of a \$10 fee the registrar shall license the applicant as a dealer for the remainder of the calendar year in which the application was received. Thereafter the license may be renewed on or before the second day of January of each year by payment of a fee of \$10. The registrar shall issue to each dealer, upon request of the dealer, dealer plates as provided in subdivision 16 upon payment of ~~\$3~~ \$5 for each plate, and the plates may be used in the same manner and for the same purposes as is provided in subdivision 16. Except for motorized bicycle dealers, the registrar shall also issue to the dealer, upon request of the dealer, "in transit" plates as provided in subdivision 17 upon payment of a fee of \$2 \$5 for each plate. This subdivision shall not be construed to abrogate any of the provisions of this section as the same relates to the duties, responsibilities and requirements of persons, copartnerships or corporations engaged in the business, either exclusively or in addition to other occupations, of selling motor vehicles or manufactured homes."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, before the semicolon insert "and in transit plates"

Page 1, line 5, delete "section" and insert "sections 168.053, subdivision 1; and" and delete "subdivision 16" and insert "subdivisions 16, 17, and 22"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 648, A bill for an act relating to employment; providing training and employment for low-income seniors; creating a hospitality host older worker tourism promotion program; prescribing duties for the commissioner of the department of jobs and training; proposing coding for new law in Minnesota Statutes, chapter 268.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Labor-Management Relations.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 656, A bill for an act relating to human services; providing for full reimbursement to counties for human services programs for the Red Lake Indian Reservation; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 703, A bill for an act relating to crime; expanding the theft statute to include the unauthorized use of a motor vehicle; making the penalties for receiving stolen property and issuing a dishonored check similar to the penalties for theft; including forged endorsements within the elements of the crime of check forgery; making technical corrections to the theft statute; amending Minnesota Statutes 1988, sections 609.52; 609.53, subdivisions 1 and 4; 609.535, subdivision 2a; and 609.631, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1988, sections 609.53, subdivisions 1a, 3, and 3a; and 609.55.

Reported the same back with the following amendments:

Page 10, line 5, before "PENALTY" insert "CRIMINAL" and after the headnote insert "(a)".

Page 10, after line 23, insert:

"(b) In a prosecution under this subdivision, the value of property received by the defendant in violation of this subdivision within any six-month period may be aggregated and the defendant charged accordingly in applying this subdivision. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph."

Pages 10 and 11, delete section 5

Page 11, line 17, strike "who" and insert "is guilty of check forgery, and may be sentenced under subdivision 4 if the person"

Page 11, line 18, after "defraud," insert "does any of the following:

(1)" and delete ", endorses,"

Page 11, line 22, strike everything after "authority"

Page 11, line 23, strike everything before the period and insert "2
or

(2) falsely endorses or alters a check so that it purports to have been endorsed by another"

Page 11, line 32, delete "8" and insert "7"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "and"

Page 1, line 5, delete everything before "similar"

Page 1, line 10, delete "609.535, subdivision 2a;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 736, A bill for an act relating to elections; eliminating a penalty for issuing certain election certificates; amending Minnesota Statutes 1988, section 211A.05, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 211A.05, subdivision 1, is amended to read:

Subdivision 1. [PENALTY.] A candidate who intentionally fails to file a report required by section 211A.02 is guilty of a misdemeanor. A member The treasurer of a committee that formed to promote or defeat a ballot question who intentionally fails to file a report required by section 211A.02 is guilty of a misdemeanor. Each candidate or treasurer of a committee formed to promote or defeat a ballot question shall certify to the filing officer that all reports

required by section 211A.02 have been submitted to the filing officer or that the candidate or committee has not received contributions or made disbursements exceeding \$750 in the calendar year. The certification shall be submitted to the filing officer no later than seven days after the general or special election. The secretary of state shall prepare blanks for this certification. An officer who issues a certificate of election to a candidate with knowledge that the candidate's financial statement has not been filed who has not certified that all reports required by section 211A.02 have been filed is guilty of a misdemeanor."

Delete the title and insert:

"A bill for an act relating to elections; altering a penalty for issuing certain election certificates; requiring certifications by certain committees; amending Minnesota Statutes 1988, section 211A.05, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 782, A bill for an act relating to transportation; clarifying source of funds to be deposited in the rail service improvement account; requiring the commissioner of transportation to identify areas where insufficient rail service is detrimental to efficient transportation; providing for apportionment of costs for new grade crossings; providing for improvement of existing rail crossings; providing for reimbursement of expenses for maintaining signals and other safety devices; appropriating money; amending Minnesota Statutes 1988, sections 219.071, subdivision 1; 219.072; 222.49; 222.50, subdivisions 4, 5, 6, 7, and by adding a subdivision; 222.63, subdivision 8; and 398A.02; proposing coding for new law in Minnesota Statutes, chapter 219; repealing Minnesota Statutes 1988, section 222.50, subdivision 8.

Reported the same back with the following amendments:

Page 2, delete section 3

Page 7, line 8, delete "sections 1 and 2" and insert "section 1"

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete line 15

Page 1, line 16, delete "chapter 219;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 945, A bill for an act relating to public employment; modifying the prohibition against bargaining certain retirement contributions; amending Minnesota Statutes 1988, sections 179A.03, subdivision 19, and by adding a subdivision; and 356.24.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 179A.03, subdivision 19, is amended to read:

Subd. 19. [TERMS AND CONDITIONS OF EMPLOYMENT.] "Terms and conditions of employment" means the hours of employment, the compensation therefor including fringe benefits except retirement contributions or benefits other than employer payment of, or contributions to, premiums for group insurance coverage of retired employees or severance pay, and the employer's personnel policies affecting the working conditions of the employees. In the case of professional employees the term does not mean educational policies of a school district. "Terms and conditions of employment" is subject to section 179A.07. "Terms and conditions of employment" includes employer payment of, or contributions to, premiums for group insurance coverage of retired employees regardless of whether the contributions are made to an insurance company, a self-insurance plan, a private sector employee welfare or pension benefit plan, or other entity that provides group insurance coverage to the retired employees.

Sec. 2. Minnesota Statutes 1988, section 356.24, is amended to read:

356.24 [SUPPLEMENTAL PENSION OR DEFERRED COMPENSATION PLANS, RESTRICTIONS UPON GOVERNMENT UNITS.]

(a) It is unlawful for a school district or other governmental

subdivision or state agency to levy taxes for, or contribute public funds to a supplemental pension or deferred compensation plan that is established, maintained, and operated in addition to a primary pension program for the benefit of the governmental subdivision employees other than:

(1) to a supplemental pension plan that was established, maintained, and operated before May 6, 1971;

(2) to a plan that provides solely for group health, hospital, disability, or death benefits, to the individual retirement account plan established by sections 354B.01 to 354B.04;

(3) to a plan that provides solely for severance pay under section 465.72 to a retiring or terminating employee; or

(4) to the state of Minnesota deferred compensation plan under section 352.96, if provided for in a personnel policy or in the collective bargaining agreement of the public employer with the exclusive representative of public employees in an appropriate unit, in an amount matching employee contributions on a dollar for dollar basis, but not to exceed an employer contribution of \$2,000 a year per employee.

(b) No change in benefits or employer contributions in a supplemental pension plan to which this section applies after May 6, 1971, is effective without prior legislative authorization.

(c) This section does not prohibit a school district or other governmental subdivision or state agency from contributing public funds to a private sector employee welfare or pension benefit plan that provides group insurance coverage for active or retired employees of the governmental unit.

Sec. 3. Minnesota Statutes 1988, section 471.616, subdivision 1, is amended to read:

Subdivision 1. [BIDDING REQUIRED.] No governmental subdivision, political subdivision, or any other body corporate and politic authorized by law to purchase group insurance for its employees and providing or intending to provide group insurance protections and benefits for 25 or more of its employees shall enter into a contract for or renew any group insurance policy or contract without calling for bids and awarding the contract to the lowest responsible bidder by way of competitive bidding procedures similar to those for the provision of services and supplies under section 16B.07, subdivisions 1 to 5. A political subdivision may provide in the bid specifications that self-insured health benefit plans will not be considered. Lowest responsible bidder means the insurer, service plan corporation, or self-insurance plan, if allowed by the bid specifications which offers

the lowest cost, is authorized to do business in this state, and is deemed by the governmental unit to be capable of satisfactorily performing the administration of the policy or contract in accordance with the bid specifications. Lowest responsible bidder may also mean a private sector employee welfare or pension benefit plan that provides group insurance coverage for certain active or retired employees of the governmental unit. "Cost" means in the case of an insurer, the net premium, including consideration of any expense and risk charges; in the case of service plan corporation, the charge for expenses and risk taking; and in the case of self-insurance plans, the sum of the cost of paid claims, including provision for estimated incurred but unpaid claims at the end of the term, administrative costs, and premium for excess coverage. The cost of changing plans may also be considered in determining the lowest cost. The aggregate value of benefits provided by a contract entered into after July 1, 1973, shall not be less than those provided by the preexisting contract (a) unless a majority of the employees covered under the group insurance plan and voting on the question agree to a reduction in the benefits, if the employees are not represented by an exclusive representative pursuant to section 179A.12, or (b) unless the public employer and the exclusive representative of the employees of an appropriate bargaining unit, certified under section 179A.12, agree to a reduction in the benefits.

No contract need be submitted to bid more frequently than once every 48 months, unless for any reason whatsoever, a 50 percent or greater change in the premium per covered employee under the policy contract is provided, required or indicated. If additional employees are added to an existing group pursuant to a joint powers agreement under section 471.59, new bids and award are not required.

When an insurer proposes an increase in rates, it shall accompany its proposal with an aggregate claims record for the appropriate period that explains the proposed increase. When a contract is resubmitted for bids the aggregate claims record shall accompany the specifications for the contract. Cost comparisons are not required between insured and self-insurance alternatives, but apply to comparisons between two or more insured proposals or comparisons between two or more self-insurance proposals."

Delete the title and insert:

"A bill for an act relating to public employment; modifying the prohibition against bargaining certain retirement contributions; amending Minnesota Statutes 1988, sections 179A.03, subdivision 19; 356.24; and 471.616, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Jacobs from the Committee on Regulated Industries to which was referred:

H. F. No. 951, A bill for an act relating to utilities; providing for the establishment of competitive electric utility rates for certain customers subject to effective competition; authorizing public utilities commission to require utility to initiate rate proceeding under limited circumstances; amending Minnesota Statutes 1988, sections 216B.045, subdivision 5; and 216B.17, subdivision 6, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 216B; repealing Minnesota Statutes 1988, section 216B.17, subdivisions 2, 3, 4, and 5.

Reported the same back with the following amendments:

Page 2, line 16, after "utility's" insert "own"

Page 2, line 18, delete "2,000" and insert "1,000"

Page 3, line 26, before "The" insert "Within its own assigned service territory,"

Page 5, line 23, delete everything after "section" and insert ". The review must include, but is not limited to, an analysis of the electric utilities changing capacity requirements due to approved competitive rates and a comprehensive evaluation of the impact of competitive electric rates on cogeneration and small power production in the state. The department shall submit its findings to the legislature by"

Page 6, after line 11, insert:

"Sec. 5. Laws 1987, chapter 371, section 4, is amended to read:

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment, ~~and are repealed effective July 1, 1990.~~"

Page 6, line 12, delete "5" and insert "6"

Page 6, line 15, delete "6" and insert "7"

Page 6, line 16, delete "5" and insert "6"

Amend the title as follows:

Page 1, line 7, after the semicolon insert "removing repealer of

laws providing for establishment of flexible gas utility rates for certain customers subject to effective competition;"

Page 1, line 9, after the semicolon insert "Laws 1987, chapter 371, section 4;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 966, A bill for an act relating to highways; removing legislative route 249 from the trunk highway system.

Reported the same back with the following amendments:

Page 1, after line 4, insert:

"Section 1. Minnesota Statutes 1988, section 505.1792, subdivision 1, is amended to read:

Subdivision 1. In order to give supplemental information to the public as to the location of streets, county roads, county state-aid highways, ~~and town roads, and other transportation corridors,~~ and the right of way thereof, the governing body of any city, town, or county may file for record in the office of the county recorder and the registrar of titles of said county such maps or plats showing such information as the governing body shall determine necessary. The map or plat shall be subscribed by the mayor or chair of the governing body and the county surveyor, together with a certified copy of the resolution of the governing body setting forth the necessity for said plat, and shall be entitled to record without compliance with the provisions of this chapter. Any amendments, alterations, or vacations of such maps or plats so filed may be entitled to record in like manner."

Page 1, line 22, delete "1" and insert "2"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 2, delete "highways" and insert "transportation; providing for the recording of transportation corridors other than streets or highways"

Page 1, line 3, after "system" insert "; amending Minnesota Statutes 1988, section 505.1792, subdivision 1"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 972, A bill for an act relating to drivers' licenses; providing that court administrators forward driver's license or permit applications and fees to the department of public safety by the next working day; requiring commissioner of public safety to conduct background study on applicant for school bus endorsement; amending Minnesota Statutes 1988, sections 171.06, subdivision 4; and 171.321, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, delete lines 19 to 31, and insert:

"Subd. 3. [STUDY OF APPLICANT.] Before issuing or renewing a school bus endorsement, the commissioner shall conduct a criminal records check of the applicant. The commissioner may also conduct the check at any time while a person is so licensed. The check shall consist of a criminal records check from the state criminal record repository. If the applicant has resided in Minnesota for less than five years, the check shall include a criminal records check from the state law enforcement agencies in the states where the person has resided during the past five years and the national criminal records repository including the criminal justice data communications network. The applicant's failure to cooperate with the commissioner is reasonable cause to deny an application or cancel a school bus endorsement. The commissioner shall not release the results of the records check to any person except the applicant."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 973, A bill for an act relating to traffic regulations; regulating U-turns; providing for color and equipment requirements on school buses carrying ten or more persons; requiring flashing

amber light of school bus to be activated at least 300 feet before stopping to load or unload school children; providing for bumper requirements on private passenger vehicles and rear-end protection for other vehicles; amending Minnesota Statutes 1988, sections 169.19, subdivision 2; 169.44, subdivisions 1a and 2; and 169.73.

Reported the same back with the following amendments:

Pages 2 and 3, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1988, section 169.44, subdivision 2, is amended to read:

Subd. 2. [LOADING AND UNLOADING PASSENGERS; USE OF SIGNALS.] (a) ~~Drivers~~ A driver of a vehicle outwardly equipped and identified as a school bus shall actuate the prewarning flashing amber signals of the bus before stopping to load or unload a school child or children. The driver shall actuate the flashing amber signals at least 100 feet before stopping in a speed zone of 35 miles per hour or less and at least 300 feet when operating outside an incorporated municipality and at least 100 feet when operating within an incorporated municipality and, before stopping in a speed zone of more than 35 miles per hour. Upon stopping for such this purpose, such drivers the driver shall extend the stop signal arm and actuate the flashing red signals and shall not retract the stop signal arm and extinguish the flashing red signals until loading or unloading is completed and persons who must cross the street or highway are safely across.

(b) School bus drivers shall not actuate the prewarning flashing amber signals or flashing red signals:

(1) in special school bus loading areas where the bus is entirely off the traveled portion of the road;

(2) in residence or business districts of cities except when directed by the local school administrator;

(3) when a school bus is being used on a highway for purposes other than the actual transportation of school children to or from school or a school approved activity, in which event the words "school bus" on the front and rear of the bus shall be removed or completely concealed;

(4) at railroad grade crossings; and

(5) when loading and unloading persons while the bus is completely off the traveled portion of a separated, one-way roadway that has adequate shoulders. The driver shall drive the bus completely

off the traveled portion of a separated, one-way roadway with adequate shoulders before loading or unloading persons.

(c) Where school children must cross the road before boarding or after being discharged from the bus, the driver of a school bus or a school bus patrol may supervise such crossings making use of the standard school patrol flag or signal as approved and prescribed by the commissioner of public safety. When children are alighting from a school bus, the driver shall visually ascertain that alighting children shall be a safe distance from the bus before moving the bus.

(d) Vehicles not outwardly equipped and identified as school buses shall load or unload school children only from the right-hand side of the vehicle, except on a one-way street such vehicle shall load or unload school children only from the curb side of the vehicle."

Page 3, line 31, after "automobile" reinstate the stricken "as"

Page 3, line 33, strike "a station wagon" and delete "defined in"

Page 3, line 34, delete "section 168.011, subdivision 23," and after "van" insert "as"

Page 3, line 35, after "truck" insert "as"

Page 4, lines 4, 24, and 26, before "defined" insert "as"

Page 5, line 10, delete "or" and after "military vehicles" insert ", and other vehicles specifically exempted by law from such requirements"

Amend the title as follows:

Page 1, line 4, delete "requiring" and insert "establishing conditions under which"

Page 1, delete lines 5 and 6

Page 1, line 7, delete "children" and insert "bus drivers must activate flashing amber lights"

With the recommendation that when so amended the bill pass.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 975, A bill for an act relating to counties; permitting

county appropriations for the arts; amending Minnesota Statutes 1988, section 375.18, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [471.94] [APPROPRIATION FOR ARTISTIC ACTIVITIES.]

For the purposes of this section, "artistic organization" means an association, corporation, or other group of persons that provides an opportunity for persons to participate in the creation, performance, or appreciation of artistic activities which include but are not limited to: music, dance, drama, folk art, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, costume and fashion design, motion pictures, television, radio, tape and sound records, activities related to the presentation, performance, execution, and exhibition of the art forms, and the study of the arts and their application to the human environment.

A county, statutory or home rule charter city, or town may appropriate money to support artistic organizations. The appropriation may be divided among organizations in the proportions that the county board, city council, or town board determines."

Delete the title and insert:

"A bill for an act relating to local government; permitting local government appropriations for the arts; proposing coding for new law in Minnesota Statutes, chapter 471."

With the recommendation that when so amended the bill pass.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 1008, A bill for an act relating to human services; clarifying and expanding the duties of the ombudsman for older Minnesotans; amending Minnesota Statutes 1988, sections 256.974; 256.9741, subdivisions 3 and 5; 256.9742; 256.9744, subdivision 1; and 256.975, subdivision 2, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 256.974, is amended to read:

256.974 [OFFICE OF OMBUDSMAN FOR OLDER MINNESOTANS; LOCAL PROGRAMS.]

The ombudsman for older Minnesotans serves in the classified service under section 256.01, subdivision 7, in an office within the Minnesota board on aging that incorporates the long-term care ombudsman program required by the Older Americans Act, Public Law Number 98-456 100-75, United States Code, title 42, section 3027(a)(12), and established within the Minnesota board on aging. The Minnesota board on aging may make grants to and designate local programs or area agencies on aging for the provision of ombudsman services to clients in county or multicounty areas. Individuals providing local ombudsman services must be qualified to perform the duties required by section 256.9742. The local program may not be an agency engaged in the provision of nursing home care, hospital care, or home care services either directly or by contract, or have the responsibility for planning, coordinating, funding, or administering nursing home care, hospital care, or home care services.

Sec. 2. Minnesota Statutes 1988, section 256.9741, subdivision 3, is amended to read:

Subd. 3. "Client" means an individual who requests, or on whose behalf a request is made for, ombudsman services and is (a) a resident of a long-term care facility or (b) a patient in an acute care facility who is eligible for Medicare and beneficiary who requests assistance relating to admission or discharge from an acute care facility access, discharge, or denial of inpatient or outpatient services, or (c) an individual reserving or requesting a home care service.

Sec. 3. Minnesota Statutes 1988, section 256.9741, subdivision 5, is amended to read:

Subd. 5. "Office" means the office of ombudsman established within the Minnesota board on aging or local ombudsman programs that the board on aging designates.

Sec. 4. Minnesota Statutes 1988, section 256.9741, is amended by adding a subdivision to read:

Subd. 6. "Home care service" means health, social, or supportive services provided to an individual for a fee in the individual's residence and in the community to promote, maintain, or restore health, or maximize the individual's level of independence, while minimizing the effects of disability and illness.

Sec. 5. Minnesota Statutes 1988, section 256.9742, is amended to read:

256.9742 [DUTIES AND POWERS OF THE OFFICE.]

Subdivision 1. [DUTIES.] The ombudsman shall:

(1) gather information and evaluate any act, practice, policy, procedure, or administrative action of a long-term care facility, acute care facility, home care service provider, or government agency that may adversely affect the health, safety, welfare, or rights of any client;

(2) mediate or advocate on behalf of clients;

(3) monitor the development and implementation of federal, state, or local laws, rules, regulations, and policies affecting the rights and benefits of clients;

(4) comment on and recommend to the legislature and public and private agencies regarding laws, rules, regulations, and policies affecting clients;

(5) inform public agencies about the problems of clients;

(6) provide for training of volunteers and promote the development of citizen participation in the work of the office;

(7) conduct public forums to obtain information about and publicize issues affecting clients;

(8) provide public education regarding the health, safety, welfare, and rights of clients; and

(9) collect and analyze data relating to complaints ~~and~~ conditions in long-term care facilities, and services.

Subd. 1a. [DESIGNATION; LOCAL OMBUDSMAN REPRESENTATIVES.] (a) In designating an individual to perform duties under this section, the ombudsman must determine that the individual is qualified to perform the duties required by this section.

(b) An individual designated under this section must successfully complete an orientation training conducted under the direction of the ombudsman or approved by the ombudsman. Orientation training shall be at least 20 hours and will consist of training in: investigation, dispute resolution, health care regulation, confidentiality, resident and patients' rights, and health care reimbursement.

(c) The ombudsman shall develop and implement a continuing education program for individuals designated under this section. The continuing education program shall be at least 60 hours annually.

(d) The ombudsman may withdraw an individual's designation if the individual fails to perform duties of this section or meet continuing education requirements. The individual may request a reconsideration of such action by the board on aging whose decision shall be final.

Subd. 2. [IMMUNITY FROM LIABILITY.] ~~A person designated as an~~ The ombudsman or designee under this section is immune from civil liability that otherwise might result from the person's actions or omissions if the person's actions are in good faith, are within the scope of the person's responsibilities as an ombudsman, and do not constitute willful or reckless misconduct.

Subd. 3. [POSTING.] Every long-term care facility and acute care facility shall post in a conspicuous place the address and telephone number of the office. A home care service provider shall provide all recipients with the address and telephone number of the office. The posting or notice is subject to approval by the ombudsman.

Subd. 4. [ACCESS TO LONG-TERM CARE AND ACUTE CARE FACILITIES AND CLIENTS.] The ombudsman or designee may:

- (1) enter any long-term care facility without notice at any time;
- (2) enter any acute care facility without notice during normal business hours;
- (3) enter any acute care facility without notice at any time to interview a patient or observe services being provided to the patient as part of an investigation of a matter that is within the scope of the ombudsman's authority, but only if the ombudsman's or designee's presence does not intrude upon the privacy of another patient or interfere with routine hospital services provided to any patient in the facility;
- (4) communicate privately and without restriction with any client in accordance with section 144.651; and
- (4) (5) inspect records of a long-term care facility, home care service provider, or acute care facility that pertain to the care of the client according to sections 144.335 and 144.651; and
- (6) with the consent of a client or client's legal guardian, have access to review records pertaining to the care of the client according

to sections 144.335 and 144.651. If a client cannot consent and has no legal guardian, access to the records is authorized by this section.

A person who denies access to the ombudsman or designee in violation of this subdivision or aids, abets, invites, compels, or coerces another to do so is guilty of a misdemeanor.

Subd. 5. [ACCESS TO STATE RECORDS.] The ombudsman or designee has access to data of a state agency necessary for the discharge of the ombudsman's duties, including records classified confidential or private under chapter 13, or any other law. The data requested must be related to a specific case and is subject to section 13.03, subdivision 4. If the data concerns an individual, the ombudsman or designee shall first obtain the individual's consent. If the individual cannot consent and has no legal guardian, then access to the data is authorized by this section.

Each state agency responsible for licensing, regulating, and enforcing state and federal laws and regulations concerning long-term care, home care service providers, and acute care facilities shall forward to the ombudsman on a quarterly basis, copies of all correction orders, penalty assessments, and complaint investigation reports, for all long-term care facilities and, acute care facilities, and home care service providers.

Subd. 6. [PROHIBITION AGAINST DISCRIMINATION OR RETALIATION.] No entity shall take discriminatory, disciplinary, or retaliatory action against an employee or volunteer, or a patient, resident, or guardian or family member of a patient, resident, or guardian for filing in good faith a complaint with or providing information to the ombudsman or designee.

A person who violates this subdivision or who aids, abets, invites, compels, or coerces another to do so is guilty of a misdemeanor.

There shall be a rebuttable presumption that any adverse action, as defined below, within 90 days of report, is discriminatory, disciplinary, or retaliatory. For the purpose of this subdivision, the term "adverse action" refers to action taken by the entity involved in a report against the person making the report or the person with respect to whom the report was made because of the report, and includes, but is not limited to:

- (1) discharge or transfer from a facility;
- (2) termination of service;
- (3) restriction or prohibition of access to the facility or its residents;

(4) discharge from or termination of employment;

(5) demotion or reduction in remuneration for services; and

(6) any restriction of rights set forth in section 144.651 or 144A.44.

Sec. 6. Minnesota Statutes 1988, section 256.9744, subdivision 1, is amended to read:

Subdivision 1. [CLASSIFICATION.] Except as provided in this section, data maintained by the office under sections 256.974 to 256.9744 are private data on individuals or nonpublic data as defined in section 13.02, subdivision 9 or 12, and must be maintained in accordance with the requirements of Public Law Number 98-459 100-75, United States Code, title 42, section 3027(a)(12)(D).

Sec. 7. Minnesota Statutes 1988, section 256.975, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] The board shall carry out the following duties:

(a) to advise the governor and heads of state departments and agencies regarding policy, programs, and services affecting the aging;

(b) to provide a mechanism for coordinating plans and activities of state departments and citizens' groups as they pertain to aging;

(c) to create public awareness of the special needs and potentialities of older persons;

(d) to gather and disseminate information about research and action programs, and to encourage state departments and other agencies to conduct needed research in the field of aging;

(e) to stimulate, guide, and provide technical assistance in the organization of local councils on aging;

(f) to provide continuous review of ongoing services, programs and proposed legislation affecting the elderly in Minnesota; and

(g) to administer and to make policy relating to all aspects of the older americans act of 1965, as amended, including implementation thereof; and

(h) to award grants, enter into contracts, and adopt rules the Minnesota board on aging deems necessary to carry out the purposes of this section.

Sec. 8. [APPROPRIATION.]

\$ is appropriated from the general fund to the board on aging for the biennium ending June 30, 1991, for the purposes of sections 1 to 7."

Delete the title and insert:

"A bill for an act relating to human services; clarifying and expanding the duties of the ombudsman for older Minnesotans; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 256.974; 256.9741; subdivisions 3 and 5, and by adding a subdivision; 256.9742; 256.9744, subdivision 1; and 256.975, subdivision 2."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 1048, A bill for an act relating to vocational rehabilitation; requiring that 51 percent of the members of the board of directors of centers for independent living are persons with disabilities; changing the membership of the Minnesota council for the blind; amending Minnesota Statutes 1988, sections 129A.01, subdivision 9; and 248.10, subdivision 1.

Reported the same back with the following amendments:

Page 1, line 25, before the period, insert "to four-year terms"

Page 1, line 26, strike everything after the period

Page 1, strike line 27

Page 2, strike lines 1 to 3

Page 2, after line 3, insert:

"Sec. 3. [INITIAL TERMS.]

Notwithstanding the term prescribed by section 2, the commissioner of jobs and training shall determine the initial terms of members appointed as a result of the expansion of the Minnesota council for the blind under section 2."

Page 2, line 5, delete "and 2" and insert "to 3".

Renumber the remaining section

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Ogren from the Committee on Health and Human Services to which was referred:

H. F. No. 1081, A bill for an act relating to public health; limiting the sale of certain kinds of products; requiring warning signs; prescribing penalties; amending Minnesota Statutes 1988, sections 145.38, subdivision 1; and 145.39, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 145.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 145.38, subdivision 1, is amended to read:

Subdivision 1. No person shall sell to a person under ~~19~~ 18 years of age any glue ~~or~~, cement, or aerosol paint containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, or other aromatic hydrocarbon solvents, or any similar substance which the state commissioner of health has, by rule adopted pursuant to sections 14.02, 14.04 to 14.36, 14.38, and 14.44 to 14.45, declared to have potential for abuse and toxic effects on the central nervous system. This section does not apply if the glue ~~or~~, cement, or aerosol paint is contained in a packaged kit for the construction of a model automobile, airplane, or similar item.

Sec. 2. [145.385] [WARNING SIGNS.]

A business establishment that offers for sale at retail any item as described in section 145.38, subdivision 1, must display a conspicuous sign that contains the following, or substantially similar, language:

"NOTICE

It is unlawful for a person to sell glue, cement, or aerosol paint containing intoxicating substances to a person under 18 years of age, except as provided by law. Such an offense is a misdemeanor. It

is also unlawful for a person to use or possess glue, cement, or aerosol paint with the intent of inducing intoxication, excitement, or stupefaction of the central nervous system. Such an offense is a misdemeanor. Such use can be harmful or fatal."

Sec. 3. Minnesota Statutes 1988, section 145.39, subdivision 1, is amended to read:

Subdivision 1. No person under 19 years of age shall use or possess any glue, cement, aerosol paint, or any other substance containing toluene, benzene, xylene, amyl nitrate, butyl nitrate, or other aromatic hydrocarbon solvents, or any similar substance which the state commissioner of health has, by rule adopted pursuant to sections 14.02, 14.04 to 14.36, 14.38, and 14.44 to 14.45, declared to have potential for abuse and toxic effects on the central nervous system with the intent of inducing intoxication, excitement or stupefaction of the central nervous system, except under the direction and supervision of a medical doctor.

Sec. 4. [145.406] [INFORMATION ON THE SALE AND USE OF TOXIC SUBSTANCES.]

The commissioner of health shall prepare and distribute materials designed to provide information to retail businesses on the requirements of sections 145.38 to 145.40.

Sec. 5. [254A.145] [INHALANT ABUSE DEMONSTRATION PROJECT.]

Within the limits of the available appropriation and notwithstanding the requirements of chapter 254B, the commissioner of human services shall create a demonstration project to provide intervention and to coordinate community services for inhalant abusers aged seven to 14. The project shall be established in a community that has been shown to be at great risk of such inhalant abuse and shall include assessment, education, and case management components. For individuals identified as inhalant abusers, case managers shall make referrals to services otherwise offered in the community. The case manager shall also monitor the progress of the individuals referred.

As part of this project, the commissioner of human services shall work with other agencies that provide services to youth and children, including education agencies and other drug treatment and counseling agencies, to increase public awareness concerning inhalant abuse among youth and children.

Sec. 6. [REPORT ON INHALANT ABUSE DEMONSTRATION PROJECT.]

The commissioner shall prepare a report on the outcome of the inhalant abuse demonstration project in section 5, to be presented to the legislature by February 1, 1991. In that report, the commissioner shall include information on the effectiveness of the chemical dependency treatment system for children under 14 years of age, particularly children who are inhalant abusers, and shall issue recommendations for the appropriate provision of services for this population group.

Sec. 7. [PLANNING GRANT.]

The commissioner of human services is authorized to award, for the biennium ending June 30, 1991, a planning grant to a public or private agency or program experienced in working with youth and inhalant/chemical abuse, in order to establish a treatment program for children under age 12 identified as inhalant abusers. This treatment program shall evaluate clients, provide treatment and aftercare services, and coordinate services provided with existing agencies. The agency or program receiving the planning grant must report program results and recommendations to the commissioner of human services by February 15, 1991.

Sec. 8. [APPROPRIATION.]

\$ is appropriated from the general fund to the commissioner of health for the biennium ending June 30, 1991, for the purposes of section 4.

\$ is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 1991, for the purposes of sections 5 and 7."

Delete the title and insert:

"A bill for an act relating to health and human services; limiting the sale of certain kinds of products; requiring warning signs; requiring the commissioner of health to distribute information on toxic substances; requiring the commissioner of human services to establish an inhalant abuse demonstration project; authorizing a planning grant; appropriating money; amending Minnesota Statutes 1988, sections 145.38, subdivision 1; and 145.39, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 145 and 254A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1131, A bill for an act relating to Olmsted county; authorizing certain appropriations for economic and agricultural development.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1162, A bill for an act relating to international trade; enhancing the Minnesota trade office's education and foreign representation activities; appropriating money; amending Minnesota Statutes 1988, section 116J.966, subdivision 1; repealing Minnesota Statutes 1988, section 116J.967.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [LEGISLATIVE FINDINGS.]

International trade is becoming increasingly important to the state's economy. The legislature identifies two international trade activities that must be enhanced to encourage Minnesota businesses to expand their exports of products and services.

First, the state should pursue an increased effort in educating and preparing interested businesses in exporting. This increased effort must include workshops, prepared written and video materials, and resource information about markets and trade leads. The trade office should build partnerships with other technical assistance providers to make educational materials and resource information more readily available to businesses. In addition, the trade office should use the existing satellite facilities to provide interactive workshops across the states.

Secondly, the state should also increase its presence in foreign countries to assist businesses in gaining a marketshare for Minnesota products and services. The legislature recognizes the successful partnerships with Minnesota corporations in establishing a presence in foreign countries and urges the trade office to continue this leveraging of private sector in-kind contributions. Where partner-

ships are not practicable and trade efforts look promising, the trade office should open trade offices as resources allow. The trade office should also enter into partnerships with other states, when competitively possible, to promote trade in foreign countries.

Sec. 2. Minnesota Statutes 1988, section 116J.966, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] (a) The commissioner shall promote, develop, and facilitate trade and foreign investment in Minnesota. In furtherance of these goals, and in addition to the powers granted by section 116J.035, the commissioner may:

(1) locate, develop, and promote international markets for Minnesota products and services;

(2) arrange and lead trade missions to countries with promising international markets for Minnesota goods, technology, services, and agricultural products;

(3) promote Minnesota products and services at domestic and international trade shows;

(4) organize, promote, and present domestic and international trade shows featuring Minnesota products and services;

(5) host trade delegations and assist foreign traders in contacting appropriate Minnesota businesses and investments;

(6) develop contacts with Minnesota businesses and gather and provide information to assist them in locating and communicating with international trading or joint venture counterparts;

(7) provide information, education, and counseling services to Minnesota businesses regarding the economic, commercial, legal, and cultural contexts of international trade;

(8) provide Minnesota businesses with international trade leads and information about the availability and sources of services relating to international trade, such as export financing, licensing, freight forwarding, international advertising, translation, and custom brokering;

(9) locate, attract, and promote foreign investment and business development in Minnesota to enhance employment opportunities in Minnesota;

(10) provide foreign businesses and investors desiring to locate facilities in Minnesota information regarding sources of governmental, legal, real estate, financial, and business services;

(11) undertake activities to support the world trade center; and

(12) enter into contracts or other agreements with private persons and public entities, including agreements to establish and maintain offices and other types of representation in foreign countries, to carry out the purposes of promoting international trade and attracting investment from foreign countries to Minnesota and to carry out this section, without regard to sections 16B.07 and 16B.09;

(13) enter into contracts or agreements with other states and Canadian provinces to jointly promote and develop international markets for common products and services, including trade offices and other types of representation in foreign countries; and

(14) coordinate the efforts between government, communities, educational institutions, and cultural institutions for establishing and maintaining international sister state relationships to further economic development ties and cultural and educational exchanges with foreign entities.

(b) The programs and activities of the commissioner of trade and economic development and the Minnesota trade division may not duplicate programs and activities of the commissioner of agriculture or the Minnesota world trade center corporation.

(c) The commissioner shall notify the chairs of the senate finance and house appropriations committees of each agreement under this subdivision to establish and maintain an office or other type of representation in a foreign country.

Sec. 3. Minnesota Statutes 1988, section 116J.966, is amended by adding a subdivision to read:

Subd. 3. [INTERNATIONAL INITIATIVES GRANT PROGRAM.] The commissioner may award grants to nonprofit organizations to support cultural and educational exchange programs that may lead to long-term trading relations. Grants must be matched with at least \$3 of nonstate funds for every dollar of the grant awarded under this section. The commissioner must establish eligibility criteria and must market the program statewide.

Sec. 4. [APPROPRIATION; EDUCATION AND FOREIGN REPRESENTATION.]

\$300,000 is appropriated from the general fund for the biennium ending June 30, 1991, to the commissioner of trade and economic development for the education and foreign representation activities outlined in section 1.

Sec. 5. [APPROPRIATION; SISTER STATE RELATIONSHIPS.]

\$50,000 is appropriated from the general fund for the biennium ending June 30, 1991, to the commissioner of trade and economic development for the coordination of the international sister state relationships under section 2.

Sec. 6. [APPROPRIATION; INTERNATIONAL INITIATIVES GRANTS.]

\$250,000 is appropriated from the general fund for the biennium ending June 30, 1991, to the commissioner of trade and economic development for the international initiatives grant program under section 3.

Sec. 7. [REPEALER.]

Minnesota Statutes 1988, section 116J.967, is repealed."

Amend the title as follows:

Page 1, line 6, after "1" insert " , and by adding a subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Otis from the Committee on Economic Development to which was referred:

H. F. No. 1163, A bill for an act relating to resource development; requiring a research study on the effect of aspen thinning; appropriating money.

Reported the same back with the following amendments:

Page 1, line 24, after "resources" delete "and"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1222, A bill for an act relating to St. Louis county;

regulating budget procedures; providing for certain recorder's fees; proposing coding for new law in Minnesota Statutes, chapter 383C; repealing Minnesota Statutes 1988, sections 383C.01, 383C.011, 383C.012, 383C.013, 383C.014, 383C.015, 383C.016, 383C.017, 383C.018, and 383C.019.

Reported the same back with the following amendments:

Page 5, after line 9, insert:

"Sec. 9. [383C.726] [LEGAL DESCRIPTION REQUIRED.]

Any document to be filed with the county recorder affecting a previously recorded mortgage, contract for deed, mechanic's lien, attorney's lien, judgment, lis pendens, or fixture financing statement must include a legal description of the encumbered property. This requirement is satisfied if:

- (1) the document itself contains a legal description of the property;
- (2) the legal description is attached to the document; or
- (3) a copy of part of another document that contains the legal description is attached to the document.

This section does not apply to documents relating to property registered under Minnesota Statutes, chapter 508.

Sec. 10. [383C.808] [TELEVISION SERVICE; ST. LOUIS COUNTY.]

St. Louis county may assess the cost of maintenance of television relay service upon residents of the following townships in St. Louis county who use the service: T67N,R19W; T67N,R20W; T67N,R21W; T68N,R19W; T68N,R20W; T68N,R21W; T69N,R19W; T69N,R20W; T69N,R21W; T70N,R19W; T70N,R20W; T70N,R21W; T71N,R20W; T71N,R21W. The costs shall be assessed annually against improved property and may be billed directly to them or collected with the property tax levied on real property owned by users. If the assessment is billed directly, it may be collected in the same manner as any other debt. If the assessment is collected with the property tax, it shall be administered as far as possible in the same manner as the property tax and be subject to the same penalties and conditions."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "fees;" insert "requiring certain documents filed with the county recorder to include a legal description; allow-

ing the county to assess the cost of maintenance of television relay service;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Taxes.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1321, A bill for an act relating to Cook county; permitting establishment of a county hospital district; authorizing the district's levy.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1322, A bill for an act relating to Cook county; authorizing the county to appropriate money for county hospitals.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services.

The report was adopted.

Battaglia from the Committee on Local Government and Metropolitan Affairs to which was referred:

H. F. No. 1410, A bill for an act relating to local government; the towns of Crystal Bay, Beaver Bay, and Stony River, the cities of Beaver Bay and Silver Bay, and Unorganized Territory No. 1; permitting the establishment of a medical clinic district.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Health and Human Services.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

S. F. No. 104, A bill for an act relating to agriculture; making changes in the rural finance authority loan program; amending Minnesota Statutes 1988, sections 41B.02, subdivisions 12, 15, and 18; 41B.03, subdivision 3, and by adding a subdivision; 41B.039, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 1988, sections 41B.03, subdivision 4; and 41B.039, subdivisions 3, 4, and 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1988, section 41B.02, subdivision 12, is amended to read:

Subd. 12. [PRIMARY PRINCIPAL.] "Primary principal" means that portion of the outstanding balance on a loan covered by sections ~~41B.01 to 41B.23~~ section 41B.04 that is equal to the current market value of the property secured by the loan.

Sec. 2. Minnesota Statutes 1988, section 41B.02, subdivision 15, is amended to read:

Subd. 15. [SECONDARY PRINCIPAL.] "Secondary principal" means that portion of the principal outstanding on balance of a restructured loan covered by sections ~~41B.01 to 41B.23~~ section 41B.04 that is in excess of the current market value of the property secured by the loan.

Sec. 3. Minnesota Statutes 1988, section 41B.02, subdivision 18, is amended to read:

Subd. 18. [SELLER-SPONSORED LOAN.] "Seller-sponsored loan" means a loan in which part or all of the price of a farm is financed by a loan from the seller of the farm who is a natural person, a partnership, or a family farm corporation as defined in section 500.24, located in Minnesota. ~~The loan must be secured by a real estate mortgage evidenced by one or more notes that may carry different interest rates or by a contract for deed. The definition of a seller-sponsored loan under this subdivision does not include a loan between persons within the second degree of kindred according to common law. A seller-sponsored loan may not be made to a person who has previously defaulted on a state loan or state guarantee of a loan.~~

Sec. 4. Minnesota Statutes 1988, section 41B.03, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY FOR BEGINNING FARMER LOANS.] In addition to the requirements under subdivision 1, a prospective borrower for a beginning farm loan, including a seller-sponsored loan, in which the authority holds an interest, must:

(1) have sufficient education, training, or experience in the type of farming for which the loan is desired;

(2) have a total net worth, including assets and liabilities of the borrower's spouse and dependents, of less than \$100,000;

(3) demonstrate a need for the loan;

(4) demonstrate an ability to repay the loan;

(5) ~~demonstrate~~ certify that the agricultural land to be purchased will be used by the borrower for agricultural purposes; and

(6) ~~demonstrate~~ certify that farming will be the principal occupation of the borrower;

(7) agree to participate in a farm management program approved by the commissioner of agriculture for at least the first five years of the loan, if an approved program is available within 45 miles from the borrower's residence; and

(8) agree to file an approved soil and water conservation plan with the soil conservation service office in the county where the land is located. The commissioner of agriculture may compensate the borrower for the easement under section 40.43, subdivision 6, but is not required to do so.

Sec. 5. Minnesota Statutes 1988, section 41B.03, is amended by adding a subdivision to read:

Subd. 5. [ELIGIBILITY FOR SELLER-SPONSORED LOANS.] In addition to the requirements under subdivision 1, a prospective borrower under the seller-sponsored loan program must either meet the conditions of subdivision 3 if the person is a beginning farmer, or other conditions the authority prescribes if the person is reentering farming through the seller-sponsored loan program.

Sec. 6. Minnesota Statutes 1988, section 41B.039, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The authority may establish, develop criteria, and implement a beginning farmer program. The program may include assistance for persons entering or reentering farming through the use of seller-sponsored loans.

Sec. 7. [41B.042] [SELLER-SPONSORED PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The authority must, within 120 days after the effective date of this act, establish, develop criteria, and implement a seller-sponsored loan participation program to assist persons entering or reentering farming.

Subd. 2. [SECURITY.] Seller-sponsored loans in which the authority holds an interest must be secured by a real estate mortgage evidenced by one or more notes that may carry different interest rates or by a contract for deed.

Subd. 3. [EXCLUSIONS.] The authority may not participate in seller-sponsored loans made to a person who has previously defaulted on a state loan or a state guarantee of a loan, nor in a loan between persons within the second degree of kindred according to common law.

Subd. 4. [PARTICIPATION LIMIT; INTEREST.] The authority may participate in new seller-sponsored loans to the extent of 35 percent of the principal amount of the loan or \$50,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may be different than the interest rates and repayment terms of the seller's retained portion of the loan.

The authority shall purchase a 35 percent participation interest in the contract for deed by taking a 35 percent assignment of the seller's interest.

Sec. 8. [REPEALER.]

Minnesota Statutes 1988, sections 41B.03, subdivision 4; and 41B.039, subdivisions 3, 4, and 5, are repealed."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 269, 543, 627, 736, 945, 951, 966, 972, 973 and 975 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 104 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jennings, Munger, Marsh, Price and Lynch introduced:

H. F. No. 1473, A bill for an act relating to drainage; changing and clarifying certain provisions related to drainage proceedings; enacting a landowners' bill of rights for drainage proceedings; amending Minnesota Statutes 1988, sections 106A.005, subdivision 9, and by adding subdivisions; 106A.202, subdivision 3; 106A.215, subdivision 5, and by adding a subdivision; 106A.241, subdivision 1; 106A.261, subdivisions 3 and 4; 106A.305, subdivision 1; 106A.315, subdivisions 3, 5, and 8; 106A.323, subdivision 2, and by adding a subdivision; 106A.341, subdivisions 1 and 2; 106A.525, subdivision 2; 106A.701, by adding a subdivision; 106A.705; 106A.745; and 106A.811, subdivisions 3, 5, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 106A; repealing Minnesota Statutes 1988, sections 106A.525, subdivisions 4 and 5; 106A.701, subdivision 1; and 106A.715.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Omann, Bertram, Uphus, Krueger and Wenzel introduced:

H. F. No. 1474, A resolution memorializing the President and Congress to enact a national ban and call for an international ban on bovine growth hormone.

The bill was read for the first time and referred to the Committee on Agriculture.

Ogren, Wenzel, Munger and Carlson, D., introduced:

H. F. No. 1475, A bill for an act relating to wild rice; clarifying requirements on packaging and labeling; requiring disclosure of origin; authorizing the construction of a greenhouse facility for the study of wild rice; providing technical assistance for marketing; appropriating money; amending Minnesota Statutes 1988, section 30.49.

The bill was read for the first time and referred to the Committee on Commerce.

Kinkel; Anderson, R.; Solberg; Hasskamp and Otis introduced:

H. F. No. 1476, A bill for an act relating to tourism; authorizing the commissioner of trade and economic development to make or participate in tourism-related loans; appropriating money; proposing coding for new law in chapter 116J.

The bill was read for the first time and referred to the Committee on Commerce.

Orenstein, Vellenga, Wagenius, Seaberg and Carlson, D., introduced:

H. F. No. 1477, A bill for an act relating to local government; exempting city of the first class from certain parking design standards; proposing coding for new law in Minnesota Statutes, chapter 162.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Orenstein; Pappas; Kahn; Carlson, D., and Kelly introduced:

H. F. No. 1478, A bill for an act relating to the community dispute resolution program; giving the state planning agency joint responsibility with the state court administrator's office for administration of the program; establishing eligibility criteria for grant recipients; appropriating money; amending Minnesota Statutes 1988, sections 494.01, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 494; repealing Minnesota Statutes 1988, sections 494.01, subdivisions 3, 4, and 5; and 494.04.

The bill was read for the first time and referred to the Committee on Judiciary.

Omann and Wenzel introduced:

H. F. No. 1479, A bill for an act relating to taxation; income; providing an exclusion for military retirement payments; amending Minnesota Statutes 1988, section 290.01, subdivision 19b.

The bill was read for the first time and referred to the Committee on Taxes.

Omann and Wenzel introduced:

H. F. No. 1480, A bill for an act relating to veterans; appropriating

money for use by the Vietnam Veterans of America in assisting veterans to make claims against the United States government.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Valento introduced:

H. F. No. 1481, A bill for an act relating to education; increasing the special education formula; indexing capital expenditure revenue; increasing the basic formula allowance; modifying the training and experience index; creating a cost of living revenue factor; amending Minnesota Statutes 1988, sections 124.243, subdivision 2; 124.244, subdivision 1; 124.32, subdivisions 1b and 1d; 124A.22, subdivisions 1, 2, 4, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Education.

Frerichs introduced:

H. F. No. 1482, A bill for an act relating to the county of Olmsted; providing for approval of certain conveyancing instruments by county zoning administrator.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Williams, O'Connor and Nelson, C., introduced:

H. F. No. 1483, A bill for an act relating to housing; establishing a rent subsidy program for certain recipients receiving aid to families with dependent children assistance; appropriating money; amending Minnesota Statutes 1988, sections 462A.05, by adding a subdivision; and 462A.21, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Housing.

Conway and O'Connor introduced:

H. F. No. 1484, A bill for an act relating to transitional housing; providing flexibility in the use of transitional housing money; providing for increased acquisition and rehabilitation of transitional housing; appropriating money; amending Minnesota Statutes 1988, section 462A.21, subdivisions 4k, 12, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Financial Institutions and Housing.

O'Connor, Cooper, Winter, Conway and Dempsey introduced:

H. F. No. 1485, A bill for an act relating to retirement; governmental employees in general; establishing a normal retirement age of 65 years; changing contribution rates; lowering minimum service periods required for annuities and disability benefits; applying a uniform percentage to all years of service; adopting a rule of 90; altering reductions for early retirement; increasing rates of interest on refunds; increasing interest assumptions; extending the date for full funding; granting authority for certain bylaw amendments; amending Minnesota Statutes 1988, sections 352.01, subdivision 19, and by adding a subdivision; 352.04, subdivisions 2 and 3; 352.113, subdivisions 1 and 12; 352.115, subdivisions 1, 2, and 3; 352.116, subdivisions 1, 2, 4, and by adding a subdivision; 352.12, subdivisions 1, 2, and 6; 352.22, subdivisions 2 and 3; 352.72, subdivisions 1, 2, and 5; 352.85, subdivision 1; 352.93, subdivisions 1 and 3; 352.95, subdivisions 2 and 5; 352B.01, subdivision 11; 352B.08, subdivision 1; 352B.11, subdivisions 1 and 2; 352B.30, subdivision 1; 353.01, by adding a subdivision; 353.27, subdivision 2; 353.29, subdivisions 1, 2, and 3; 353.30, subdivisions 1, 1a, 1b, 1c, and by adding a subdivision; 353.32, subdivisions 1 and 1a; 353.33, subdivisions 1, 3, and 11; 353.34, subdivisions 2, 3, and 3a; 353.651, subdivisions 1 and 2; 353.657, subdivision 2a; 353.71, subdivisions 1, 2, and 5; 353C.06, subdivisions 1, 2, and 4; 353C.08, subdivision 5; 354.05, by adding a subdivision; 354.35; 354.41, subdivision 3; 354.42, subdivisions 2 and 3; 354.44, subdivisions 1, 1a, 6, and 7; 354.46, subdivision 2; 354.47, subdivision 1; 354.48, subdivisions 1, 3, and 10; 354.49, subdivisions 2 and 3; 354.55, subdivision 11; 354.60; 354A.011, subdivision 20, and by adding a subdivision; 354A.12, subdivisions 1 and 2; 354A.21; 354A.31, subdivisions 1, 4, 5, 6, and by adding a subdivision; 354A.35, subdivisions 1 and 2; 354A.36, subdivisions 1, 3, and 10; 354A.37, subdivisions 2, 3, and 4; 354A.39; 356.215, subdivisions 4d and 4g; 356.30, subdivision 1; and 356.32, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 356; repealing Minnesota Statutes 1988, section 354A.32, subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Janezich, Rukavina and O'Connor introduced:

H. F. No. 1486, A bill for an act relating to retirement; teachers retirement association; permitting the purchase of prior service by certain persons employed by a school district cooperative.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Greenfield and Ogren introduced:

H. F. No. 1487, A bill for an act relating to human services; providing salary adjustments for semi-independent living services, day training and habilitation services, waived services, and intermediate care facilities for persons with mental retardation or related conditions; appropriating money; amending Minnesota Statutes 1988, sections 252.275, by adding a subdivision; 252.46, by adding a subdivision; and 256B.501, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Carlson, L.; Vanasek; Otis; Kahn and Frerichs introduced:

H. F. No. 1488, A bill for an act relating to economic development; establishing the Minnesota Project Outreach Corporation; appropriating money.

The bill was read for the first time and referred to the Committee on Economic Development.

Wagenius; Carlson, D.; Kahn; Munger and Pauly introduced:

H. F. No. 1489, A bill for an act relating to solid waste; providing for household battery management programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapters 115A and 297A.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelso introduced:

H. F. No. 1490, A bill for an act relating to taxation; property tax refund; providing a refund for property tax increases of over 20 percent from taxes payable in 1988 to taxes payable in 1990; amending Minnesota Statutes 1989, section 290A.04, subdivision 2h.

The bill was read for the first time and referred to the Committee on Taxes.

Scheid; Simoneau; Bertram; Olson, K., and Haukoos introduced:

H. F. No. 1491, A bill for an act relating to state government; authorizing the use of certain mechanical lifting devices in public buildings; amending Minnesota Statutes 1988, section 16B.61, subdivision 5.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Jacobs introduced:

H. F. No. 1492, A bill for an act relating to state parks; special permits for handicapped users; amending Minnesota Statutes 1988, section 85.053, subdivision 7.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Wenzel introduced:

H. F. No. 1493, A bill for an act relating to appropriations; appropriating money to the historical society for a grant.

The bill was read for the first time and referred to the Committee on Appropriations.

Winter introduced:

H. F. No. 1494, A bill for an act relating to public lands; prohibiting certain trespassing on public land; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 92.

The bill was read for the first time and referred to the Committee on Judiciary.

Winter and Kelso introduced:

H. F. No. 1495, A bill for an act relating to transportation; imposing requirements on contracts for the repair, improvement, maintenance, and construction of highways and highway bridges; amending Minnesota Statutes 1988, section 16B.13.

The bill was read for the first time and referred to the Committee on Transportation.

Winter and Kelso introduced:

H. F. No. 1496, A bill for an act relating to transportation; repealing rule governing rental rates for trucks on highway projects; repealing Minnesota Rules, part 5200.1105.

The bill was read for the first time and referred to the Committee on Transportation.

Dorn, Jefferson, Tompkins, McLaughlin and Orenstein introduced:

H. F. No. 1497, A bill for an act relating to government data practices; authorizing release of certain data to state committee of blind vendors; amending Minnesota Statutes 1988, section 13.791, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

Lynch, Jacobs, Jefferson, Quinn and Pellow introduced:

H. F. No. 1498, A bill for an act relating to telecommunications devices for the deaf; requiring the metropolitan airports commission and certain bus stations to provide telecommunications devices for deaf people; amending Minnesota Statutes 1988, section 473.608, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256C.

The bill was read for the first time and referred to the Committee on Regulated Industries.

Runbeck, Tunheim, Schafer, Hugoson and Ostrom introduced:

H. F. No. 1499, A bill for an act relating to education; creating a discretionary revenue program; authorizing a levy; proposing coding for new law in Minnesota Statutes, chapter 124A.

The bill was read for the first time and referred to the Committee on Education.

Haukoos, Onnen, Bertram, Milbert and Quinn introduced:

H. F. No. 1500, A bill for an act relating to taxation; sales and use; providing a refund for certain taxes paid by certain nonprofit organizations.

The bill was read for the first time and referred to the Committee on Taxes.

Poppenhagen introduced:

H. F. No. 1501, A bill for an act relating to education; appropriating money for a joint American Indian teacher education program by White Earth Reservation tribal council and Moorhead State University.

The bill was read for the first time and referred to the Committee on Education.

Poppenhagen introduced:

H. F. No. 1502, A bill for an act relating to education; extending the authority of Pine Point experimental school; amending Minnesota Statutes 1988, sections 128B.09 and 128B.10.

The bill was read for the first time and referred to the Committee on Education.

Poppenhagen introduced:

H. F. No. 1503, A bill for an act relating to state lands; authorizing conveyance of certain real property to the town of Round Lake.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Hugoson; Olson, K., and Kalis introduced:

H. F. No. 1504, A bill for an act relating to Martin county; permitting the county board to assign certain duties to the county recorder.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Frerichs and Tompkins introduced:

H. F. No. 1505, A bill for an act relating to taxes; modifying certain special assessment costs, procedures, and dates; amending Minnesota Statutes 1988, sections 429.051; 429.061, subdivisions 1, 2, and 3; and 429.081.

The bill was read for the first time and referred to the Committee on Taxes.

Sparby, Sarna, McEachern, Beard and Bennett introduced:

H. F. No. 1506, A bill for an act relating to commerce; regulating certain rentals of real property, membership camping practices, and subdivided land sales; amending Minnesota Statutes 1988, sections 82.18; 82.20, subdivision 13; 82A.02, subdivision 6; 83.20, by adding a subdivision; 83.30, subdivision 1; and 83.38, subdivisions 1 and 3.

The bill was read for the first time and referred to the Committee on Commerce.

Abrams; Greenfield; McLaughlin; Carlson, D., and Kalis introduced:

H. F. No. 1507, A bill for an act relating to traffic regulations; defining a handicapped person for purposes of parking privileges; amending Minnesota Statutes 1988, section 169.345, subdivision 2.

The bill was read for the first time and referred to the Committee on Transportation.

Nelson, K.; McEachern; Tunheim; Bauerly and Ozment introduced:

H. F. No. 1508, A bill for an act relating to education; creating an office within the department of education to coordinate efforts to transform education systems; proposing coding for new law in Minnesota Statutes, chapter 126.

The bill was read for the first time and referred to the Committee on Education.

Olsen, S.; Runbeck; Tompkins; Pellow and Schreiber introduced:

H. F. No. 1509, A bill for an act relating to education; providing for cost of living differential revenue; appropriating money; amending Minnesota Statutes 1988, section 124A.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 124A.

The bill was read for the first time and referred to the Committee on Education.

Ogren, Murphy and Carlson, D., introduced:

H. F. No. 1510, A bill for an act relating to local government; permitting Carlton county and the city of Cloquet to jointly provide a government building.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Ogren and Carlson, D., introduced:

H. F. No. 1511, A bill for an act relating to Aitkin county; allowing a special levy for economic development; amending Minnesota Statutes 1988, section 275.50, subdivision 5, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Olsen, S.; Knickerbocker; Abrams; Tjornhom and Henry introduced:

H. F. No. 1512, A bill for an act relating to education; lowering the general education levy; repealing levy equity; amending Minnesota Statutes 1988, section 124A.23, subdivisions 1 and 3; repealing Minnesota Statutes 1988, section 124A.24.

The bill was read for the first time and referred to the Committee on Education.

McEachern; Johnson, R.; Peterson; Ogren and Carlson, D., introduced:

H. F. No. 1513, A bill for an act relating to education; making state revenue available to American Indian controlled contract schools on reservations; proposing coding for new law in Minnesota Statutes, chapter 124.

The bill was read for the first time and referred to the Committee on Education.

Carruthers introduced:

H. F. No. 1514, A bill for an act relating to education; equalizing a portion of the referendum levy; proposing coding for new law in Minnesota Statutes, chapter 124A.

The bill was read for the first time and referred to the Committee on Education.

Frerichs, Tompkins and Runbeck introduced:

H. F. No. 1515, A bill for an act relating to human services; excluding church-sponsored religious instruction for preschoolers from day care licensing; amending Minnesota Statutes 1988, section 245A.03, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Frerichs and Scheid introduced:

H. F. No. 1516, A bill for an act relating to taxation; property taxation; modifying the method of determining certain adjusted assessed value; modifying the method of determining agricultural market value for property tax purposes; amending Minnesota Statutes 1988, sections 124.2131, subdivision 1; and 273.11, subdivision 1, and by adding a subdivision; repealing Minnesota Statutes 1988, section 273.11, subdivision 10.

The bill was read for the first time and referred to the Committee on Taxes.

Olsen, S.; Segal and Battaglia introduced:

H. F. No. 1517, A bill for an act relating to local government; authorizing the city of St. Louis Park to change the name of the housing and redevelopment authority; permitting the recording of certain deeds.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Orenstein, Pugh, Brown and Dempsey introduced:

H. F. No. 1518, A bill for an act relating to human services; clarifying requirements for third party liability for medical expenses paid by medical assistance; amending Minnesota Statutes, section 256B.042, subdivisions 1 and 5.

The bill was read for the first time and referred to the Committee on Health and Human Services.

The following Conference Committee Report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 214

A bill for an act relating to taxation; making technical corrections and clarifications to individual income and corporate franchise taxes; updating references to the Internal Revenue Code; imposing a tax and providing for withholding of certain payments to nonresidents; requiring surety payment by out-of-state contractors; amending Minnesota Statutes 1988, sections 290.01, subdivisions 4, 7, 19, 19a, 19b, 19c, 19d, 19e, and 19f; 290.06, subdivision 22; 290.067, subdivision 1; 290.0802, subdivisions 1 and 2; 290.095, subdivision 9; 290.17, subdivisions 1 and 2; 290.311, subdivision 1; 290.92, by adding subdivisions; and 291.005, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1988, section 290.01, subdivision 6a.

March 29, 1989

The Honorable Robert E. Vanasek
Speaker of the House of Representatives

The Honorable Jerome M. Hughes
President of the Senate

We, the undersigned conferees for H. F. No. 214, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 214 be further amended as follows:

Page 4, line 36, reinstate the stricken "and"

Page 5, lines 3 to 12, delete the new language and reinstate the stricken language

Page 15, after line 23, insert:

"Sec. 10. Minnesota Statutes 1988, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. [SCHEDULES OF RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS.] (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code of 1986 as amended through December 31, 1987, must be computed by applying to their taxable net income the following schedule of rates:

if taxable income is:
not over \$19,000
over \$19,000

the tax is:
6 percent
\$1,140 plus 8 percent of
the excess over \$19,000

plus an amount computed using the following schedule of rates:

if taxable income is:
over \$75,500, but not
over \$165,000
over \$165,000

the tax is:
0.5 percent of the
excess over \$75,500
\$447.50.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts. In the case of married individuals filing separately, the additional 0.5 percent tax provided in this subdivision shall be applied to taxable income over \$37,750, but not over \$127,500.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

if taxable income is:
not over \$13,000
over \$13,000

the tax is:
6 percent
\$780 plus 8 percent
of the excess over \$13,000

plus an amount computed using the following schedule of rates:

if taxable income is:
over \$42,700, but not
over \$93,000
over \$93,000

the tax is:
0.5 percent of the
excess over \$42,700
\$251.50.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code of 1986, as amended through December 31, 1987, must be computed by applying to taxable net income the following schedule of rates:

if taxable income is:
not over \$16,000
over \$16,000

the tax is:
6 percent
\$960 plus 8 percent
of the excess over \$16,000

plus an amount computed using the following schedule of rates:

if taxable income is:	the tax is:
over \$64,300, but not	0.5 percent of the
over \$135,000	excess over \$64,300
over \$135,000	\$353.50.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to \$1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) The numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1987, after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, as amended through December 31, 1987, increased by the addition required for interest income from non-Minnesota state and municipal bonds under section 290.01, subdivision 19a, clause (1).

(f) Any individual who has income which is included in the computation of federal adjusted gross income but is not subject to tax by Minnesota other than income specifically allowed as a subtraction under section 290.01, subdivision 19b, shall compute the tax in the same manner described in paragraph (e). The numerator of the fraction under paragraph (e) is the individual's Minnesota source federal adjusted gross income reduced by the income not subject to Minnesota tax and the denominator is the federal adjusted gross income."

Page 25, line 2, after "tax" insert "withheld under this subdivision"

Page 27, line 35, delete "or" and insert a comma and after "3," insert "or 28,"

Page 29, line 21, delete the second "in" and insert "at any time during"

Page 32, line 14, delete "17" and insert "18"

Page 32, line 16, delete "18 to 20" and insert "19 to 21" and delete "21" and insert "22"

Page 32, line 18, delete "22" and insert "23"

Page 32, line 20, delete "16" and insert "17"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, delete the first "subdivision" and insert "subdivisions 2c and"

We request adoption of this report and repassage of the bill.

House Conferees: DEE LONG, ALAN W. WELLE AND WILLIAM H. SCHREIBER

Senate Conferees: DOUGLAS J. JOHNSON, LAWRENCE J. POGEMILLER AND WILLIAM V. BELANGER

Welle moved that the report of the Conference Committee on H. F. No. 214 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 214, A bill for an act relating to taxation; making technical corrections and clarifications to individual income and corporate franchise taxes; updating references to the Internal Revenue Code; imposing a tax and providing for withholding of certain payments to nonresidents; requiring surety payment by out-of-state contractors; amending Minnesota Statutes 1988, sections 290.01, subdivisions 4, 7, 19, 19a, 19b, 19c, 19d, 19e, and 19f; 290.06, subdivision 22; 290.067, subdivision 1; 290.0802, subdivisions 1 and 2; 290.095, subdivision 9; 290.17, subdivisions 1 and 2; 290.311, subdivision 1; 290.92, by adding subdivisions; and 291.005, subdivision 1; proposing coding for new law in Minnesota Statutes,

chapter 290; repealing Minnesota Statutes 1988, section 290.01, subdivision 6a.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Orenstein	Segal
Anderson, G.	Girard	Lasley	Osthoft	Simoneau
Anderson, R.	Greenfield	Lieder	Ostrom	Skoglund
Battaglia	Gruenes	Limmer	Otis	Solberg
Bauerly	Gutknecht	Long	Ozment	Sparby
Beard	Hartle	Lynch	Pappas	Stanilus
Begich	Hasskamp	Macklin	Pauly	Steensma
Bennett	Haukoos	Marsh	Pellow	Sviggum
Bertram	Heap	McDonald	Pelowski	Swenson
Bishop	Henry	McEachern	Peterson	Tjornhom
Blatz	Himle	McGuire	Poppenhagen	Tompkins
Boo	Hugoson	McLaughlin	Price	Trimble
Brown	Jacobs	McPherson	Pugh	Tunheim
Burger	Janezich	Milbert	Quinn	Uphus
Carlson, D.	Jaros	Miller	Redalen	Valento
Carlson, L.	Jefferson	Morrison	Reding	Vellenga
Carruthers	Jennings	Murphy	Rest	Wagenius
Clark	Johnson, A.	Nelson, C.	Rice	Waltman
Conway	Johnson, R.	Nelson, K.	Richter	Weaver
Cooper	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dauner	Kahn	O'Connor	Rukavina	Wenzel
Dawkins	Kahis	Ogren	Rumbeck	Williams
Dempsey	Kelly	Olsen, S.	Sarna	Winter
Dille	Kelso	Olson, E.	Schafer	Wynia
Dorn	Kinkel	Olson, K.	Scheid	Spk. Vanasek
Forsythe	Knickerbocker	Omann	Schreiber	
Frederick	Kostohryz	Onnen	Seaberg	

The bill was repassed, as amended by Conference, and its title agreed to.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 210, A bill for an act relating to counties; permitting counties to rent county-owned residences by less formal procedure;

amending Minnesota Statutes 1988, section 373.01, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 323, A bill for an act relating to commerce; regulating motor vehicle sales and distribution; determining reasonable compensation for warranty services performed by dealers; amending Minnesota Statutes 1988, section 80E.04, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 897, A bill for an act relating to local government; clarifying certain procedures for adoption of town optional plans of government; amending Minnesota Statutes 1988, sections 367.31, subdivisions 1, 2, 3, and 5; and 367.33, subdivisions 1 and 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 68, A bill for an act relating to taxation; making technical corrections to the property taxation of unmined iron ore; making technical corrections and clarifications to the corporate franchise tax; retroactively providing a corporate franchise tax modification for mining income or gains; clarifying the computation of mining occupation taxes; exempting S corporations from business activity report filing requirements; repealing an obsolete reference; amending Minnesota Statutes 1988, sections 273.1104, subdivision 2; 290.01, subdivision 19d; 290.015, subdivisions 2, 3, and 4; 290.092, subdivisions 2 and 4a; 290.191, subdivisions 6 and 11; 290.371; 298.01, subdivisions 3 and 4, and by adding subdivisions; and Laws 1988, chapter 719, article 2, section 57; repealing Minnesota Statutes 1988, section 52.22.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Welle moved that the House concur in the Senate amendments to H. F. No. 68 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 68, A bill for an act relating to taxation; making technical corrections to the property taxation of unmined iron ore; making technical corrections and clarifications to the corporate franchise tax; retroactively providing a corporate franchise tax modification for mining income or gains; clarifying the computation of mining occupation taxes; exempting S corporations from business activity report filing requirements; repealing an obsolete reference; amending Minnesota Statutes 1988, sections 273.1104, subdivision 2; 290.01, subdivision 19d; 290.015, subdivisions 2, 3, and 4; 290.092, subdivisions 2 and 4a; 290.191, subdivisions 6 and 11; 290.371; 298.01, subdivisions 3, 4, and by adding subdivisions; and Laws 1988, chapter 719, article 2, section 57; repealing Minnesota Statutes 1988, section 52.22.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Onnen	Segal
Anderson, G.	Girard	Lasley	Orenstein	Simoneau
Anderson, R.	Greenfield	Lieder	Ostrom	Skoglund
Battaglia	Gruenes	Limmer	Otis	Solberg
Bauerly	Gutknecht	Long	Ozment	Sparby
Beard	Hartle	Lynch	Pappas	Stanius
Begich	Hasskamp	Macklin	Pauly	Steensma
Bennett	Haukoos	Marsh	Pellow	Sviggum
Bertram	Heap	McDonald	Pelowski	Swenson
Bishop	Henry	McEachern	Peterson	Tjornhom
Blatz	Himle	McGuire	Poppenhagen	Tompkins
Boo	Hugoson	McLaughlin	Price	Trimble
Brown	Jacobs	McPherson	Pugh	Tunheim
Burger	Janezich	Milbert	Quinn	Uphus
Carlson, D.	Jaros	Miller	Redalen	Valento
Carlson, L.	Jefferson	Morrison	Reding	Vellenga
Carruthers	Jennings	Munger	Rest	Wagenius
Clark	Johnson, A.	Murphy	Rice	Waltman
Conway	Johnson, R.	Nelson, C.	Richter	Weaver
Cooper	Johnson, V.	Nelson, K.	Rodosovich	Welle
Dauner	Kahn	Neuenschwander	Rukavina	Wenzel
Dawkins	Kalis	O'Connor	Runbeck	Williams
Dempsey	Kelly	Ogren	Sarna	Winter
Dille	Kelso	Olsen, S.	Schafer	Wynia
Dorn	Kinkel	Olson, E.	Scheid	Spk. Vanasek
Forsythe	Knickerbocker	Olson, K.	Schreiber	
Frederick	Kostohryz	Omann	Seaberg	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 133, 435, 701, 46, 260 and 331.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 200, 493, 618, 108, 114 and 390.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 192, 681, 560, 60, 163, 218 and 388.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 134, 831, 271, 332 and 916.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 382, 82, 428, 273 and 478.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 133, A bill for an act relating to statutes; providing free copies of Minnesota Statutes to public utilities commission; amending Minnesota Statutes 1988, section 3C.12, subdivision 2.

The bill was read for the first time and referred to the Committee on Regulated Industries.

S. F. No. 435, A bill for an act relating to veterans; changing admissions, discharge, and utilization review procedures for veterans homes; granting rulemaking authority to the veterans homes board; changing certain rights and presumptions; amending Minnesota Statutes 1988, sections 198.003; 198.007; 198.022; 198.03; and 198.32; proposing coding for new law in Minnesota Statutes, chapter 198.

The bill was read for the first time and referred to the Committee on Governmental Operations.

S. F. No. 701, A bill for an act relating to insurance; requiring coverage for child health supervision and prenatal services; clarifying certain definitions; amending Minnesota Statutes 1988, section 62A.047.

The bill was read for the first time and referred to the Committee on Insurance.

S. F. No. 46, A bill for an act relating to taxation; exempting leased hangars at airports in small cities from property taxation; amending Minnesota Statutes 1988, sections 272.01, subdivision 2; and 273.19, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 260, A bill for an act relating to probate; providing for a statutory will; enacting the uniform statutory will act; proposing coding as Minnesota Statutes, chapter 524A.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 331, A bill for an act relating to notaries public;

eliminating the requirement that notaries be bonded; amending Minnesota Statutes 1988, sections 359.02 and 359.071.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 200, A bill for an act relating to insurance; regulating continuing insurance education; amending Minnesota Statutes 1988, section 60A.1701, subdivisions 1, 5, 7, 8, and 9; repealing Minnesota Rules, part 2725.0240.

The bill was read for the first time and referred to the Committee on Insurance.

S. F. No. 493, A bill for an act relating to juvenile court; expanding the definition of child in need of protection or services; expanding the child hearsay exception to include statements regarding the abuse or neglect of another child witnessed by the child making the statement; clarifying the authority of the court to order the temporary removal of a child due to immediate endangerment; amending Minnesota Statutes 1988, sections 260.015, subdivision 2a; 260.156; and 260.172, subdivision 1.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 618, A bill for an act relating to education; exempting employment by a school district from certain requirements relating to employment of rehabilitated criminal offenders; amending Minnesota Statutes 1988, section 364.09.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 108, A bill for an act relating to natural resources; authorizing fees for special hunts; amending Minnesota Statutes 1988, section 97A.401, subdivision 4.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 114, A bill for an act relating to the town of St. Augusta; authorizing the establishment of a detached banking facility under certain conditions.

The bill was read for the first time and referred to the Committee on Financial Institutions and Housing.

S. F. No. 390, A bill for an act relating to state lands; authorizing sale of certain tax-forfeited land that borders public water in Todd county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 192, A bill for an act relating to natural resources; increasing certain limits on security in lieu of bond for forestry development projects; amending Minnesota Statutes 1988, section 574.264, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 681, A bill for an act relating to housing; changing terminology in the temporary housing demonstration program; extending the authorized duration of transitional housing; providing for an annual report to the legislature; amending Minnesota Statutes 1988, section 268.38, subdivisions 1, 2, 4, 8, 11, and 12.

The bill was read for the first time and referred to the Committee on Financial Institutions and Housing.

S. F. No. 560, A bill for an act relating to criminal procedure; providing for the Ramsey county attorney to prosecute certain gross misdemeanors; amending Minnesota Statutes 1988, section 388.051, subdivision 2.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 60, A bill for an act relating to water; recodifying, clarifying, and relocating provisions relating to water law; amending Minnesota Statutes 1988, sections 9.071; 16B.62, subdivision 1; 18.191; 18B.07, subdivision 6; 40A.13, subdivision 1; 41B.039, subdivision 3; 84.083, by adding subdivisions; 84.91, subdivision 4; 84.911, subdivisions 5 and 6; 84.95, subdivision 2; 85.33, subdivision 3; 86A.05, subdivision 10; 88.43, subdivision 2; 93.335, subdivision 1; 94.343, subdivision 4; 97A.015, subdivision 41; 97A.071, subdivision 4; 97A.101, subdivision 2; 115.097, subdivision 2; 144.95, subdivision 4; 156A.10, subdivision 2; 161.28, subdivision 1; 163.17; 272.02, subdivisions 1 and 6; 273.19, subdivision 5; 295.44, subdivi-

vision 1; 357.021, subdivision 2; 375.471; 383A.602, subdivision 5; 383A.604, subdivision 1; 394.25, subdivision 2; 459.20; 462.357, subdivision 1; 465.20; 469.141, subdivision 4; 469.174, subdivision 19; 471.345, subdivision 3; 471.591, subdivision 1; 471.98, subdivision 2; 473.191, subdivision 2; 609.68; and 645.44, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 83A; 97C; 156A; and 383B; proposing coding for new law as Minnesota Statutes, chapters 86B; 103A; 103B; 103C; 103D; 103E; 103F; and 103G; repealing Minnesota Statutes 1988, sections 40.01 to 40.45; 84.031; 84.032; and 84.158; 104.01 to 104.50; 105.37 to 105.81; 106A.005 to 106A.811; 110.13 to 110.72; 110B.01 to 110B.35; 112.34 to 112.89; 114.12 and 114.13; 114B.01 to 114B.07; 116C.41; 361.01 to 361.29; 378.01 to 378.57; 465.18; and 473.875 to 473.883.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 163, A bill for an act relating to traffic regulations; regulating U-turns; providing for color and equipment requirements on school buses carrying ten or more persons; establishing conditions under which school bus drivers must activate flashing amber lights; providing for bumper requirements on private passenger vehicles; amending Minnesota Statutes 1988, sections 169.19, subdivision 2; 169.44, subdivisions 1a and 2; and 169.73.

The bill was read for the first time.

Bauerly moved that S. F. No. 163 and H. F. No. 973, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 218, A bill for an act relating to health; amending the bill of rights for patients and residents of health facilities; requiring health facilities to notify family members of the admission of a patient or resident under certain circumstances; amending Minnesota Statutes 1988, section 144.651, subdivision 10.

The bill was read for the first time and referred to the Committee on Health and Human Services.

S. F. No. 388, A resolution memorializing the President and Congress to enact legislation to allow the use of flexible highway design standards in the interstate highway 35W corridor, to make federal money available for a light rail transit system, and to make funds available for the completion and repair of federal aid highways.

The bill was read for the first time and referred to the Committee on Transportation.

S. F. No. 134, A bill for an act relating to government data practices; authorizing release of certain data to state committee of blind vendors; amending Minnesota Statutes 1988, section 13.791, subdivision 1, and by adding a subdivision.

The bill was read for the first time and referred to the Committee on Judiciary.

S. F. No. 831, A bill for an act relating to local government; permitting local government appropriations for the arts; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time.

Steensma moved that S. F. No. 831 and H. F. No. 975, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 271, A bill for an act relating to game and fish; contents of firearms safety course for young hunters; amending Minnesota Statutes 1988, section 97B.015, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 332, A bill for an act relating to game and fish; open season for walleyed pike on the Rainy River; amending Minnesota Statutes 1988, section 97C.403, subdivision 3.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 916, A bill for an act relating to consumer protection; regulating landscape application contracts; providing penalties and remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

The bill was read for the first time.

McGuire moved that S. F. No. 916 and H. F. No. 1090, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 382, A bill for an act relating to animals; clarifying regulations pertaining to dangerous dogs; granting certain powers to animal control officers; prohibiting local ordinances that define specific breeds of dogs as dangerous; amending Minnesota Statutes 1988, sections 343.20, by adding a subdivision; 343.29, subdivision 1; 347.50, subdivisions 4, 5, and by adding a subdivision; 347.51, subdivisions 5 and 6, and by adding subdivisions; 347.53; 347.54; and 609.226, subdivision 1.

The bill was read for the first time.

Scheid moved that S. F. No. 382 and H. F. No. 543, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 82, A bill for an act relating to workers' compensation; regulating the location for certain physical examinations; amending Minnesota Statutes 1988, section 176.155, subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

S. F. No. 428, A bill for an act relating to elections; authorizing the distribution of campaign material under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 211B.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

S. F. No. 273, A bill for an act relating to education; establishing requirements for membership on an education district board; amending Minnesota Statutes 1988, section 122.92.

The bill was read for the first time and referred to the Committee on Education.

S. F. No. 478, A bill for an act relating to education; providing for donations to the permanent school fund; amending Minnesota Statutes 1988, sections 84.085 and 124.08.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

CONSENT CALENDAR

H. F. No. 770, A bill for an act relating to state lands; directing conveyance of a certain tract in Beltrami county.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Krueger	Onnen	Simoneau
Anderson, G.	Girard	Lasley	Orenstein	Skoglund
Anderson, R.	Greenfield	Lieder	Osthoff	Solberg
Battaglia	Gruenes	Limmer	Ostrom	Sparby
Bauerly	Gutknecht	Long	Otis	Stanius
Beard	Hartle	Lynch	Ozment	Steensma
Begich	Hasskamp	Macklin	Pappas	Sviggun
Bennett	Haukoos	Marsh	Pauly	Swenson
Bertram	Heap	McDonald	Pellow	Tjornhom
Bishop	Henry	McEachern	Pelowski	Tompkins
Blatz	Himle	McGuire	Peterson	Trimble
Boo	Hugoson	McLaughlin	Poppenhagen	Tunheim
Brown	Jacobs	McPherson	Pugh	Uphus
Burger	Janezich	Milbert	Quinn	Valento
Carlson, D.	Jaros	Miller	Redalen	Vellenga
Carlson, L.	Jefferson	Morrison	Reding	Wagenius
Carruthers	Jennings	Munger	Rest	Waltman
Clark	Johnson, A.	Murphy	Rice	Weaver
Conway	Johnson, R.	Nelson, C.	Richter	Welle
Cooper	Johnson, V.	Nelson, K.	Rodosovich	Wenzel
Dauner	Kahn	Neuenschwander	Rukavina	Williams
Dawkins	Kalis	O'Connor	Rumbeck	Winter
Dempsey	Kelly	Ogren	Sarna	Wynia
Dille	Kelso	Olsen, S.	Schafer	Spk. Vanasek
Dorn	Kinkel	Olson, E.	Scheid	
Forsythe	Knickerbocker	Olson, K.	Schreiber	
Frederick	Kostohryz	Omann	Seaberg	

The bill was passed and its title agreed to.

Pelowski was excused for the remainder of today's session.

CALENDAR

H. F. No. 603 was reported to the House and given its third reading.

Sparby moved that H. F. No. 603 be re-referred to the Committee on Appropriations. The motion prevailed.

H. F. No. 707, A bill for an act relating to horse racing; allowing a licensed racetrack to conduct pari-mutuel betting on televised races on days when races are not conducted at the licensed racetrack; allowing the licensed racetrack to commingle pari-mutuel pools with the sending racetrack; amending Minnesota Statutes 1988, sections 240.01, subdivision 10, and by adding a subdivision; 240.10; 240.13, subdivisions 1, 3, 6, and by adding a subdivision; 240.14, by adding a subdivision; and 240.29.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 87 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Kinkel	Omann	Solberg
Anderson, G.	Dorn	Knickerbocker	Osthoff	Sparby
Anderson, R.	Frederick	Kostohryz	Pauly	Stanius
Battaglia	Frerichs	Krueger	Pellow	Sviggum
Bauerly	Girard	Lieder	Peterson	Swenson
Beard	Gruenes	Lynch	Price	Tompkins
Begich	Heap	Macklin	Quinn	Tunheim
Bennett	Himle	McDonald	Redalen	Uphus
Bertram	Hugoson	McEachern	Reding	Valento
Bishop	Jacobs	McLaughlin	Rest	Waltman
Blatz	Janezich	McPherson	Rukavina	Welle
Boo	Jaros	Milbert	Runbeck	Wenzel
Brown	Jennings	Morrison	Sarna	Williams
Carlson, D.	Johnson, A.	Nelson, C.	Schafer	Winter
Carlson, L.	Johnson, V.	Neuenschwander	Scheid	Spk. Vanasek
Carruthers	Kalis	O'Connor	Schreiber	
Dauner	Kelly	Ogren	Seaberg	
Dawkins	Kelso	Olsen, S.	Simoneau	

Those who voted in the negative were:

Burger	Hasskamp	Marsh	Ostrom	Skoglund
Clark	Haukoos	McGuire	Otis	Steensma
Conway	Henry	Miller	Ozment	Tjornhom
Cooper	Jefferson	Murphy	Pappas	Trimble
Dille	Johnson, R.	Nelson, K.	Poppenhagen	Vellenga
Forsythe	Kahn	Olson, E.	Pugh	Wagenius
Greenfield	Lasley	Olson, K.	Rice	Weaver
Gutknecht	Limmer	Onnen	Richter	Wynia
Hartle	Long	Orenstein	Rodosovich	

The bill was passed and its title agreed to.

S. F. No. 227, A bill for an act relating to health; enacting the uniform determination of death act; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Knickerbocker	Olson, E.	Schafer
Anderson, G.	Frerichs	Kostohryz	Olson, K.	Scheid
Anderson, R.	Girard	Krueger	Omann	Seaberg
Battaglia	Greenfield	Lasley	Onnen	Segal
Bauerly	Gruenes	Lieder	Orenstein	Simoneau
Beard	Gutknecht	Limmer	Osthoff	Skoglund
Begich	Hartle	Long	Ostrom	Solberg
Bennett	Hasskamp	Lynch	Otis	Sparby
Bertram	Haukoos	Macklin	Ozment	Stanius
Bishop	Heap	Marsh	Pappas	Steensma
Blatz	Henry	McDonald	Pauly	Sviggum
Boo	Himle	McEachern	Pellow	Swenson
Brown	Hugoson	McGuire	Peterson	Tjornhom
Burger	Jacobs	McLaughlin	Popenhagen	Tompkins
Carlson, D.	Janezich	McPherson	Price	Trimble
Carlson, L.	Jaros	Milbert	Pugh	Tunheim
Carruthers	Jefferson	Miller	Quinn	Uphus
Clark	Jennings	Morrison	Redalen	Valento
Conway	Johnson, A.	Munger	Reding	Vellenga
Cooper	Johnson, R.	Murphy	Rest	Wagenius
Dauner	Johnson, V.	Nelson, C.	Rice	Waltman
Dawkins	Kahn	Nelson, K.	Richter	Weaver
Dempsey	Kalis	Neuenschwander	Rodosovich	Welle
Dille	Kelly	O'Connor	Rukavina	Wenzel
Dorn	Kelso	Ogren	Runbeck	Williams
Forsythe	Kinkel	Olsen, S.	Sarna	Winter
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 489, A bill for an act relating to employment; regulating fair share fees, unfair labor practices, arbitration procedures and grievance procedures; amending Minnesota Statutes 1988, sections 179.02, by adding a subdivision; 179A.03, subdivision 7; 179A.05, subdivision 6; 179A.06, subdivision 3; 179A.13, subdivision 1; 179A.14, subdivision 1; 179A.16, subdivisions 1, 2, 3, and 4; and 179A.20, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bennett	Carlson, D.	Dawkins	Girard
Anderson, G.	Bertram	Carlson, L.	Dempsey	Greenfield
Anderson, R.	Bishop	Carruthers	Dille	Gruenes
Battaglia	Blatz	Clark	Dorn	Gutknecht
Bauerly	Boo	Conway	Forsythe	Hartle
Beard	Brown	Cooper	Frederick	Hasskamp
Begich	Burger	Dauner	Frerichs	Haukoos

Heap	Lasley	O'Connor	Redalen	Swenson
Henry	Lieder	Ogren	Reding	Tjornhom
Himle	Limmer	Olsen, S.	Rest	Tompkins
Hugoson	Long	Olson, E.	Rice	Trimble
Jacobs	Lynch	Olson, K.	Richter	Tunheim
Janezich	Macklin	Omann	Rodosovich	Uphus
Jaros	Marsh	Onnen	Rukavina	Valento
Jefferson	McDonald	Orenstein	Runbeck	Vellenga
Jennings	McEachern	Osthoﬀ	Sarna	Wagenius
Johnson, A.	McGuire	Ostrom	Schafer	Waltman
Johnson, R.	McLaughlin	Otis	Scheid	Weaver
Johnson, V.	McPherson	Ozment	Seaberg	Welle
Kahn	Milbert	Pappas	Segal	Wenzel
Kalis	Miller	Pauly	Simoneau	Williams
Kelly	Morrison	Pellow	Skoglund	Winter
Kelso	Munger	Peterson	Solberg	Wynia
Kinkel	Murphy	Poppenhagen	Sparby	Spk. Vanasek
Knickerbocker	Nelson, C.	Price	Stanis	
Kostohryz	Nelson, K.	Pugh	Steensma	
Krueger	Neuenschwander	Quinn	Sviggun	

The bill was passed and its title agreed to.

H. F. No. 520, A bill for an act relating to state government; permitting additional types of payroll deductions for state employees; proposing coding for new law in Minnesota Statutes, chapter 16A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Forsythe	Kelso	O'Connor	Rodosovich
Anderson, G.	Frederick	Kinkel	Ogren	Rukavina
Anderson, R.	Frerichs	Knickerbocker	Olsen, S.	Runbeck
Battaglia	Girard	Kostohryz	Olson, E.	Sarna
Bauerly	Greenfield	Krueger	Olson, K.	Schafer
Beard	Gruenes	Lasley	Omann	Scheid
Begich	Gutknecht	Lieder	Onnen	Seaberg
Bennett	Hartle	Limmer	Orenstein	Segal
Bertram	Hasskamp	Long	Osthoﬀ	Simoneau
Bishop	Haukoos	Lynch	Ostrom	Skoglund
Blatz	Heap	Macklin	Otis	Solberg
Boo	Henry	Marsh	Ozment	Sparby
Brown	Himle	McDonald	Pappas	Stanis
Burger	Hugoson	McEachern	Pauly	Steensma
Carlson, D.	Jacobs	McGuire	Pellow	Sviggun
Carlson, L.	Janezich	McLaughlin	Peterson	Swenson
Carruthers	Jaros	McPherson	Poppenhagen	Tjornhom
Clark	Jefferson	Milbert	Price	Tompkins
Conway	Jennings	Miller	Pugh	Trimble
Cooper	Johnson, A.	Morrison	Quinn	Tunheim
Dauner	Johnson, R.	Munger	Redalen	Uphus
Dawkins	Johnson, V.	Murphy	Reding	Valento
Dempsey	Kahn	Nelson, C.	Rest	Vellenga
Dille	Kalis	Nelson, K.	Rice	Wagenius
Dorn	Kelly	Neuenschwander	Richter	Waltman

Weaver
WelleWenzel
WilliamsWinter
Wynia

Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1056, A bill for an act relating to utilities; regulating noncompetitive and competitive telephone services; amending Minnesota Statutes 1988, sections 237.07; 237.081; 237.295, subdivisions 1 and 2; 237.57, subdivision 1; 237.58, subdivision 1; 237.59, subdivisions 1, 2, 3, and 6; 237.60, subdivisions 1 and 2; 237.62, subdivisions 1 and 2, and by adding a subdivision; 237.63, subdivision 1, and by adding subdivisions; and 237.64, subdivisions 1 and 2; Laws 1987, chapter 340, section 26; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1988, sections 237.075, subdivision 1a; and 237.081, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Kostohryz	Omann	Seaberg
Anderson, G.	Frerichs	Krueger	Onnen	Segal
Anderson, R.	Girard	Lasley	Orenstein	Simoneau
Battaglia	Greenfield	Lieder	Osthoff	Skoglund
Bauerly	Gruenes	Limmer	Ostrom	Soilberg
Beard	Gutknecht	Long	Otis	Sparby
Begich	Hartle	Lynch	Ozment	Stanisus
Bennett	Hasskamp	Macklin	Pappas	Steensma
Bertram	Haukoos	Marsh	Pauly	Sviggum
Bishop	Heap	McDonald	Pellow	Swenson
Blatz	Henry	McEachern	Peterson	Tjornhom
Boo	Himle	McGuire	Poppenhagen	Tompkins
Brown	Hugoson	McPherson	Price	Trimble
Burger	Jacobs	Milbert	Pugh	Tunheim
Carlson, D.	Janezich	Miller	Quinn	Uphus
Carlson, L.	Jaros	Morrison	Redalen	Valento
Carruthers	Jefferson	Munger	Reding	Vellenga
Clark	Jennings	Murphy	Rest	Wagenius
Conway	Johnson, A.	Nelson, C.	Rice	Waltman
Cooper	Johnson, R.	Nelson, K.	Richter	Weaver
Dauner	Johnson, V.	Neuenschwander	Rodosovich	Welle
Dawkins	Kallis	O'Connor	Rukavina	Wenzel
Dempsey	Kelly	Ogren	Runbeck	Williams
Dille	Kelso	Olsen, S.	Sarna	Winter
Dorn	Kinkel	Olson, E.	Schafer	Spk. Vanasek
Forsythe	Knickerbocker	Olson, K.	Scheid	

The bill was passed and its title agreed to.

GENERAL ORDERS

Krueger moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Kelly moved that the name of Carruthers be shown as second author on H. F. No. 13. The motion prevailed.

Price moved that the name of Rukavina be added as an author on H. F. No. 56. The motion prevailed.

Skoglund moved that the names of Limmer and Wagenius be added as authors on H. F. No. 611. The motion prevailed.

Tunheim moved that the name of Olson, E., be stricken and the name of Conway be added as an author on H. F. No. 683. The motion prevailed.

Ostrom moved that his name be stricken as an author on H. F. No. 1303. The motion prevailed.

Wagenius moved that the name of Weaver be added as an author on H. F. No. 1345. The motion prevailed.

O'Connor moved that the name of Tjornhom be added as an author on H. F. No. 1347. The motion prevailed.

Pelowski moved that the name of Runbeck be added as an author on H. F. No. 1398. The motion prevailed.

Orenstein moved that the name of Cooper be added as an author on H. F. No. 1401. The motion prevailed.

Segal moved that the name of Clark be added as an author on H. F. No. 1424. The motion prevailed.

Dawkins moved that the name of Clark be added as an author on H. F. No. 1431. The motion prevailed.

Beard moved that the name of Sviggum be added as an author on H. F. No. 1460. The motion prevailed.

Stanisus moved that the name of Henry be added as an author on H. F. No. 1467. The motion prevailed.

Wenzel moved that the name of Dille be added as an author on H. F. No. 1471. The motion prevailed.

Wenzel moved that the name of Sparby be stricken and the names of Dille and Lasley be added as authors on H. F. No. 1472. The motion prevailed.

Bauerly moved that H. F. No. 972, now on Technical General Orders, be re-referred to the Committee on Appropriations. The motion prevailed.

Price moved that H. F. No. 56 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Commerce. The motion prevailed.

O'Connor moved that H. F. No. 1405 be recalled from the Committee on Local Government and Metropolitan Affairs and be re-referred to the Committee on Regulated Industries. The motion prevailed.

ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, April 6, 1989. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, April 6, 1989.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

