

TWELFTH DAY

St. Paul, Minnesota, Monday, February 13, 1989

The Senate met at 2:00 p.m. and was called to order by the President.

Prayer was offered by the Chaplain, Monsignor Terrence J. Murphy.

The roll was called, and the following Senators answered to their names:

Adkins	Davis	Johnson, D.J.	Merriam	Purfeerst
Anderson	Decker	Knaak	Metzen	Ramstad
Beckman	DeCramer	Knutson	Moe, D.M.	Reichgott
Belanger	Dicklich	Kroening	Moe, R.D.	Renneke
Benson	Diessner	Laidig	Morse	Samuelson
Berg	Frank	Langseth	Novak	Schmitz
Berglin	Frederick	Lantry	Olson	Solon
Bernhagen	Frederickson, D.J.	Lessard	Pariseau	Spear
Bertram	Frederickson, D.R.	Luther	Pehler	Storm
Brandl	Freeman	Marty	Peterson, D.C.	Stumpf
Chmielewski	Gustafson	McGowan	Peterson, R.W.	Vickerman
Cohen	Hughes	McQuaid	Piper	Waldorf
Dahl	Johnson, D.E.	Mehrkens	Pogemiller	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

February 9, 1989

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:

S.F No.	H.F No.	Session Laws Chapter No.	Time and Date Approved 1989	Date Filed 1989
	1	2	1559 hours February 8	February 8

Sincerely,
Joan Anderson Growe
Secretary of State

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of reports pertaining to appointments. The motion prevailed.

Mr. Hughes from the Committee on Elections and Ethics, to which was referred

S.F. No. 204: A bill for an act relating to elections; providing for the removal of certain voter registration cards; amending Minnesota Statutes 1988, section 201.13.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 23, delete "*while maintaining residence*"

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 169: A bill for an act relating to motor vehicles; allowing custodial parent of handicapped minor to obtain special license plates for the handicapped; amending Minnesota Statutes 1988, section 168.021, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 21, insert:

"Sec. 2. Minnesota Statutes 1988, section 168.021, subdivision 3, is amended to read:

Subd. 3. [PENALTIES FOR UNAUTHORIZED USE OF PLATES.] (a) A person who uses the plates provided under this section on a motor vehicle in violation of this section is guilty of a misdemeanor, and is subject to a fine of \$500. This subdivision does not preclude a person who is not physically handicapped from operating a vehicle bearing the plates if:

(1) the person is the owner of the vehicle and permits its operation by a physically handicapped person; ~~or~~ ~~if~~;

(2) the person operates the vehicle with the consent of the owner who is physically handicapped; *or*

(3) *the person is the owner of the vehicle, is the custodial parent or guardian of a permanently physically handicapped minor, and operates the vehicle to transport the minor.*

(b) A driver who is not handicapped is not entitled to the parking privileges provided in this section and in section 169.346 unless parking the vehicle for a physically handicapped person.”

Amend the title as follows:

Page 1, line 5, delete “subdivision 1” and insert “subdivisions 1 and 3”

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Bertram from the Committee on Veterans and Military Affairs, to which was referred

S.F. No. 115: A bill for an act relating to the military; requiring the adjutant general to furnish flags for certain deceased members of the national guard regardless of their number of years of service; amending Minnesota Statutes 1988, section 192.381.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Bertram from the Committee on Veterans and Military Affairs, to which was referred

S.F. No. 191: A bill for an act relating to the military; reducing from two years to one year the number of years the adjutant general of the Minnesota national guard is required to serve as a brigadier general before promotion to major general; amending Minnesota Statutes 1988, section 190.07.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Bertram from the Committee on Veterans and Military Affairs, to which was referred

S.F. No. 286: A bill for an act relating to the military; clarifying the authority of the adjutant general to establish the pay grade for certain staff positions; amending Minnesota Statutes 1988, section 190.08, subdivision 6.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 363: A bill for an act relating to human services; clarifying administrative and judicial review procedures; creating new procedures; amending Minnesota Statutes 1988, section 256.045, subdivisions 1, 3, 4, 4a, 5, 6, and 10, and by adding a subdivision.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, line 31, delete everything after the period

Page 3, delete line 32

Page 3, line 33, delete “*of the ombudsman.*” and insert “*When a prepaid*

health plan denies, reduces, or terminates a health service, the prepaid health plan must notify the recipient of the right to file a complaint or an appeal. The notice must include the name and telephone number of the ombudsman and notice of the recipient's right to request a hearing under paragraph (b). When a complaint is filed, the prepaid health plan must notify the ombudsman within three working days."

Page 4, line 1, after the period, insert "A recipient is not required to exhaust the complaint system procedures in order to request a hearing under paragraph (b)."

Page 4, line 5, delete "the" and insert "a"

Page 4, line 13, after the period, insert "The state human services referee may order a second medical opinion from the prepaid health plan or may order a second medical opinion from a nonprepaid health plan provider at the expense of the prepaid health plan. Recipients may request the assistance of the ombudsman in the appeal process."

Page 4, line 15, delete "ruling of a prepaid health plan" and insert "prepaid health plan's denial, reduction, or termination of a health service or the prepaid health plan's written resolution to a complaint"

Page 4, line 16, delete everything after the period

Page 4, delete lines 17 and 18

Page 4, line 19, delete "at the expense of the prepaid health plan."

Page 4, line 23, delete everything after the period

Page 4, delete line 24

Page 4, line 34, after the period, insert "A state human services referee may schedule a telephone conference hearing when the distance or time required to travel to the local agency offices will cause a delay in the issuance of an order, to promote efficiency, or at the mutual request of the parties."

Page 6, lines 28 to 35, delete the new language and insert "The commissioner may issue a temporary order prohibiting the demission of a recipient of case management services from a residential or day habilitation program licensed under chapter 245A, while a local agency review process or an appeal brought by a recipient under this subdivision is pending, or for the period of time necessary for the local agency to implement the commissioner's order. The commissioner shall not issue a final order staying the demission of a recipient of case management services from a residential or day habilitation program licensed pursuant to chapter 245A."

Page 7, line 8, delete everything after "facts" and insert a period

Page 7, delete line 9

Page 7, line 10, delete the new language

Page 7, delete lines 35 and 36

Page 8, delete lines 1 and 2 and insert "Any order of the commissioner is binding on the parties and must be implemented by the state agency or a local agency until the order is reversed by the district court, or unless the commissioner or a district court orders monthly assistance or aid or services paid or provided under subdivision 10."

Page 8, after line 30, insert:

"Sec. 8. Minnesota Statutes 1988, section 256.045, subdivision 7, is amended to read:

Subd. 7. [JUDICIAL REVIEW.] Any party who is aggrieved by an order of the commissioner of human services may appeal the order to the district court of the county responsible for furnishing assistance by serving a written copy of a notice of appeal upon the commissioner and any adverse party of record within 30 days after the date the commissioner issued the order, *the amended order, or order affirming the original order*; and by filing the original notice and proof of service with the court administrator of the district court. Service may be made personally or by mail; service by mail is complete upon mailing; no filing fee shall be required by the court administrator in appeals taken pursuant to this subdivision. The commissioner may elect to become a party to the proceedings in the district court. Any party may demand that the commissioner furnish all parties to the proceedings with a copy of the decision, and a transcript of any testimony, evidence, or other supporting papers from the hearing held before the human services referee, by serving a written demand upon the commissioner within 30 days after service of the notice of appeal. *Any party aggrieved by the failure of an adverse party to obey an order issued by the commissioner under subdivision 5 may compel performance according to the order in the manner prescribed in sections 586.01 to 586.12.*"

Page 8, line 31, delete "8" and insert "9"

Amend the title as follows:

Page 1, line 5, after "6," insert "7,"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 117: A bill for an act relating to human services; allowing case managers or the commissioner to carry out screening for home and community-based services; allowing counties to contract for guardianship services in screening for services; amending Minnesota Statutes 1988, section 256B.092, subdivision 7.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1988, section 252.291, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] (a) The commissioner of human services in coordination with the commissioner of health may approve a newly constructed or newly established publicly or privately operated community intermediate care facility for six or fewer persons with mental retardation or related conditions only when the following circumstances exist:

(a) (1) when the facility is developed in accordance with a request for proposal approved by the commissioner of human services;

(b) (2) when the facility is necessary to serve the needs of identified

persons with mental retardation or related conditions who are seriously behaviorally disordered or who are seriously physically or sensorily impaired-~~At least 50 percent of the capacity of the facility must be used for persons coming from regional treatment centers;~~ and

(e) (3) when the commissioner determines that the need for increased service capacity cannot be met by the use of alternative resources or the modification of existing facilities.

(b) When new beds are authorized, at least 50 percent of the total new beds authorized during a biennium must be used for persons coming from regional treatment centers."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "modifying the method of applying the requirement that at least 50 percent of new intermediate care beds be used for persons transferred from the regional treatment centers;"

Page 1, line 6, delete "section" and insert "sections 252.291, subdivision 2; and"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 91: A bill for an act relating to human services; authorizing the commissioner of human services to award a grant to a statewide parent self-help child abuse prevention organization; appropriating money.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Ms. Berglin from the Committee on Health and Human Services, to which was referred

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.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 12, before "Patients" insert "(a)"

Page 1, line 21, delete everything after the period

Page 1, delete line 22 and insert:

"(b) If a patient or resident who enters a facility is unconscious or comatose or is physically unable to communicate"

Page 1, line 23, delete "impossible"

Page 2, line 2, delete everything after the period and insert *"If a facility notifies a family member or allows a family member to participate in treatment planning as required under this paragraph, the facility is not*

liable to the patient or resident for damages on the grounds that the notification or the participation of the family member was improper or violated the patient's privacy rights. If the patient or resident is deceased, a family member or family members collectively may recover damages from the facility for the facility's failure to comply with the requirements of this paragraph. Family members collectively are conclusively presumed to be damaged in a minimum amount of \$5,000, but nothing in this paragraph prevents family members from recovering a greater amount of damages to the extent allowable and proven."

Page 2, delete lines 3 to 8

And when so amended the bill do pass and be re-referred to the Committee on Judiciary. Amendments adopted. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 123: A bill for an act relating to state government; providing for the establishment of an audit guide task force by the state auditor; amending Minnesota Statutes 1988, section 6.65.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, D.M. from the Committee on Governmental Operations, to which was referred

S.F. No. 206: A bill for an act relating to state government; administrative procedures; regulating exempt rules; making certain technical changes; amending Minnesota Statutes 1988, section 14.40; proposing coding for new law in Minnesota Statutes, chapter 14; repealing Minnesota Statutes 1988, sections 116.44, subdivision 1; 144A.10, subdivision 6a; 174.031, subdivision 2; 254B.03, subdivision 6; 254B.04, subdivision 2; 257.357; and 574.262, subdivision 3; Laws 1985, chapter 4, section 8; and Laws 1987, chapter 337, section 128.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [3.846] [PUBLICATION OF NOTICE OF EXEMPT RULES.]

Subdivision 1. [REQUIREMENT.] (a) Except as provided in paragraph (b), no rule, as defined in section 14.02, subdivision 4, that is exempt from the rulemaking provisions of chapter 14, has the force and effect of law unless a notice has been published and filed under subdivision 2 before its effective date.

(b) Rules of the division of game and fish may have the force and effect of law up to seven days before publishing and filing under subdivision 2 if the commissioner of natural resources determines that an emergency exists and for a rule that affects more than three counties publishes the rule once in a legal newspaper in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties publishes the rule once in a legal newspaper in the affected counties. A rule of the division of game and fish that is published under this paragraph is not effective until seven days after the rule is published in the legal newspapers as provided in this

paragraph or the rule is published and filed under subdivision 2, whichever is earlier.

Subd. 2. [NOTICE.] The notice must be published in the state register and filed with the secretary of state and the legislative commission to review administrative rules. The notice must contain a citation to the statutory authority for the exempt rule and either: (1) a copy of the rule; or (2) a description of the nature and effect of the rule and an announcement that a free copy of the rule is available from the agency on request.

Subd. 3. [ALTERNATIVE COMPLIANCE.] Notwithstanding subdivisions 1 and 2, a rule subject to this section has the force and effect of law if it has satisfied the requirements of section 14.38, subdivision 7.

Sec. 2. Minnesota Statutes 1988, section 14.40, is amended to read:

14.40 [REVIEW OF RULES BY COMMISSION.]

Subdivision. 1. [PURPOSE.] The commission shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting them.

Subd. 2. [JURISDICTION.] The jurisdiction of the commission includes all rules as defined in section 14.02, subdivision 4. The commission also has jurisdiction of rules which are filed with the secretary of state in accordance with section 14.38, subdivisions 5, 6, 7, 8, 9, and 11 or were filed with the secretary of state in accordance with the provisions of section 14.38, subdivisions 5 to 9, which were in effect on the date the rules were filed.

The commission may periodically review statutory exemptions to the rulemaking provisions of chapter 14.

Subd. 3. [HEARINGS.] † The commission may hold public hearings to investigate complaints with respect to rules if it considers the complaints meritorious and worthy of attention. If the rules that are the subject of the public hearing were adopted without a rulemaking hearing, it may request the office of administrative hearings to hold the public hearing and prepare a report summarizing the testimony received at the hearing. The office of administrative hearings shall assess the costs of the public hearing to the agency whose rules are the subject of the hearing.

Subd. 4. [SUSPENSIONS.] The commission may, on the basis of the testimony received at the public hearings, suspend any rule complained of by the affirmative vote of at least six members provided the provisions of section 14.42 have been met. If any rule is suspended, the commission shall as soon as possible place before the legislature, at the next year's session, a bill to repeal the suspended rule. If the bill is not enacted in that year's session, the rule is effective upon adjournment of the session unless the agency has repealed it. If the bill is enacted, the rule is repealed.

Subd. 5. [BIENNIAL REPORT.] The commission shall make a biennial report to the legislature and governor of its activities and include its recommendations to promote adequate and proper rules and public understanding of the rules.

Sec. 3. Minnesota Statutes 1988, section 97A.051, subdivision 4, is amended to read:

Subd. 4. [ORDERS AND RULES HAVE FORCE AND EFFECT OF LAW.] When ~~the~~ an order or rule is ~~executed and published~~ effective, it

has the force and effect of law. Violation of an order or rule has the same penalty as a violation of the law.

Sec. 4. [APPLICATION.]

Section 1 applies to exempt rules adopted after the effective date of this act.

Sec. 5. [REPEALER.]

(a) Minnesota Statutes 1988, sections 97A.051, subdivision 3; 144A.10, subdivision 6a; 174.031, subdivision 2; 254B.03, subdivision 6; 254B.04, subdivision 2; 257.357; and 574.262, subdivision 3, are repealed.

(b) Laws 1985, chapter 4, section 8; and Laws 1987, chapter 337, section 128, are repealed.

Sec. 6. [REVISOR'S INSTRUCTION.]

The revisor shall renumber Minnesota Statutes, section 14.40, as Minnesota Statutes, section 3.845.

Sec. 7. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to state government; administrative procedures; regulating exempt rules; making certain technical changes; amending Minnesota Statutes 1988, sections 14.40; and 97A.051, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 3; repealing Minnesota Statutes 1988, sections 97A.051, subdivision 3; 144A.10, subdivision 6a; 174.031, subdivision 2; 254B.03, subdivision 6; 254B.04, subdivision 2; 257.357; and 574.262, subdivision 3; Laws 1985, chapter 4, section 8; and Laws 1987, chapter 337, section 128."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 119: A bill for an act relating to local government; authorizing towns to establish subordinate service districts; proposing coding for new law as Minnesota Statutes, chapter 365B.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 121: A bill for an act relating to towns; authorizing town boards to provide for the collection of unpaid service charges; proposing coding for new law in Minnesota Statutes, chapter 366.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

H.F. No. 113: A bill for an act relating to local government; granting powers to towns; setting certain procedures; amending Minnesota Statutes 1988, sections 366.01, subdivision 7; 471.193, subdivision 2; 471.345, subdivision 5a; and 505.09, subdivision 1; repealing Minnesota Statutes 1988, section 368.121.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Davis from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 319: A bill for an act relating to agriculture; authorizing a grasshopper control program; providing inspection and control of plant pests in the same manner as noxious weeds; providing for inspection, control, and enforcement of noxious weeds and plant pests; providing penalties; appropriating money; amending Minnesota Statutes 1988, sections 18.022, subdivision 2; 84.0895, subdivision 2; and 160.02, subdivision 14; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1988, sections 18.171 to 18.315; Revised Laws of Minnesota 1905, sections 2385, 2386, 2387, 2388, 2389, and 2390.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1988, section 18.022, subdivision 2, is amended to read:

Subd. 2. [COST.] (a) ~~In order~~ To defray the cost of ~~such the~~ activities under subdivision 1, the governing body of ~~any such~~ a political subdivision may levy a special tax which, except when levied by a county, ~~shall must~~ not exceed two-thirds mill in any year in excess of charter or statutory millage limitations; ~~but not in any event more than 50 cents per capita, and any such.~~ The political subdivision may make ~~such a~~ the levy, where necessary, separate from the general levy and at any time of the year. (b) If, because of the prevalence of Dutch elm disease, the governing body of such a political subdivision is unable to defray the cost of control activities authorized by this section within the limits set by this subdivision, the limits set by this subdivision are increased to 1-1/3 mills, but not in any event more than one dollar per capita.

NOXIOUS WEED AND PLANT PEST CONTROL

Sec. 2. [18.801] [CITATION.]

Sections 2 to 22 may be cited as the “noxious weed and plant pest control law.”

Sec. 3. [18.805] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 2 to 22. [18.171 s. 1]

Subd. 2. [ERADICATE.] “Eradicate” means complete killing of weeds and plant pest habitat by use of cutting, chemicals, tillage, cropping system, pasturing, livestock, or crops, or all of these in effective combination.

[18.171 s. 6]

Subd. 3. [LAND.] "Land" includes wetlands and public waters. [18.171 s. 8]

Subd. 4. [MUNICIPALITY.] "Municipality" means a statutory or home rule charter city or township. [18.171 s. 2]

Subd. 5. [NONRESIDENT PROPERTY.] "Nonresident property" means property that is unoccupied, the owner of which does not reside within the county. [18.171 s. 3]

Subd. 6. [NOXIOUS WEEDS.] "Noxious weeds" means the annual, biennial, and perennial plants that are declared noxious weeds by law, or by the commissioner by order after determining the plants to be injurious to public health or welfare, public roads, crops, livestock, and other property. Wild sunflowers are a noxious weed. The commissioner's orders under this subdivision are not subject to chapter 14, except section 14.38, subdivisions 7 and 8. [18.171 s. 5]

Subd. 7. [OTHERWISE DESTROY.] "Otherwise destroy" means killing plant pests, noxious weeds, or plant pest habitat above the surface of the ground. [18.171 s. 6]

Subd. 8. [PERMANENT PASTURE AND MEADOW.] "Permanent pasture and meadow" means an area of native or seeded perennial grasses and other perennial plants used for hay or grazing that has been seeded for more than two years and does not include annuals or biennials planted for or to be used for hay or pasture not more than one or two years. [18.171 s. 7]

Subd. 9. [PLANT PESTS.] "Plant pests" means insects and other animals declared to be plant pests by law, or by the commissioner by order after determining the plant pests are injurious to the public health or welfare and damaging to plants. The commissioner's orders under this subdivision are not subject to chapter 14, except section 14.38, subdivisions 7 and 8.

Subd. 10. [RESIDENT PROPERTY.] "Resident property" means property occupied or owned by persons residing within the county. [18.171 s. 4]

Subd. 11. [ROAD.] "Road" means trunk highways, county state-aid highways, county highways, minimum maintenance roads, and cartways.

Subd. 12. [ROAD AUTHORITY.] "Road authority" means the commissioner for trunk highways, the county board for county state-aid highways and county highways, the town board for town roads, and the governing bodies of cities if the governing bodies or city streets are specifically mentioned.

Subd. 13. [WEED AND PLANT PEST LAW.] "Weed and plant pest law" means the provisions of sections 2 to 22 and other provisions of law relating to weed and plant pest control.

RESPONSIBILITY FOR WEED AND PLANT PEST CONTROL

Sec. 4. [18.811] [LANDOWNER'S RESPONSIBILITY FOR NOXIOUS WEED AND PLANT PEST CONTROL.]

Subdivision 1. [GENERAL DUTY.] Except as otherwise specifically provided in sections 2 to 22, a person occupying property or, if the property

is unoccupied, the owner of the property, the owner's agent, or the public official in charge of the property must:

(1) eradicate or otherwise destroy noxious weeds standing, existing, or growing on the land in a manner and at times directed or ordered by the commissioner, the commissioner's authorized agents, the county agricultural inspector, or a local weed and plant pest inspector having jurisdiction over the land; and

(2) eradicate or otherwise destroy plant pests and plant pest habitat in a manner and at times directed or ordered by the commissioner, the commissioner's authorized agents, the county agricultural inspector, or a local weed and plant pest inspector having jurisdiction over the land. [18.191]

Subd. 2. [RESPONSIBILITY FOR PURPLE LOOSESTRIFE ON PUBLIC WATERS.] (a) Except as provided in paragraph (b), an owner of nonfederal lands underlying public waters or wetlands designated under section 105.391 is not required to control or eradicate purple loosestrife (*Lythrum salicaria*) below the ordinary high water level of the public water or wetland. The commissioner of natural resources is responsible for control and eradication of purple loosestrife on public waters and wetlands designated under section 105.391, except purple loosestrife on lands owned in fee title or managed by the United States. The officers, employees, agents, and contractors of the commissioner may enter public waters and wetlands designated under section 105.391 and may cross adjacent lands as necessary for the purpose of investigating purple loosestrife infestations, formulating methods of eradication, and implementing control and eradication of purple loosestrife.

(b) The responsibility of the commissioner to control and eradicate purple loosestrife on public waters and wetlands located on private lands and the authority to enter private lands ends ten days after receipt by the commissioner of a written statement from the landowner that the landowner assumes responsibility for control and eradication of purple loosestrife under sections 2 to 22.

(c) State officers, employees, agents, and contractors are not liable in a civil action for trespass committed in the discharge of their duties under this section and are not liable to anyone for damages, except for damages arising from gross negligence. [18.191]

Sec. 5. [18.815] [RAILWAY COMPANIES MUST DESTROY NOXIOUS WEEDS AND PLANT PESTS.]

Subdivision 1. [DUTY TO ERADICATE.] Railway companies including suburban railway companies must:

(1) cause all noxious weeds standing, existing, or growing on the right-of-way or on property of the company adjoining the right-of-way, to be eradicated or otherwise destroyed in a manner and at times directed or ordered by the commissioner, the local weed and plant pest inspector, or the county agricultural inspector after consultation with the local weed and plant pest inspector; and

(2) eradicate or otherwise destroy plant pests and plant pest habitat in a manner and at times directed or ordered by the commissioner, the local weed and plant pest inspector, or the county agricultural inspector after consultation with the local weed and plant pest inspector. [18.201]

Subd. 2. [FAILURE TO ERADICATE.] (a) If a company fails to perform

its duty, the local weed and plant pest inspector, or the county agricultural inspector after consultation with the local weed and plant pest inspector, shall give the notice provided in section 14, subdivision 2. The notice must be served in the manner for serving a summons in a civil action in the district court.

(b) If the weeds, plant pests, or plant pest habitat are not eradicated or otherwise destroyed within the time directed in the notice, the local weed and plant pest inspector, the county agricultural inspector after consultation with the local weed and plant pest inspector, or the commissioner shall cause the weeds, plant pests, or plant pest habitat to be eradicated and otherwise destroyed and furnish the owner of the land where the weeds or plants grew or where the plant pests were located with an itemized statement showing the reasonable cost of eradication and destroying the weeds or the plant pests or plant pest habitat. The owner of the land must pay the reasonable cost to the municipality that caused the eradication or destruction of the weeds, plant pests, or plant pest habitat. If the owner fails to pay the reasonable cost within 20 days after the statement is furnished, the reasonable cost of eradication and destruction of the weeds or plant pests or plant pest habitat may be recovered by the municipality or by the commissioner in a civil action. [18.201]

Sec. 6. [18.821] [ROAD AUTHORITY RESPONSIBILITY FOR NOXIOUS WEEDS AND PLANT PESTS.]

Subdivision 1. [RESPONSIBILITY FOR ERADICATION.] Road authorities must:

(1) annually eradicate or otherwise destroy noxious weeds standing, located, or growing on roads and their right-of-ways, as often as necessary to prevent the ripening or scattering of seed and other propagating parts of the weeds, in the manner directed or ordered by the commissioner or the county agricultural inspector or local weed and plant pest inspector having jurisdiction; and

(2) eradicate or otherwise destroy plant pests and plant pest habitat in a manner and at times directed by the commissioner or the county agricultural inspector or local weed and plant pest inspector having jurisdiction. [18.211]

Subd. 2. [ACCOUNTING FOR EXPENSE.] The expense incurred must be charged against maintenance funds of the road authority provided for this purpose. [18.211]

Sec. 7. [18.825] [TAX-FORFEIT, TAX-EXEMPT, AND INDIAN RESERVATION LAND.]

If the officials or persons in charge of tax-exempt or tax-forfeited lands or Indian reservation lands fail to eradicate or otherwise destroy noxious weeds, plant pests, or plant pest habitat in the manner prescribed in sections 2 to 22, or as provided in a served notice within the required number of days after service, the commissioner shall proceed to cause the noxious weeds, plant pest habitat, or plant pests to be eradicated or otherwise destroyed. The expense incurred is a charge against funds provided for this purpose and, on presentation of an itemized account of the charges, payment must be made by the public officials in charge of the funds. [18.241 s. 3]

Sec. 8. [18.831] [CONTROL ON STATE LANDS.]

Subdivision 1. [LOCAL CONTROL IF STATE FAILS.] A town or municipality may eradicate or otherwise destroy or act to control noxious weeds or plant pests or plant pest habitat on state-owned property that is located within the boundary of the town or city if the state agency responsible for supervision and maintenance of the land fails to take steps to control the noxious weeds or plant pests or plant pest habitat within 14 days of receiving a notice to control the noxious weeds, plant pests, or plant pest habitat from the town board or city council. [18.315]

Subd. 2. [EXPENSES.] A town or city that eradicates or otherwise destroys or acts to control noxious weeds, plant pests, or plant pest habitat under this section must be reimbursed from the operating budget of the state agency responsible for the land and the amount is appropriated from that fund on presentation of documented proof of reasonable and necessary expenses incurred to prevent the spread of noxious weeds or plant pests from the state-owned land. Each request for reimbursement must first be approved by the commissioner of agriculture. [18.315]

Sec. 9. [18.835] [THRESHING EQUIPMENT CLEANED BEFORE MOVING.]

Subdivision 1. [CLEANING OF THRESHING MACHINES REQUIRED.] A person owning or operating a threshing machine, combine, seed huller, hay baler, or other equipment used in the harvesting of crops, must immediately after completing the threshing of grain or seed at each and every point of threshing or before interstate or intrastate transit, clean or cause the machine to be cleaned, along with wagons and other outfits used in connection with the threshing, so that seeds of noxious weeds are not carried to, or on the way to, the next place of threshing by the threshing outfit. [18.221]

Subd. 2. [NOTICE.] A printed copy of this section, in form provided by the commissioner, must be affixed by the owner and remain affixed to every threshing machine, combine, seed huller, hay baler and other equipment used in the harvesting of crops whenever that equipment is operated in the state. [18.221]

Subd. 3. [FINE.] A person violating this section is subject to a fine of not less than \$10 nor more than \$25 for each violation. [18.221]

Sec. 10. [18.841] [TRANSPORTATION OF NOXIOUS WEED MATERIAL.]

(a) Except as provided in section 21.74, a person may not transport on a public highway materials containing seeds or other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, sow thistle, Canada thistle, hoary alyssum, purple loosestrife, or any other noxious weed designated by the commissioner, unless the person obtains a written permit for the transportation of the material from a local or state weed and plant inspector or a county agricultural inspector.

(b) Inspectors may issue permits to persons residing or operating within their respective jurisdictions to regulate the transportation of the material and to require proper treatment, cleaning, sterilization, or destruction of material that has been or is about to be transported or deposited to prevent the growing or scattering of any weed seeds or other propagating parts contained in the material.

(c) Copies of permits issued under this section must be immediately sent to the commissioner. [18.241 s. 2]

Sec. 11. [18.845] [PACKAGING OF TRANSPORTED NOXIOUS WEED MATERIAL.]

Except as provided in section 21.74, a person may not transport on a public highway grain seed, screenings, hay forage, straw, soil, gravel, sand, or refuse and other materials containing seeds and other propagating parts of leafy spurge, horse nettle, Austrian field cress, field bindweed, perennial pepper grass, wild radish, sow thistle, Canada thistle, hoary alyssum, purple loosestrife, or any other noxious weeds designated by the commissioner, unless it is in sacks, bales, boxes, or other containers sufficiently tight and closed or covered with canvas or other material to prevent seeds and other propagating parts of the weeds from blowing or scattering along the highway or on other lands or water. [18.241 s. 2]

Sec. 12. [18.851] [SCATTERING OR DUMPING NOXIOUS WEED MATERIAL PROHIBITED.]

Subdivision 1. [SCATTERING OR DUMPING PROHIBITED.] Except as provided in subdivision 2, a person may not scatter or dump on land or in water:

(1) grain, seed, and screenings containing seeds and other propagating parts of noxious weeds in excess of legal limits of weed seeds per pound in agricultural seed; or

(2) soil, gravel, rubbish, trash, and other materials containing seeds or other propagating parts of noxious weeds in harmful amounts as determined by rule of the commissioner. [18.241 s. 2]

Subd. 2. [EXCEPTION.] The material described in subdivision 1 may be scattered or dumped if it is processed, treated, or buried sufficiently deep to destroy viable seeds and other propagating parts contained by the material so that the legal limit of viable weed seeds per pound in agricultural seed is not exceeded. [18.241 s. 2]

INSPECTION AND WEED CONTROL

Sec. 13. [18.855] [INSPECTORS.]

Subdivision 1. [COUNTY AGRICULTURAL INSPECTORS.] (a) The board of county commissioners, when requested by the commissioner, shall appoint one or more county agricultural inspectors who meet qualifications prescribed by the commissioner.

(b) Agricultural inspectors shall:

(1) enforce the provisions of laws and rules relating to weed control and seed inspection;

(2) enforce laws and rules relating to plant pests and plant pest control;

(3) participate in insect and plant disease, poison, feed, and fertilizer programs; and

(4) participate in other agricultural programs by request of the commissioner that are under the commissioner's control, unless the board of county commissioners vetoes participation in the programs.

(c) The appointment of agricultural inspectors is for full-time employment, or for a period of time mutually agreeable to the board of county

commissioners and the commissioner. The resolution appointing agricultural inspectors must set the compensation to be paid to the persons appointed and in addition provide for reimbursement of necessary traveling expenses. [18.231 s. 1]

Subd. 2. [TOWN BOARD MEMBERS AS LOCAL WEED AND PLANT PEST INSPECTORS.] *(a) The members of town boards are local weed and plant pest inspectors within their respective towns.*

(b) A town board may appoint persons as assistant weed and plant pest inspectors. An assistant weed and plant pest inspector has the powers and authority of a town board member as a weed and plant pest inspector. An appointment may be for full time or part time. Notice of an appointment, with a statement of the time for which appointment is made, must be delivered to the commissioner within ten days after the date the appointment was made.

(c) The town board shall compensate the local weed and plant pest inspectors and assistant inspectors at a rate of at least \$1 per hour plus necessary traveling expenses. The hourly compensation must be an amount determined by the town board that is consistent with the hourly wage rate prevailing in the community or area for similar work and sufficient to obtain competent inspectors. The compensation is to be in addition to the amount allowed by law for other supervisory duties, if any, performed by the local weed and plant pest inspectors or assistant inspectors. [18.231 s. 2]

Subd. 3. [MAYOR OF MUNICIPALITY IS LOCAL WEED AND PLANT PEST INSPECTOR.] *(a) Except as provided in subdivision 4, the mayor of a municipality is the local weed and plant pest inspector in the municipality.*

(b) A mayor of a municipality may appoint persons as assistant weed and plant pest inspectors in the municipality. An assistant local weed and plant pest inspector has the powers and authority of a local weed and plant pest inspector.

(c) Notice of an appointment must be sent to the commissioner within ten days from the date of the appointment.

(d) The compensation of the local weed and plant pest inspectors and assistant inspectors must be at least \$1 per hour plus necessary expenses. The hourly compensation must be determined by the municipal council in an amount consistent with the hourly wage rate prevailing in their community or area for similar work and sufficient to obtain competent inspectors. The compensation must be paid from the general revenue fund or other fund of the municipality designated by the council and is in addition to compensation and expenses paid to the local weed and plant pest inspectors or assistant inspectors for other duties as an official or employee of the municipality. [18.231 s. 3]

Subd. 4. [MINNEAPOLIS WEED AND PLANT PEST INSPECTOR.] *(a) Notwithstanding the provisions of subdivision 3, the governing body of the city of Minneapolis shall appoint or designate an employee of the city as local weed and plant pest inspector and set an amount for compensation.*

(b) The commissioner must be sent notice within ten days of the appointment or designation. [18.231 s. 3a]

Subd. 5. [PAYMENT OF EXPENSES.] *(a) Failure on the part of a*

municipality or town to include the item of weed inspection in the annual budget is not an excuse and does not justify the nonpayment of charges or expenses incurred by inspectors under sections 2 to 22. The charges or expenses must be audited and paid as other obligations of the municipality or town are paid.

(b) If the commissioner determines that weed inspection has not been done commensurate with the bill presented, the commissioner may recommend to the county board, town board, or municipal council that the bill not be paid. [18.231 s. 4]

Subd. 6. [PAYMENT BY COUNTY.] If a municipality or town neglects or refuses, for a period of 60 days, to make payments of charges or expenses incurred by local weed and plant pest inspectors, the inspectors must be paid by the county auditor on the recommendation of the commissioner, and the total of the amounts paid by the county must be included by the county auditor as a part of the next annual tax levy in the municipality or town and withheld from that municipality or town in making the next apportionment to the municipality or town. [18.231 s. 5]

Sec. 14. [18.861] [DUTIES OF LOCAL WEED AND PLANT PEST INSPECTORS.]

Subdivision 1. [EXAMINATION OF LAND.] A local weed and plant pest inspector shall examine all lands, roads, alleys, and public ground in the inspector's jurisdiction to determine if the property is in compliance with the weed and plant pest law and the rules of the commissioner. [18.241 s. 1]

Subd. 2. [NOTICE.] (a) If a local weed and plant pest inspector finds that property is not in compliance, the inspector shall cause a notice, in writing, on a form to be prescribed by the commissioner, to be given to the proper public official or to the owner or occupant, or to the agent of an owner of nonresident lands where noxious weeds are standing or growing and in danger of going to seed or otherwise spreading, or plant pests are located or plants harboring the eggs or offspring of plant pests are located.

(b) The notice must require:

(1) the noxious weeds to be cut down, otherwise destroyed, or eradicated on the land in a specified time and manner; or

(2) plant pests eradicated or the plant pests or pest-harboring plants eradicated or otherwise destroyed. [18.241 s. 1]

Subd. 3. [INSPECTOR ATTENDANCE AT CONFERENCES.] The inspector shall also attend, when required, conferences called by the commissioner to receive instructions and for a discussion of the weed and plant pest law and its administration. The commissioner must inform inspectors on control methods that minimize adverse environmental impact. [18.241 s. 1]

Sec. 15. [18.865] [NOTICE AND DESTRUCTION OF WEEDS BY INSPECTORS.]

Subdivision 1. [WEED AND PLANT PEST CONTROL NOTICES.] Weed and plant pest control notices may be general notices or individual notices. The notices must be of a form prescribed by the commissioner. [18.271 s. 1]

Subd. 2. [GENERAL NOTICE.] A general notice must be published by

the local weed and plant pest inspector of a township, municipality, or county, in one or more legal newspapers of general circulation throughout the area over which the inspector has jurisdiction, on or before June 15 of each year, and at other times as directed by the commissioner or determined by the local weed and plant pest inspectors. [18.271 s. 1]

Subd. 3. [LACK OF NOTICE DOES NOT RELIEVE LANDOWNER.] Failure of an inspector to publish general notices or to serve individual notices does not relieve a person from the duty of compliance with the weed and plant pest law. Published general notice is legal and sufficient notice. [18.271 s. 1]

Subd. 4. [INDIVIDUAL NOTICES.] (a) An inspector may cause individual notices to be served on landowners and occupants if more prompt or definite control or eradication of noxious weeds or plant pests in certain special or individual instances involving one or a limited number of persons is needed than is accomplished by the general published notices. Individual notices must be in writing and served on the owner and the occupant, if the occupant is not the owner, giving specific instructions and methods of when and how certain named weeds and plant pests are to be controlled or eradicated.

(b) The methods of control may include definite systems of tillage, cropping, management, and use of livestock and must be designed to minimize adverse environmental impact.

(c) Individual notices must be served in the same manner as a summons in a civil action in the district court or by certified mail. Service on persons living temporarily or permanently outside of the inspectors' jurisdiction whose property is vacant or unoccupied may be made by sending the notice by certified mail to the last known address of the person, to be ascertained, if necessary, from the last tax list in the county treasurer's office. [18.271 s. 2]

Subd. 5. [DESTRUCTION BY INSPECTOR.] (a) If a person is served a notice but fails to eradicate or otherwise destroy noxious weeds or plant pests or a crop where the weeds or plant pests are intermingled or growing, within the time and manner designated by the inspector, the local weed and plant pest inspector having jurisdiction, or if there is no local weed and plant pest inspector, the county agricultural inspector or the commissioner, shall cause the weeds or plant pest habitat to be eradicated or otherwise destroyed at the expense of the county where the land is located.

(b) The claim for the expense of serving notices and the cost of eradicating or otherwise destroying the noxious weeds or plant pests is a legal charge against the county where the land is located. After eradicating or otherwise destroying noxious weeds or plant pests, the inspector or the commissioner directing the control shall file verified and itemized statements of the costs of the services rendered in connection with serving of notices and eradicating or otherwise destroying the noxious weeds or plant pests on each separate tract or lot of land, with the county auditor where the land is located. The county auditor shall immediately issue proper warrants to pay the persons owed for the amounts specified.

(c) The amount of the expenses is a lien in favor of the county against the land where the weed or plant pest control occurred and must be certified by the county auditor and entered on the auditor's tax books as a tax on the land. The amount must be collected as other real estate taxes are

collected. The amount of the expenses when collected must be used to reimburse the county for its weed and plant pest control expenditure. [18.271 s. 3]

Subd. 6. [CANNABIS SATIVA L.] Notwithstanding the provisions of subdivision 5 relating to procedures for payment of costs and expenses incurred, a county agricultural inspector may provide for the destruction of the plant Cannabis sativa L. at the expense of the county if strict compliance with subdivision 5 is considered impractical. [18.271 s. 3a]

Subd. 7. [COSTS AND EXPENSES.] (a) Notwithstanding the provisions of subdivision 5 relating to procedures for payment of costs and expenses incurred, if the local weed and plant pest inspector or the assistant weed and plant pest inspector of a city causes noxious weeds or plant pests to be eradicated or otherwise destroyed on property within the municipality under the authority of this section, the procedures in paragraphs (b) and (c) apply for costs and expenses thus incurred.

(b) Notice in writing of the work done and the costs and expenses involved must be served on the owner or occupant of the property in accordance with the individual notice provisions of subdivision 4. The notice must provide a tabulation of the total costs and expenses involved and indicate that if the total amount is not paid to the city within 30 days or before the following October 1, whichever is later, the costs and expenses become a lien in favor of the municipality and a penalty of eight percent must be added to the amount due as of that date, with the total costs, expenses, and penalty to be certified to the county auditor and entered on the auditor's tax books as a tax on the land.

(c) Amounts collected by the county auditor under this subdivision must be paid to the city to reimburse the municipality for the municipality's weed and plant pest control expenditures. [18.271 s. 4]

Sec. 16. [18.871] [DESTRUCTION OF GROWING CROPS.]

Subdivision 1. [INSPECTION AND NOTICE BY INSPECTOR.] (a) Notwithstanding subdivisions 1 to 3, the local weed and plant pest inspector or county agricultural inspector may eradicate or otherwise destroy the weeds or pests, and the crop on areas not exceeding three acres in the aggregate in any one field or crop of 40 acres or less, other than permanent pasture or meadow, without a notification or application to the mayor or a county commissioner.

(b) Except as provided in paragraph (a), if a local weed and plant pest inspector or county agricultural inspector determines it is necessary to eradicate or otherwise destroy a growing crop or a part of the crop to prevent the spread of noxious weeds or plant pests within the inspector's jurisdiction, the inspector shall notify the mayor of the municipality or a county commissioner to inspect the crop. The notice must be in writing on a form prescribed by the commissioner. [18.251]

Subd. 2. [INSPECTION AND DETERMINATION BY MAYOR OR COUNTY COMMISSIONER.] (a) If, after an inspection, the mayor or county commissioner determines that the weeds or plant pests and the crop or portion of the crop should be eradicated or otherwise destroyed, the eradicating or destroying must be performed immediately under the direction or by the authority of the local weed and plant pest inspector or under the direction of the county agricultural inspector.

(b) If the mayor or county commissioner determines after the inspection that the weeds or plant pests and the crop or a portion of the crop should not be eradicated or otherwise destroyed, the mayor or county commissioner shall report that determination to the commissioner.

(c) If, after being notified by the local weed and plant pest inspector or the county agricultural inspector to inspect a crop, the mayor or county commissioner fails to make the inspection and to report to the local weed and plant pest inspector or agricultural inspector within seven days after receiving a notice to inspect the crop, the local weed and plant pest inspector or county agricultural inspector may proceed to eradicate or otherwise destroy the weeds or plant pests and crop in the same manner as if the mayor or county commissioner notified had made an inspection and determined that the weeds or plant pests and crops should be eradicated or otherwise destroyed. [18.251]

Subd. 3. [DETERMINATION BY THE COMMISSIONER.] The commissioner shall make a final determination of whether the weeds or plant pests and the crop or portion of the crop should be eradicated or otherwise destroyed. If the commissioner determines that the weeds or plant pests and the crop or a portion of the crop should be eradicated or otherwise destroyed, the local weed and plant pest inspector or county agricultural inspector shall immediately cause the weeds or plant pests and the crop or portion of the crop to be eradicated or otherwise destroyed. [18.251]

Subd. 4. [ACTION FOR DAMAGES BARRED.] An action or claim for damages is not allowed or sustainable against anyone in respect to destruction or eradication of crops under this section. [18.251]

Sec. 17. [18.875] [REPORTS BY INSPECTORS.]

Local weed and plant pest inspectors and agricultural inspectors shall make reports as required by the commissioner. [18.261]

Sec. 18. [18.881] [INSPECTOR ENTRANCE UPON LAND NOT TRESPASS.]

A local weed and plant pest inspector, county agricultural inspector, the commissioner, or the commissioner's agents may enter any property without consent of the owner and without being subject to an action for trespass or damages in performance of duties under the weed and plant pest law. [18.241 s. 4]

FUNDING

Sec. 19. [18.885] [LOCAL FUNDING.]

Subdivision 1. [COUNTY FUNDING OF WEED AND PLANT PEST CONTROL.] (a) County boards shall provide funds and adequate equipment, materials, and labor for control, eradication, and other destruction of weeds and plant pests on county highways and property, and for assistance of county agricultural inspectors and local weed and plant pest inspectors in the county to inspect weed and plant pests and control and enforce the weed and plant pest law.

(b) Counties may cooperate with the state, towns, municipalities, and private property owners and provide county funds, equipment, materials, labor, and facilities for weed and plant pest inspection, control, and eradication with or without reimbursement from the public agency or private property benefited. [18.241 s. 3]

Subd. 2. [TOWN AND MUNICIPALITY FUNDING.] Towns and municipalities may by vote of their electors or governing boards provide funds, equipment, materials, and labor for weed and plant pest control and arrange for their use on public or private property within their jurisdiction with or without reimbursement from the public agency or property benefited. [18.241 s. 3]

ENFORCEMENT

Sec. 20. [18.891] [COMMISSIONER'S DUTIES.]

Subdivision 1. [IMPLEMENTATION AND ENFORCEMENT.] The commissioner shall implement and enforce the weed and plant pest control law. [18.181]

Subd. 2. [RULES.] The commissioner may adopt rules to implement the weed and plant pest control law. [18.181]

Subd. 3. [INVESTIGATION AND INSPECTION.] (a) The commissioner shall investigate noxious weeds and plant pests, and may require information from a county agricultural inspector, local weed and plant pest inspector, mayor, county commissioner, or county agent relative to the presence of noxious weeds or plant pests or other information about noxious weeds or plant pests and their control in the localities where the person resides or has jurisdiction. [18.181]

(b) The commissioner may enter or designate a person to enter property to take samples of weeds, weed seeds, grains, plants, plant pests, or other material needed for investigation of noxious weeds or plant pests. [18.181]

Subd. 4. [ERADICATION AND CONTROL INFORMATION.] (a) The commissioner shall suggest and formulate methods for the eradication and destruction of noxious weeds and plant pests from agricultural and other land in this state, including promotion of methods that minimize adverse environmental impact.

(b) The commissioner may publish and circulate bulletins, call and attend meetings and conventions, and conduct educational programs relating to noxious weeds and plant pests. [18.181]

Sec. 21. [18.895] [NOXIOUS WEED QUARANTINES.]

Subdivision 1. [COOPERATION WITH UNIVERSITY.] The commissioner shall cooperate with the dean of the institute of agriculture of the University of Minnesota in the study of life habits and eradication methods of noxious weeds and plant pests, including research and methods that minimize adverse environmental impact. [18.281]

Subd. 2. [PUBLICATION OF WEED AND PLANT PEST INFORMATION.] The commissioner shall publish information on life habits and eradication of noxious weeds and plant pests that minimize adverse environmental impact which will be in the public interest and of value to the agricultural communities of the state. [18.281]

Subd. 3. [QUARANTINE PERSONNEL AND EQUIPMENT.] The commissioner may employ personnel and purchase equipment and supplies necessary to implement this section. [18.281]

Subd. 4. [QUARANTINE OF WEED AND PLANT PEST INFESTED AREAS.] If the commissioner determines there is an infestation of noxious weeds or plant pests on a tract of land beyond the ability of the land

occupant or owner to control, upon request of the owner or on the commissioner's own motion, the commissioner shall take action to prevent further spread of the weeds or plant pests. The commissioner may quarantine the portion of each infested tract of land and immediately take action to control the weeds and plant pests. [18.291]

Subd. 5. [MUST GIVE WRITTEN NOTICE.] The commissioner, on entering a tract of land for weed or plant pest control or quarantine under subdivision 4, shall give written notice to the owner of the entry and quarantine, and shall also give the owner written notice of the completion of the control action. [18.301]

Subd. 6. [GENERAL ALLOCATION OF EXPENSES.] The expenses of a noxious weed quarantine and control action, including cost of chemicals and other materials used, except machinery and other equipment, must be paid from the fund provided for this purpose. The fund must be reimbursed for the expenses by January 1 of each year in the following amounts:

(1) 20 percent of the expenses by the county;

(2) 10 percent of the amount by the town where the land is quarantined and on which control actions are taken; and

(3) 10 percent of the expenses by the landowner. [18.311]

Subd. 7. [ALLOCATION OF EXPENSES FOR HIGHWAY CONTROL.] If the quarantine and control actions of the commissioner are located on the sides of public highways, 50 percent of the expenses of the control actions must be paid by the state from the fund provided for this purpose, and:

(1) 50 percent from the funds provided for the maintenance of the state transportation department, if the infestation is on a state highway;

(2) 50 percent by the county, if the infestation is on a county or state aid road; and

(3) 50 percent by the town, if the infestation is on a town road or cartway. [18.311]

Subd. 8. [ALLOCATION OF EXPENSES IN A MUNICIPALITY.] If the control actions of the commissioner are taken within the corporate limits of a municipality or on property used by a municipality, 50 percent of the expense of the control action must be paid by the state from the funds provided for this purpose and 50 percent by the municipality from its general revenue fund. [18.311]

PENALTIES

Sec. 22. [18.898] [CRIMINAL PENALTIES.]

Subdivision 1. [MISDEMEANOR.] A person is guilty of a misdemeanor who:

(1) violates sections 2 to 21 or a rule of the commissioner;

(2) fails, refuses, or neglects to comply with a notice served on the person and issued by the commissioner or a local weed and plant pest inspector;

(3) fails, refuses, or neglects to perform a duty imposed by the noxious weed and plant pest law; [18.272]

(4) enters property placed under quarantine by direction of the commissioner;

(5) interferes with the operation of machinery or other equipment used by the commissioner or authorized agents implementing section 21, subdivision 4; or [18.312]

(6) sells purple loosestrife, *Lythrum salicaria*. [18.182]

Subd. 2. [EXCLUSION FOR TOWN BOARD MEMBERS.] *The penalty under subdivision 1 for failure, refusal, or neglect to perform a duty imposed by the noxious weed and plant pest law does not apply to a member of a town board for failure, refusal, or neglect to perform a duty imposed on a member of a town board as an inspector.* [18.272]

GRASSHOPPER CONTROL PROJECT

Sec. 23. [GRASSHOPPER CONTROL ZONES.]

The commissioner of agriculture shall designate townships of counties that have had grasshopper surveys showing economic damage or potential economic damage as a grasshopper control zone where grasshoppers are a plant pest and control programs under sections 23 to 26 will be undertaken.

Sec. 24. [GRASSHOPPER CONTROL PROGRAM.]

(a) *The commissioner of agriculture shall develop and implement a grasshopper control program to prevent crop damage in the grasshopper control zone. After consultation and cooperation with the state entomologist, the program must be developed to minimize adverse environmental impact, including the selection of pesticides and prescription of application rates.*

(b) *The grasshopper control program must utilize proven methods of grasshopper control and the commissioner may make grants for experimental methods of control in selected areas.*

Sec. 25. [COST-SHARE.]

Subdivision 1. [ELIGIBILITY.] *Private landowners are eligible for a 50 percent cost-share reimbursement for grasshopper control methods approved by the commissioner that are used on areas within the grasshopper control zone.*

Subd. 2. [INSPECTION.] *A county agricultural inspector or a local weed and plant pest inspector shall inspect the property where the grasshopper control is to occur and approve the control method to be used.*

Subd. 3. [REIMBURSEMENT.] (a) *An eligible private landowner may receive reimbursement for grasshopper control costs by presenting to the local weed and plant pest inspector:*

(1) *an inspection statement that the property was inspected prior to the control method being used; and*

(2) *approval by the local weed and plant pest inspector that an approved method was used.*

(b) *The local weed and plant pest inspector shall forward the reimbursement request to the county treasurer for payment.*

(c) *The county treasurer shall pay the reimbursement requests received from the local weed and plant pest inspectors.*

Subd. 4. [PAYMENTS TO COUNTIES FOR COST-SHARE.] The commissioner of agriculture shall make payments to counties to pay for the cost-share payments under subdivision 3. The commissioner shall make funds available in advance based on anticipated need to allow reimbursement payments to be made as quickly as possible.

Subd. 5. [ADMINISTRATION.] (a) The commissioner of agriculture shall adopt procedures, guidelines, and forms to implement the grasshopper control cost-share program under this section. The procedures, guidelines, and forms may be adopted notwithstanding chapter 14, except section 14.38, subdivisions 7 and 8, must be complied with.

(b) The commissioner of agriculture may require accounting procedures and reports to implement the program.

Sec. 26. [EXPERIMENTAL GRASSHOPPER CONTROL.]

Subdivision 1. [AUTHORIZATION.] The commissioner of agriculture may designate certain areas or types of controls for an experimental control program for methods that are not commonly used in the state or have not been proven to be effective.

Subd. 2. [ELIGIBLE PARTICIPANTS.] Public and private entities willing to participate in the experimental grasshopper control program may not be required to pay more than 20 percent of the cost of the experimental control methods on property they are responsible for controlling.

Subd. 3. [ADMINISTRATION.] The commissioner shall develop the experimental grasshopper control program and may adopt rules, guidelines, and procedures notwithstanding chapter 14 to implement the program, except the commissioner must comply with section 14.38, subdivisions 7 and 8.

Sec. 27. Minnesota Statutes 1988, section 84.0895, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] (a) Subdivision 1 does not apply to:

(1) plants on land classified for property tax purposes as class 2a or 2c agricultural land under section 273.13, or on ditches and roadways; and

(2) noxious weeds designated pursuant to ~~sections 18.171 to 18.315~~ section 3, subdivision 6, or to weeds otherwise designated as troublesome by the department of agriculture.

(b) If control of noxious weeds is necessary, it takes priority over the protection of endangered plant species, as long as a reasonable effort is taken to preserve the endangered plant species first.

(c) The taking or killing of an endangered plant species on land adjacent to class 3 or 3b agricultural land as a result of the application of pesticides or other agricultural chemical on the class 3 or 3b land is not a violation of subdivision 1, if reasonable care is taken in the application of the pesticide or other chemical to avoid impact on adjacent lands. For the purpose of this paragraph, class 3 or 3b agricultural land does not include timber land, waste land, or other land for which the owner receives a state paid wetlands or native prairie tax credit.

(d) The accidental taking of an endangered plant, where the existence of the plant is not known at the time of the taking, is not a violation of subdivision 1.

Sec. 28. Minnesota Statutes 1988, section 160.02, subdivision 14, is amended to read:

Subd. 14. [NOXIOUS WEEDS.] "Noxious weeds" has the meaning given in section ~~18.171~~ 3, subdivision 5 6.

Sec. 29. [APPROPRIATION.]

\$ is appropriated from the general fund to the commissioner of agriculture for grasshopper control under sections 23 to 26 to be available until June 30, 1991. Of this amount, not more than \$ may be used for experimental grasshopper control under section 26.

Sec. 30. [REPEALER.]

Subdivision 1. [GRASSHOPPER CONTROL PROGRAM.] Sections 23 to 26 are repealed June 30, 1991.

Subd. 2. [1905 GRASSHOPPER PROVISIONS.] Revised Laws of Minnesota 1905, sections 2385, 2386, 2387, 2388, 2389, and 2390, are repealed.

Subd. 3. [WEED LAWS.] Minnesota Statutes 1988, sections 18.171; 18.181; 18.182; 18.191; 18.201; 18.211; 18.221; 18.231; 18.241; 18.251; 18.261; 18.271; 18.272; 18.281; 18.291; 18.301; 18.311; 18.312; and 18.315, are repealed.

Subd. 4. [MINNESOTA RULES.] Minnesota Rules, parts 1505.0740 and 1505.0750, are repealed.

Sec. 31. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Amend the title as follows:

Page 1, line 13, before the period, insert "; and Minnesota Rules, parts 1505.0740 and 1505.0750"

And when so amended the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 29 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
29	53				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 29 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 29 and insert the language after the enacting clause of S.F. No. 53, the first engrossment; further, delete the title of H.F. No. 29 and insert the title of S.F. No. 53, the first engrossment.

And when so amended H.F. No. 29 will be identical to S.F. No. 53, and further recommends that H.F. No. 29 be given its second reading and substituted for S.F. No. 53, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Lessard from the Committee on Environment and Natural Resources, to which were referred the following appointments as reported in the Journal for January 9, 1989:

**MINNESOTA POLLUTION CONTROL AGENCY
COMMISSIONER**

Gerald L. Willet

MINNESOTA POLLUTION CONTROL AGENCY

Marcia Gelpé

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Bertram from the Committee on Veterans and Military Affairs, to which were referred the following appointments as reported in the Journal for January 26, 1989:

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Harvey Charles Aaron, M.D.

Pamela K. Barrows

Daniel Bolhouse

Robert E. Hansen

Stephen J. O'Connor

Michas Ohnstad

Robert W. Reif, M.D.

James G. Sieben

Emily Spensieri

Reports the same back with the recommendation that the appointments be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 204, 169, 115, 191, 286, 363, 117, 123, 206 and 121 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 113 and 29 were read the second time.

MOTIONS AND RESOLUTIONS

Mr. Bertram moved that the names of Messrs. Vickerman and Larson be added as co-authors to S.F. No. 44. The motion prevailed.

Ms. Berglin moved that the name of Mr. Benson be added as a co-author to S.F. No. 91. The motion prevailed.

Mr. Bertram moved that the name of Mrs. Pariseau be added as a co-author to S.F. No. 115. The motion prevailed.

Mr. Bertram moved that the names of Messrs. Lessard and Vickerman be added as co-authors to S.F. No. 191. The motion prevailed.

Mr. Benson moved that the names of Messrs. Davis and DeCramer be added as co-authors to S.F. No. 239. The motion prevailed.

Mr. Bertram moved that his name be stricken as chief author, shown as co-author, and the name of Mr. Vickerman be added as chief author to S.F. No. 286. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Lessard be added as a co-author to S.F. No. 286. The motion prevailed.

Mr. Berg moved that the names of Messrs. Frederickson, D.R.; Renneke; Frederickson, D.J. and Larson be added as co-authors to S.F. No. 319. The motion prevailed.

Mr. Dahl moved that the name of Mr. Knaak be added as a co-author to S.F. No. 415. The motion prevailed.

Mr. Beckman moved that the name of Mrs. McQuaid be added as a co-author to S.F. No. 416. The motion prevailed.

Mr. Renneke moved that the name of Mr. Freeman be added as a co-author to S.F. No. 421. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Peterson, R.W. be added as a co-author to S.F. No. 470. The motion prevailed.

CONSENT CALENDAR

S.F. No. 173: A resolution memorializing the President and Congress of the United States to prevent the imposition of any additional federal excise tax on motor fuel in order to reduce the federal deficit.

Pursuant to Rule 9, there being three objectors, S.F. No. 173 was stricken from the Consent Calendar and placed at the bottom of General Orders.

GENERAL ORDERS

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Hughes reported that the committee had considered the following:

S.F. Nos. 171 and 300, which the committee recommends to pass.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committees indicated.

Mrs. Lantry, Mr. Solon, Ms. Berglin, Messrs. Samuelson and Johnson, D.E. introduced—

S.F. No. 497: A bill for an act relating to human services; establishing a resource center on caregiver support; creating a grant program of respite care services; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Health and Human Services.

Messrs. Belanger and Freeman introduced—

S.F. No. 498: A bill for an act relating to retirement; Bloomington firefighters relief association; providing for duty related disability and death benefits; amending Laws 1965, chapter 446, sections 2 and 3.

Referred to the Committee on Governmental Operations.

Messrs. Vickerman, Purfeerst, Beckman and Lessard introduced—

S.F. No. 499: A bill for an act relating to transportation; specifying that state airports fund money may be used as state's match of costs of the federal essential air services program; establishing registration classification for recreational aircraft; amending Minnesota Statutes 1988, sections 360.305, subdivision 2; and 360.55, by adding a subdivision.

Referred to the Committee on Transportation.

Mrs. Brataas, Messrs. Benson and Schmitz introduced—

S.F. No. 500: A bill for an act relating to Olmsted county; exempting the county from operation of a public morgue.

Referred to the Committee on Local and Urban Government.

Messrs. Benson and Merriam introduced—

S.F. No. 501: A bill for an act relating to the legislature; requiring the legislature to conform to the standards of the open meeting law; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

Ms. Berglin, Mrs. Lantry, Messrs. Solon, Pogemiller and Kroening introduced—

S.F. No. 502: A bill for an act relating to economic development; establishing a targeted neighborhood revitalization and financing program; appropriating money; amending Minnesota Statutes 1988, sections 282.01, subdivision 1; 462C.02, by adding subdivisions; 462C.05, by adding a subdivision; 463.15, subdivisions 3 and 4; 580.031; and 580.23, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 469; repealing Laws 1987, chapter 384, article 3, section 22; and chapter 386, article 6, sections 4 to 11.

Referred to the Committee on Economic Development and Housing.

Mr. Solon, Ms. Berglin, Mr. Spear and Mrs. Lantry introduced—

S.F. No. 503: A bill for an act relating to community development; providing for a community resources program for cities of the first class; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 466A.

Referred to the Committee on Health and Human Services.

Ms. Berglin, Messrs. Diessner and Brandl introduced—

S.F. No. 504: A bill for an act relating to human services; authorizing the commissioner to establish case management for people with brain injuries; proposing coding for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1988, section 256B.0625, subdivision 21.

Referred to the Committee on Health and Human Services.

Mr. Chmielewski introduced—

S.F. No. 505: A bill for an act relating to workers' compensation; establishing a legal assistance fund; appropriating money; amending Minnesota Statutes 1988, section 176.261.

Referred to the Committee on Employment.

Mr. Purfeerst, Mrs. Lantry, Messrs. Johnson, D.E.; Spear and Vickerman introduced—

S.F. No. 506: A bill for an act relating to charitable gambling; providing for its licensing and auditing; transferring certain powers and duties to the commissioner of revenue; specifying tax return and payment dates; providing for payment of interest; increasing fees; imposing penalties; amending Minnesota Statutes 1988, sections 349.11; 349.12, subdivisions 2, 3, 11, 12, 13, 15, 17, 20, and by adding subdivisions; 349.15; 349.151, subdivision 4; 349.16, subdivision 4; 349.161, subdivisions 3, 4, 5, 7, and 8; 349.162, subdivisions 1, 2, 3, 4, and 5; 349.163, and by adding a subdivision; 349.164, subdivisions 1, 2, 3, 5, and 6; 349.17, subdivisions 2a and 4; 349.18, subdivisions 1, 2, and by adding a subdivision; 349.19, subdivisions 1, 2, 3, 4, 5, 6, 7, and by adding subdivisions; 349.20; 349.21; 349.212, subdivision 4, and by adding subdivisions; 349.2121, subdivisions 2 and 3; 349.2122; 349.2125, subdivisions 1 and 2; 349.2127, subdivision 2, and by adding subdivisions; 349.213, subdivision 2; 349.214, subdivision 2; 349.22, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 349; repealing Minnesota Statutes 1988, sections 349.151, subdivision 5; 349.171; 349.212, subdivision 2; and 349.2121, subdivision 6.

Referred to the Committee on General Legislation and Public Gaming.

Messrs. Fredrickson, D.J.; Beckman; DeCramer and Davis introduced—

S.F. No. 507: A bill for an act relating to public improvements; providing that work done on certain public works or improvements is not subject to certain licensing requirements; amending Minnesota Statutes 1988, section 326.03, subdivision 2.

Referred to the Committee on Commerce.

Messrs. Fredrickson, D.J. and Davis introduced—

S.F. No. 508: A bill for an act relating to agriculture; extending the farmer-lender mediation act and related provisions; amending Minnesota Statutes 1988, sections 47.20, subdivision 15; and 580.031; Laws 1983, chapter 215, section 16, as amended; and Laws 1986, chapter 398, article 1, section 18, as amended.

Referred to the Committee on Agriculture and Rural Development.

Mr. Peterson, R.W. introduced—

S.F. No. 509: A bill for an act relating to education; clarifying the procedure for the issuance of certain certificates of indebtedness or capital notes; amending Minnesota Statutes 1988, section 124.2445.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 510: A bill for an act relating to employment; providing for severance pay and insurance coverage to certain terminated employees; requiring employers to provide advance notice of certain actions related to plant closings and mass layoffs; appropriating money; amending Minnesota Statutes 1988, section 268.07, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 268A.

Referred to the Committee on Employment.

Messrs. Berg and Chmielewski introduced—

S.F. No. 511: A bill for an act relating to workers' compensation; expanding the family farm exclusion from workers' compensation coverage; amending Minnesota Statutes 1988, section 176.011, subdivision 11a.

Referred to the Committee on Employment.

Messrs. Purfeerst, Langseth, Schmitz, Mrs. McQuaid and Mr. Mehrkens introduced—

S.F. No. 512: A bill for an act relating to transportation; motor carriers; increasing maximum length of certain semitrailers; amending Minnesota Statutes 1988, section 169.81, subdivision 2.

Referred to the Committee on Transportation.

Messrs. Frederick, Vickerman, Mrs. Pariseau, Messrs. McGowan and Bertram introduced—

S.F. No. 513: A bill for an act relating to veterans; changing the amount of state cash bonus payments to certain members of the Minnesota national guard; appropriating money; amending Laws 1988, chapter 686, article 1, section 21.

Referred to the Committee on Veterans and Military Affairs.

Mr. McGowan, Ms. Peterson, D.C. and Mr. Ramstad introduced—

S.F. No. 514: A bill for an act relating to crimes; requiring the bureau of criminal apprehension to develop uniform procedures for the collection

and preservation of DNA identification evidence; providing for the admissibility of such evidence; appropriating money for the development of a DNA fingerprinting laboratory; proposing coding for new law in Minnesota Statutes, chapters 299C, 609, and 634.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Novak; Pehler; Frederickson, D.J. and Knaak introduced—

S.F. No. 515: A bill for an act relating to education; requiring the state board of education to adopt a rule on preparation time for teachers.

Referred to the Committee on Education.

Ms. Reichgott introduced—

S.F. No. 516: A bill for an act relating to corporations; applying the control share acquisition and business combination provisions of state law to certain public corporations; amending Minnesota Statutes 1988, sections 302A.671, subdivision 1; and 302A.673, subdivision 3.

Referred to the Committee on Judiciary.

Messrs. Freeman, Pehler, DeCramer, Mrs. Brataas and Mr. Dahl introduced—

S.F. No. 517: A bill for an act relating to education; appropriating money to the higher education coordinating board for a community service grant program for postsecondary institutions.

Referred to the Committee on Education.

Messrs. Purfeerst; Frederickson, D.R.; Schmitz; Mrs. Adkins and Mr. Mehrkens introduced—

S.F. No. 518: A bill for an act relating to transportation; granting power to road authorities to mow or till rights-of-way of certain highways; amending Minnesota Statutes 1988, sections 160.232; and 160.27, subdivision 5.

Referred to the Committee on Environment and Natural Resources.

Messrs. Frederick; Renneke; Johnson, D.E.; Mehrkens and Benson introduced—

S.F. No. 519: A bill for an act relating to the legislature; requiring the legislature to conform to the standards of the open meeting law; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

Messrs. Belanger and McGowan introduced—

S.F. No. 520: A bill for an act relating to food; authorizing donation of certain food; limiting liability of food donors; proposing coding for new law in Minnesota Statutes, chapter 31.

Referred to the Committee on Commerce.

Messrs. Bertram, Metzen, Solon, Belanger and Mrs. McQuaid introduced—

S.F. No. 521: A bill for an act relating to occupations and professions; providing for a uniform electrical violation ticket; proposing coding for new law in Minnesota Statutes, chapter 326.

Referred to the Committee on Commerce.

Messrs. Pogemiller; Moe, R.D.; Frank; Morse and Bernhagen introduced—

S.F. No. 522: A bill for an act relating to housing; authorizing the establishment of affordable housing programs under the administration of the Minnesota housing finance agency; establishing a neighborhood preservation program; revising certain tenant damage provisions in landlord-tenant actions; regulating tenant screening services; establishing housing courts, rent escrow systems, and building repair fines as demonstration projects in Hennepin and Ramsey counties; reducing property taxes on certain types of residential rental property; authorizing a tax levy for public housing; establishing a fair housing education and public information program; requiring housing impact statements; revising certain housing receivership provisions; changing notice and redemption provisions for certain types of properties; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 273.13, subdivision 25; 462A.05, subdivision 27, and by adding subdivisions; 462A.201, subdivision 5; 462A.21, subdivisions 4k, 12, and by adding subdivisions; 463.21; 469.012, subdivision 1; 504.255; 504.26; 566.175, subdivision 1; 566.29, subdivisions 1, 4, and by adding subdivisions; 580.031; and 580.23, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 256; 462C; 471; 504; and 566.

Referred to the Committee on Economic Development and Housing.

Messrs. Knaak, McGowan, Laidig, Benson and Mrs. Pariseau introduced—

S.F. No. 523: A bill for an act relating to the legislature; requiring the legislature to conform to the standards of the open meeting law; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

Mr. Johnson, D.E. introduced—

S.F. No. 524: A bill for an act relating to health; creating exceptions to the nursing home moratorium; amending Minnesota Statutes 1988, section 144A.071, subdivision 3.

Referred to the Committee on Health and Human Services.

Ms. Reichgott, Messrs. Spear, Merriam, Knaak and Luther introduced—

S.F. No. 525: A bill for an act relating to nonprofit corporations; providing for the organization, operation, and dissolution of nonprofit corporations; imposing penalties; appropriating money; amending Minnesota Statutes 1988, sections 8.31, subdivision 1; 79A.09, subdivision 1; 257.03; 309.67;

319A.20; 354A.021, subdivision 2; and 469.144, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 317A; repealing Minnesota Statutes 1988, sections 317.01 to 317.69.

Referred to the Committee on Judiciary.

Ms. Reichgott, Messrs. Frank and Beckman introduced—

S.F. No. 526: A bill for an act relating to housing; establishing a home equity conversion loan counseling program for senior homeowners; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 462A.

Referred to the Committee on Economic Development and Housing.

Messrs. Purfeerst, Merriam, Ms. Berglin, Messrs. Samuelson, and Johnson, D.E. introduced—

S.F. No. 527: A bill for an act relating to gambling; requiring the commissioner of human services to establish a program for compulsive gambling; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 245.

Referred to the Committee on Health and Human Services.

Messrs. Storm, Decker, McGowan and Anderson introduced—

S.F. No. 528: A bill for an act relating to the legislature; requiring the legislature to conform to the standards of the open meeting law; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Rules and Administration.

Messrs. Johnson, D.E.; DeCramer; Berg; Frederickson, D.J. and Anderson introduced—

S.F. No. 529: A bill for an act relating to education; appropriating money to the regents of the University of Minnesota for operating expenses at the Herman Rosholt research farm.

Referred to the Committee on Finance.

Messrs. Merriam, Dahl, Davis, Pehler and Mrs. McQuaid introduced—

S.F. No. 530: A bill for an act relating to waste management; defining "waste reduction"; extending the expiration date of waste advisory councils; authorizing counties to designate waste to landfills; requiring financial reports from landfills; clarifying the limits of political subdivision liability for superfund cleanup at landfills; authorizing the pollution control agency to acquire interests in real estate necessary for superfund; authorizing superfund to reimburse political subdivisions for costs incurred in responding to emergency releases of hazardous materials; making claims for injuries due to petroleum contamination eligible for compensation by the harmful substances compensation fund; authorizing transfer of money from the petroleum tank release cleanup fund; altering the metropolitan council's authority for solid waste planning; raising the solid waste disposal fee in the metropolitan area; clarifying the 1990 ban on disposal of unprocessed

waste in the metropolitan area; extending the date until which metal finishers are not liable for payment of hazardous waste generator fees; requiring a study of solid waste management district legislation; amending Minnesota Statutes 1988, sections 115A.03, by adding a subdivision; 115A.12, subdivision 1; 115A.14, subdivision 2; 115B.04, subdivision 4; 115B.17, by adding a subdivision; 115B.20, subdivision 2; 115B.25, subdivisions 1, 2, and 7, and by adding four subdivisions; 115B.26; 115B.27, subdivision 1; 115B.28, subdivision 2; 115B.29, subdivision 1; 115B.30, subdivision 3; 115B.34, subdivision 2; 115C.08, subdivision 4 and by adding a subdivision; 446.04, subdivision 1; 473.149, subdivisions 2d and 2e; 473.803, by adding a subdivision 1a; 473.845, subdivision 2; and 473.848; amending Laws 1987, chapter 348, section 50; proposing coding for new law in chapter 115A; repealing Minnesota Statutes 1988, sections 115A.98 and 115B.29, subdivision 2.

Referred to the Committee on Environment and Natural Resources.

Mses. Berglin, Piper, Messrs. Solon, Samuelson and Benson introduced—

S.F. No. 531: A bill for an act relating to jobs and training; creating a community conversion incentive grant program to fund projects to secure employment for persons with severe disabilities; appropriating money.

Referred to the Committee on Health and Human Services.

Messrs. Morse; Frederickson, D.J.; Merriam and Laidig introduced—

S.F. No. 532: A bill for an act relating to the office of the secretary of state; providing for the preservation of land surveys; establishing time for the permanent microfilming of the surveys; appropriating money; amending Minnesota Statutes 1988, section 5.03.

Referred to the Committee on General Legislation and Public Gaming.

Mr. Beckman introduced—

S.F. No. 533: A bill for an act relating to education; appropriating money for a communications link between Blue Earth and Mankato.

Referred to the Committee on Education.

Mr. Chmielewski introduced—

S.F. No. 534: A bill for an act relating to traffic regulations; authorizing recreational vehicle combinations and restricting their use; amending Minnesota Statutes 1988, sections 169.01, by adding a subdivision; and 169.81, subdivision 3, and by adding a subdivision.

Referred to the Committee on Transportation.

Messrs. Luther and Bernhagen introduced—

S.F. No. 535: A bill for an act relating to real property; abolishing certain residual marital interests in real property; providing for 40-year limitation on action based on an option to repurchase or other restrictions on a surface estate; providing for certain certifications; amending Minnesota Statutes 1988, sections 541.023, subdivision 6; and 548.181; proposing coding for new law in Minnesota Statutes, chapter 519.

Referred to the Committee on Judiciary.

Messrs. Solon; Luther; Moe, R.D.; Dicklich and Metzen introduced—

S.F. No. 536: 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.

Referred to the Committee on Health and Human Services.

Ms. Reichgott, Messrs. Beckman, Pehler, DeCramer and Ms. Olson introduced—

S.F. No. 537: A bill for an act relating to education; providing local school districts, education districts, and educational cooperative service units with competitive grants to modify curriculum-based services for gifted and talented students; appropriating money.

Referred to the Committee on Education.

Mr. Benson introduced—

S.F. No. 538: A bill for an act proposing an amendment to the Minnesota Constitution, article IV, sections 2 and 3; providing for a legislature with a total of 120 to 168 members.

Referred to the Committee on Elections and Ethics.

Messrs. Moe, R.D. and Decker introduced—

S.F. No. 539: A bill for an act relating to state parks; promoting the 100th anniversary of the state park system; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mrs. McQuaid introduced—

S.F. No. 540: A bill for an act relating to taxation; property; extending the homestead and agricultural credit to taxes payable after 1989; abolishing transition aid, disparity aid, and other aids and credits; repealing increases in income maintenance payments; amending Minnesota Statutes 1988, sections 124.155, subdivision 2; 124.2131, subdivision 3; 124.2139; 124A.02, subdivision 3a; 256.01, subdivision 2; 256.72; 256.81; 256.82, subdivision 1; 256.863; 256.871, subdivision 6; 256.935, subdivision 1; 256.991; 256B.041, subdivisions 5 and 7; 256B.05, subdivision 1; 256B.091, subdivision 8; 256B.15; 256B.19, subdivisions 1 and 2; 256D.03, subdivisions 2 and 6; 256D.04; 256D.36, subdivision 1; 256G.01, subdivision 3; 256G.02, subdivision 4; 256G.04, subdivision 1; 256G.05; 256G.07; 256G.10; 256G.11; 273.123, subdivisions 4 and 5; 273.124, subdivisions 11 and 13; 273.13, subdivisions 22 and 23; 273.132, subdivisions 1, 2, and 5; 273.135, subdivision 2; 273.1391, subdivision 2; 273.1392; 273.165, subdivision 2; 275.065, subdivision 2; 275.07, subdivision 1; 275.08, subdivisions 1a and 1b; 275.50, subdivision 5; 275.51, subdivisions 3f and 3h; 276.04, subdivision 2; 290A.04, subdivision 2; 393.07, subdivisions 2 and 10;

473.446, subdivision 1; 473F02, subdivision 23; 473F05; 473F06; 473F07, subdivisions 1, 4, and 5; 473F08, subdivisions 1, 2, 3a, 4, 5, 6, and 10; 473F10; 477A.011, subdivisions 15, 20, and 21; and 477A.013, subdivision 3; Laws 1988, chapter 719, article 5, sections 81 and 84; repealing Minnesota Statutes 1988, sections 256.017; 256.018; 256.019; 273.13, subdivision 21a; 273.135, subdivision 2a; 273.1391, subdivision 2a; 273.1398; 275.07, subdivision 3; 275.08, subdivision 1c; 290A.04, subdivision 2b; and Laws 1988, chapter 719, article 8, sections 32, 33, 34, 35, and 36.

Referred to the Committee on Taxes and Tax Laws.

Mr. Larson introduced—

S.F. No. 541: A bill for an act relating to veterans; authorizing establishment of a veterans home in the city of Fergus Falls; proposing coding for new law in Minnesota Statutes, chapter 198.

Referred to the Committee on Veterans and Military Affairs.

Messrs. Davis, Langseth, Morse, Mrs. Adkins and Mr. Frederickson, D.R. introduced—

S.F. No. 542: A bill for an act relating to agriculture; changing the agricultural land preservation law; amending Minnesota Statutes 1988, sections 40A.02, subdivision 10; 40A.04, subdivision 1; 40A.10; 40A.11, subdivision 4; 40A.17; and 273.119; proposing coding for new law in Minnesota Statutes, chapter 40A; repealing Minnesota Statutes 1988, section 40A.123, subdivision 3.

Referred to the Committee on Agriculture and Rural Development.

Mr. Berg introduced—

S.F. No. 543: A bill for an act relating to game and fish; authorizing taking of two deer; specifying methods for taking; amending Minnesota Statutes, 1988, section 97B.301, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

Mr. Berg introduced—

S.F. No. 544: A bill for an act relating to game and fish; authorizing taking of two deer under specified conditions; amending Minnesota Statutes 1988, section 97B.301, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

Mr. Moe, D.M. introduced—

S.F. No. 545: A bill for an act relating to state government; implementing reorganization orders concerning the charitable gambling control board and the waste management board; amending Minnesota Statutes, sections 15A.081, subdivision 1; 41A.066, subdivision 1; 43A.08, subdivision 1a; 115A.03, subdivision 3, and by adding a subdivision; 115A.06; 115A.07; 115A.072; 115A.075; 115A.08; 115A.09; 115A.10; 115A.11; 115A.12, subdivision 1; 115A.14, subdivision 4; 115A.152, subdivisions 1 and 3; 115A.154, subdivision 1; 115A.156; 115A.158; 115A.159; 115A.162; 115A.165; 115A.191, subdivisions 1 and 2; 115A.22, subdivisions 4 and

5; 115A.34; 115A.411, subdivision 1; 115A.42; 115A.45; 115A.46, subdivision 1; 115A.48; 115A.49; 115A.51; 115A.52; 115A.53; 115A.54, subdivisions 2, 2a, and 3; 115A.541; 115A.57, subdivision 2; 115A.58, subdivisions 1 and 2; 115A.59; 115A.63; 115A.64; 115A.66; 115A.67; 115A.68; 115A.71, subdivision 1; 115A.72; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.90, subdivision 2; 115A.902, subdivisions 1 and 3; 115A.906; 115A.912; 115A.913; 115A.914; 115A.9162; 115A.917; 115A.97, subdivisions 5 and 6; 115A.98, subdivision 3; 116.07, subdivision 4b; 116.101; 116C.03, subdivision 2; 216C.36, subdivision 8a; 349.12, by adding a subdivision; 349.151, subdivisions 4 and 4a; 349.161, subdivisions 7 and 8; 349.162, subdivisions 1, 2, and 4; 349.163, subdivision 1; 349.164, subdivision 5; 349.17, subdivision 4; 349.18, subdivisions 1 and 2; 349.19, subdivisions 1, 4, 5, 6, and 7; 349.20; 473.149, subdivision 4; 473.811, subdivision 7; 477A.012, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 115A and 349; repealing Minnesota Statutes 1988, sections 115A.04; 115A.05; 115A.06, subdivision 14; and 349.151, subdivision 5.

Referred to the Committee on Governmental Operations.

Messrs. Davis and Chmielewski introduced—

S.F. No. 546: A bill for an act relating to the city of Mora; authorizing the city to negotiate certain contracts.

Referred to the Committee on Local and Urban Government.

Messrs. Davis; Frederickson, D.R.; Frederickson, D.J.; DeCramer and Morse introduced—

S.F. No. 547: A bill for an act relating to agriculture; appropriating money for farm and small business management programs at technical institutes.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Freeman; Marty; Frederickson, D.R. and Pogemiller introduced—

S.F. No. 548: A bill for an act relating to economic development; permitting state agencies and local jurisdictions to invest in a working capital fund; amending Minnesota Statutes 1988, section 137.31, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 16B, 161, 471, and 473.

Referred to the Committee on Governmental Operations.

Mr. Pehler introduced—

S.F. No. 549: A bill for an act relating to human services; creating an exclusion to the human services licensing act; amending Minnesota Statutes 1988, section 245A.03, subdivision 2.

Referred to the Committee on Health and Human Services.

Mr. Pehler introduced—

S.F. No. 550: A bill for an act relating to human services; providing that nursing home reimbursement rates for cities of the second class shall equal the rate for the metropolitan area; amending Minnesota Statutes 1988,

section 256B.431, subdivision 2b.

Referred to the Committee on Health and Human Services.

Messrs. Pehler; Peterson, R.W.; Hughes and Frederickson, D.J. introduced—

S.F. No. 551: A bill for an act relating to education; providing revenue for school districts to operate a youth service program; providing post-secondary educational benefits for students participating in youth service programs; appropriating money; amending Minnesota Statutes 1988, section 121.88, subdivision 9; proposing coding for new law in Minnesota Statutes, chapters 124; 135A; and 136A.

Referred to the Committee on Education.

Mr. Peterson, R.W. introduced—

S.F. No. 552: A bill for an act relating to volunteers; providing benefits to certain volunteers injured or killed while performing public service; amending Minnesota Statutes 1988, sections 176.011, subdivision 9; and 176B.01, subdivision 2.

Referred to the Committee on Employment.

Ms. Peterson, D.C. introduced—

S.F. No. 553: A bill for an act relating to elections; changing or clarifying provisions governing absentee voting, mail elections, election day activities, ballots, canvassing, municipal elections, school district elections, voting systems, election contests, and financial reporting; amending Minnesota Statutes 1988, sections 204B.27, by adding a subdivision; 204B.40; 204B.46; 204C.06, subdivision 1; 204C.31, by adding a subdivision; 204C.36; 204C.361; 204D.08, subdivision 1; 204D.23, by adding a subdivision; 204D.27, subdivision 9; 205.16, by adding a subdivision; 205A.07, by adding a subdivision; 206.57, subdivision 1; 206.66; 206.90, subdivision 3; 209.021, subdivision 1; 211A.02, subdivision 1; 211A.05, subdivision 1; and 211B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 202A; 203B; and 206.

Referred to the Committee on Elections and Ethics.

Ms. Peterson, D.C.; Messrs. Ramstad, Pehler, Beckman and Ms. Reichgott introduced—

S.F. No. 554: A bill for an act relating to education; providing schools with competitive grants to reform the learning environment; appropriating money.

Referred to the Committee on Education.

Ms. Peterson, D.C. introduced—

S.F. No. 555: A bill for an act relating to crimes; removing the limitation period for charging sexual criminal conduct offenses if the victim is a child; amending Minnesota Statutes 1988, section 628.26.

Referred to the Committee on Judiciary.

Messrs. Ramstad; Moe, R.D.; Pogemiller and Hughes introduced—

S.F. No. 556: A bill for an act relating to elections; providing for handicap access to precinct caucuses and party conventions; providing for sign interpreters at precinct caucuses and party conventions; amending Minnesota Statutes 1988, sections 202A.13; and 202A.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 202A.

Referred to the Committee on Elections and Ethics.

Messrs. Peterson, R.W.; Pehler and Ms. Reichgott introduced—

S.F. No. 557: A bill for an act relating to education; requiring a pupil to stay in a school for one year under open enrollment; amending Minnesota Statutes 1988, section 123.3515.

Referred to the Committee on Education.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, February 16, 1989. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate