

An insurer failing to file and adhere to the plan required by section 61A.03, subdivision 2, paragraph (h), is subject to a civil penalty of not more than \$5,000 for each violation.

Sec. 4. **EFFECTIVE DATE.**

Section 2 is effective September 1, 1983, and applies to all policies of automobile insurance issued or renewed after that date. Sections 1 and 3 are effective January 1, 1984.

Approved June 7, 1983

CHAPTER 293 — S.F.No. 1233

An act relating to the organization and operation of state government; appropriating money for the department of transportation and for other agencies with certain conditions; fixing and limiting fees; providing for the promotion of Minnesota agricultural products; regulating commerce in seeds; establishing a seed laboratory; providing for adjustments of responsibilities of the department of agriculture for soil and water conservation; allowing limited donation of accumulated vacation time by certain law enforcement employees to their union representative; providing for deposit of proceeds of assessment by the assigned risk review board; regulating financial assistance to public transit systems; limiting certain hearing functions of the transportation regulation board; transferring certain rules authority to the transportation regulation board; defining enforcement powers of the hazardous material specialists and transportation representatives of the department of transportation; defining terms and requirements for building movers; crediting certain receipts of the commissioner of transportation to the trunk highway fund; providing for certain costs to be paid from the trunk highway fund; authorizing the commissioner of transportation to enforce certain carrier regulations; establishing the position of executive director of the Minnesota humane society; extending retirement coverage of certain employees of the department of transportation from age 60 to age 62 and providing for disability benefits; transferring and renaming the air transportation revolving account; instructing the commissioner of transportation to charge users of certain air transportation services for certain costs; limiting fare increases by the metropolitan transit commission; basing taxing for the metropolitan transit taxing district upon the level of transit service provided; providing for the disposition of proceeds of certain trunk highway bonds; reducing the amount appropriated from the bridge construction account in the trunk highway fund to the department of transportation; establishing a temporary legislative study commission on metropolitan transit; providing for a capital improvement account in the trunk highway fund as the deposit account for proceeds from certain trunk highway bonds to be further transferred to the department of transportation for certain purposes; imposing penalties; amending Minnesota Statutes 1982, sections 12.14; 15.059, subdivision 5; 17.101; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 18.54; 18A.22, subdivisions 5 and 7; 18A.26; 27.041, subdivision 2; 28A.08; 28A.09; 32.075; 32.59; 34.02; 34.05, subdivision 1; 40.03, subdivision 2, as amended; 41.61, subdivision 1, as amended; 43A.04, by adding a subdivision; 70A.06, by adding a subdivision; 79.251, subdivision 1; 155A.07,

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subdivision 7; 155A.08, subdivision 5; 169.81, subdivision 3b; 169.86, subdivision 5; 169.862; 170.23; 171.26; 171.29, subdivision 2; 173.07, subdivision 2; 173.08, subdivision 1; 173.13, subdivision 4; 174.24, subdivision 3; 174A.02, subdivision 2; 174A.06; 221.061; 221.071; 221.131; 221.221; 221.296, subdivision 5; 221.64; 221.81; 296.17, subdivisions 10, 17, and 20; 296.25, subdivision 1; 299C.37, subdivision 3; 299C.46, subdivision 3; 343.01, subdivision 3; 352.86, subdivision 1; and by adding a subdivision; 360.018, subdivision 1; 360.63; 473.408, subdivision 3, and by adding a subdivision; 473.436, by adding a subdivision; 473.446, subdivision 1, as amended; 500.221, subdivision 4; 626.553, subdivision 2; 626.88, subdivisions 2 and 3; Laws 1975, chapter 235, section 2; Laws 1977, chapter 277, sections 1 and 3, subdivision 1; and Laws 1983, chapter 17, section 12; proposing new law coded in Minnesota Statutes, chapters 10A; 21; 221; and 360; repealing Minnesota Statutes 1982, sections 21.47; 21.48; 21.49; 21.50; 21.502; 21.503; 21.51; 21.52; 21.53; 21.54; 21.55; 21.56; 21.57; 21.58; 24.24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174A.07; 299C.37, subdivision 4; 326.54; 326.541; 326.542; 326.543; 326.544; 326.545; 326.546; and 326.547.

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

Section 1. **TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.** The sums set forth in the columns designated "APPROPRIATIONS" are appropriated from the general fund, or any other fund designated, to the agencies and for the purposes specified in the following sections of this act, to be available for the fiscal years indicated for each purpose. The figures "1983," "1984," and "1985," wherever used in this act, mean that the appropriation or appropriations listed thereunder are available for the year ending June 30, 1983, June 30, 1984, or June 30, 1985, respectively.

SUMMARY BY FUND

	1983	1984	1985	TOTAL
General	\$10,000	\$82,717,500	\$80,685,200	\$163,412,700
Special		335,500	372,700	708,200
Airports		9,356,900	10,335,400	19,712,300
M.S.A.S.		51,500,000	54,100,000	105,600,000
C.S.A.H.		154,900,000	163,400,000	318,300,000
Tr. Hwy.		603,211,800	598,162,700	1,201,374,500
Hwy. User		7,618,100	7,477,700	15,095,800
TOTAL	\$10,000	\$909,639,800	\$914,553,700	\$1,824,203,500

APPROPRIATIONS

Available for the Year Ending June 30

1984	1985
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Sec. 2. **TRANSPORTATION**

Subdivision 1. Total Department

Appropriation	\$798,913,700	\$804,853,200
Approved Complement - 4425		

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

General - 16

State Airports - 37

Trunk Highway - 4371

Federal - 1

The appropriations in this section are from the trunk highway fund, except where another fund is designated.

Of this appropriation, \$24,862,800 the first year and \$23,933,800 the second year is from the general fund; \$9,311,900 the first year and \$10,310,400 the second year is from the state airports fund; \$51,500,000 the first year and \$54,100,000 the second year is from the municipal state aid street fund; \$154,900,000 the first year and \$163,400,000 the second year is from the county state aid highway fund; \$558,339,000 the first year and \$553,109,000 the second year is from the trunk highway fund.

Subd. 2. Highway Development	566,923,700	573,418,700
Trunk Highway Development		
1984	1985	
\$342,824,000	\$335,308,700	

It is estimated that this appropriation will be funded as follows:

Federal Highway Aid		
\$212,500,000	\$204,000,000	
Highway User Taxes		
\$ 95,323,700	\$ 91,308,700	
Bond Proceeds		
\$ 35,000,000	\$ 40,000,000	

The bond proceeds in this appropriation are the same as those appropriated by Laws 1977, chapter 277, section 1, and Laws 1983, chapter 17, section 12, both as amended by this act.

The commissioner of transportation shall notify the chairman of the senate finance

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committee and chairman of the house appropriations committee promptly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to land owners for lands acquired for highway right of way, payment to lessees, interest subsidies, and relocation expenses.

County State Aids

\$154,900,000 \$163,400,000

This appropriation is from the county state-aid highway fund and is available until expended.

Municipal State Aids

\$ 51,500,000 \$ 54,100,000

This appropriation is from the municipal state-aid street fund and is available until expended.

Of the above appropriation, \$155,000 the first year and \$163,500 the second year shall be allocated to those communities where the population fell below 5,000 according to the 1980 federal census.

If an appropriation for either county state aids or municipal state aids is insufficient to exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

Highway Debt Service

\$ 17,700,000 \$ 20,610,000

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For transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then transfer that amount pursuant to the statutory open appropriation.

Any excess appropriation shall be canceled to the trunk highway fund.

Subd. 3. Highway Operations	144,188,200	145,306,300
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The amounts that may be expended from this appropriation for each activity are as follows:

Maintenance

\$ 99,572,600	\$100,685,400
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Maintenance Preservation

\$ 7,503,000	\$ 7,501,000
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Construction Support

\$ 37,112,600	\$ 37,119,900
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Subd. 4. Technical Services	28,573,600	28,158,500
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The amounts that may be expended from this appropriation for each activity are as follows:

Engineering Services

\$ 18,024,800	\$ 17,629,100
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This appropriation includes \$1,400,000 each year for the purpose of delivery of an expanded highway development program. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Engineering Development

\$ 6,890,400	\$ 6,872,600
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\$75,000 the first year and \$75,000 the second year is for a transportation research contingent account to finance research

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projects that are reimbursable from the federal government or from other sources. Expenditures from this account are subject to the approval of the commissioner of finance. Reimbursements shall be deposited in the trunk highway fund. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

State Aid Technical Assistance

\$ 656,000 \$ 656,000

The variance committee shall be continued during the biennium ending June 30, 1985.

Electronic Communications

\$ 1,796,400 \$ 1,794,900

Environmental Services

\$ 1,206,000 \$ 1,205,900

For the fiscal biennium ending June 30, 1985, the commissioner shall spend no money to acquire or condemn outdoor advertising devices as defined in Minnesota Statutes, chapter 173.

Subd. 5. Public

Transportation Assistance	23,352,600	22,452,600
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The appropriations in this subdivision are from the general fund.

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

The amounts that may be expended from these appropriations for each activity are as follows:

(a) Rail Service Improvements

\$400,000 \$400,000

This appropriation is for the purpose of supporting AMTRAK operation of the Northstar line between Minneapolis-St. Paul and Duluth.

(b) Metro Mobility

\$ 5,000,000 \$ 5,000,000

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The commissioner of transportation shall evaluate the financial benefits and service consequences of seeking competitive bids for the provision of services for metro mobility. If the commissioner concludes that competitive bidding may reduce the cost of providing service, he should pursue the use of competitive bidding where appropriate during the biennium ending June 30, 1985.

(c) Private Operators

\$ 965,100 \$ 965,100

(d) Non-MTC Assistance Statewide

\$ 5,434,200 \$ 5,434,200

(e) Metropolitan Transit Commission

\$ 11,553,300 \$ 10,653,300

\$6,565,800 the first year and \$5,665,800 the second year is for state operating assistance grants.

Of this appropriation, \$200,000 the second year is available to the metropolitan transit commission only upon certification to the commissioner of transportation that the additional allocation will be used for the purpose of reducing the overall peak or off-peak fare rates below the level existing on June 30, 1983. This restriction shall not prevent the metropolitan transit commission from certifying to the commissioner the necessity of this additional allocation in fiscal year 1985 due to reductions in the overall peak or off-peak fare rates occurring after June 30, 1983 and before July 1, 1984. In the event that less than \$200,000 is required, the commissioner shall transfer only the amount certified.

\$4,987,500 the first year and \$4,987,500 the second year is for social fare reimbursement grants.

For the fiscal biennium ending June 30, 1985, the metropolitan transit commission may continue the existing \$.15 surcharge on fares during the peak hours. The metropolitan transit commission shall not increase its

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base fare beyond the level existing on June 30, 1983.

During the biennium ending June 30, 1985, the chairman of the metropolitan transit commission may appoint five persons in the unclassified service, not to exceed any other statutory complement limitation.

Subd. 6. Program Management	5,774,200	5,766,500
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The amounts that may be expended from this appropriation for each activity are as follows:

Highway Programs

\$ 1,355,300	\$ 1,355,300
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Of this amount \$175,000 the first year and \$175,000 the second year is available for grants to regional development commissions outside the seven-county metropolitan area for transportation studies to identify critical concerns, problems, and issues.

Motor Carrier Safety and Compliance

\$ 902,200	\$ 869,300
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This appropriation is from the general fund.

Railroads and Waterways

\$ 749,400	\$ 749,700
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\$223,100 the first year and \$223,300 the second year is from the general fund.

Transit Administration

\$ 543,400	\$ 543,400
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\$345,300 the first year and \$345,300 the second year is from the general fund.

Transportation Information and Support

\$ 2,223,900	\$ 2,248,800
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Subd. 7. General Support	20,851,800	19,500,700
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The amounts that may be expended from this appropriation for each activity are as follows:

Finance and Administration

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\$ 8,051,500 \$ 8,054,700

General Services

\$ 3,635,900 \$ 3,939,000

\$36,100 the first year and \$37,900 the second year is from the general fund.

\$56,200 the first year and \$58,600 the second year is from the state airports fund.

If an appropriation in this section for data processing development for either year is insufficient, the appropriation for the other year is available for it.

Equipment

\$ 8,273,400 \$ 6,566,800

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$3,500 the first year and \$5,400 the second year is from the general fund.

\$6,100 the first year and \$1,900 the second year is from the state airports fund.

Legal Services

\$ 891,000 \$ 940,200

This appropriation is for the purchase of legal services from or through the attorney general.

Subd. 8. Aeronautics	9,249,600	10,249,900
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The appropriations in this subdivision are from the state airports fund.

The amounts that may be expended from this appropriation for each activity are as follows:

Aeronautics Operations

\$ 439,600 \$ 447,300

During the biennium ending June 30, 1985, the commissioner shall not require the registration of personal use airports except for those within five miles of a public airport, whether privately or publicly owned.

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Aeronautics Development and Assistance

\$ 8,479,700 \$ 9,660,100

\$971,500 the first year and \$1,014,200 the second year is for navigational aids.

\$5,092,300 the first year and \$6,269,400 the second year is for airport construction grants.

\$1,400,000 the first year and \$1,400,000 the second year is for airport maintenance grants.

If the appropriation for either year for navigational aids, airport construction grants, or airport maintenance grants is insufficient, the appropriation for the other year is available for it. These appropriations shall be expended only for grant-in-aid programs for airports that are not state owned.

These appropriations are to be expended in accordance with Minnesota Statutes, section 360.305, subdivision 4, clauses (1), (2), (4), and (5).

The commissioner of transportation may transfer unencumbered balances among these appropriations with the approval of the governor after consultation with the legislative advisory commission.

\$16,900 the first year and \$7,500 the second year is for maintenance of the Pine Creek Airport.

Air Transportation Services

\$ 330,300 \$ 142,500

The commissioner of transportation shall expend no money for pilot uniforms.

During the biennium ending June 30, 1985, the commissioner of transportation shall establish the position of state air dispatcher.

Subd. 9. Transfers

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway

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fund made in this section. No transfer shall be made from the appropriation for trunk highway development. No transfer shall be made from the appropriations for debt service to any other appropriation. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 10. Contingent Appropriations

(a) The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the state airports fund to an appropriation for state airports purposes in order to meet an emergency or to take advantage of an unanticipated receipt of income to the state airports fund. The amount transferred is appropriated for the purpose of the account to which it is transferred.

(b) The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation for trunk highway purposes in order to meet an emergency or to take advantage of an unanticipated receipt of income to the trunk highway fund. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. TRANSPORTATION REGULATION BOARD

375,200

375,200

Approved Complement - 8

Four support positions, with their incumbents, are transferred from the public utilities commission to the transportation regulation board.

One support position and its incumbent are transferred from the department of transportation to the transportation regulation board.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

This appropriation is from the trunk highway fund.

Sec. 4. PUBLIC SAFETY

Subdivision 1. General Operations and Management		68,134,000	68,181,700
	1984		1985
Approved Complement -	1,631.9		1,630.8
General -	385.0		385.0
Special -	.5		.5
Trunk Highway -	1,039.3		1,039.3
Highway User -	174.6		174.6
Federal -	32.5		31.4

The above approved complement includes 511 for state funded unclassified patrol officers and supervisors of the highway patrol.

Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section provided that the above complement shall be reduced accordingly.

No new highway patrol supervisory positions shall be established, with the exception of special duty assigned ranks for the length of assignment only.

The commissioner of public safety, in cooperation with the departments of revenue and transportation, shall submit a report to the legislature outlining the costs and benefits of establishing ports of entry on Minnesota trunk highways. The study shall include, but is not necessarily limited to, an evaluation of the financial requirements for establishing ports of entry, the feasibility of ports of entry, the optimum location of ports of entry, and the impact ports of entry might have on the revenues collected for road and street purposes in Minnesota. The report shall be submitted to the chairman of the house appropriations committee and the chairman of the senate finance committee by November 1, 1983.

Of this appropriation, \$17,274,400 the first year and \$17,281,200 the second year is

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from the general fund; \$45,000 the first year and \$45,000 the second year is from the state airports fund; \$43,446,900 for the first year and \$43,627,800 the second year is from the trunk highway fund; and \$7,368,100 the first year and \$7,227,700 the second year is from the highway user tax distribution fund.

The amounts that may be expended from this appropriation for each program are specified in the following subdivisions of this section.

Subd. 2. Administration and Related Services

\$ 2,715,000 \$ 2,739,800

\$2,581,600 the first year and \$2,603,000 the second year is from the trunk highway fund.

\$133,400 the first year and \$136,800 the second year is from the highway user tax distribution fund.

Subd. 3. Emergency Services

\$ 878,800 \$ 784,900

Subd. 4. Criminal Apprehension

\$ 10,022,000 \$ 9,816,600

The commissioner may use this appropriation for the purpose of matching private donations for conducting research on driver impairment.

Of this appropriation, \$1,060,100 the first year and \$735,000 the second year is from the trunk highway fund for blood alcohol analysis.

\$212,700 the first year and \$219,100 the second year is for use by the bureau of criminal apprehension for the purpose of investigating cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$59,500 the first year and \$59,700 the second year is for the bureau of criminal

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apprehension to continue to provide in-service training for peace officers on a regional basis.

\$171,000 the first year and \$171,000 the second year is for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$38,000 the first year and \$38,000 the second year is for reimbursing political subdivisions for training peace officers and fire-fighters in the conduct of arson investigations.

Any unliquidated balance of data processing development money remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 5. Fire Safety

\$ 1,474,500 \$ 1,484,300

\$11,700 the first year and \$12,200 the second year is for reimbursing political subdivisions who enter into agreements to perform uniform fire code inspections.

Subd. 6. State Patrol

\$ 29,538,800 \$ 29,914,800

Except for \$330,600 the first year and \$345,800 the second year from the general fund for executive protection, this appropriation is from the trunk highway fund.

The commissioner may assign up to 11 pilots to the air patrolling of highways.

This appropriation provides sufficient money to operate the mobile truck weighing program on a 12 month basis.

No more than five positions in the state patrol support activity shall be filled by state troopers.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

The commissioner may not require the use of gasohol in the operation of state patrol vehicles.

Subd. 7. Capitol Security

\$ 728,500 \$ 722,300

Subd. 8. Driver and Vehicle Licensing

\$ 21,234,600 \$ 21,435,000

Of this appropriation, \$10,459,900 the first year and \$10,583,700 the second year is from the trunk highway fund, and \$7,090,900 the first year and \$7,234,700 the second year is from the highway user tax distribution fund.

\$500,000 the first year and \$500,000 the second year is for alcohol assessment reimbursements to counties.

Any unliquidated balance of data processing development money remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 9. Liquor Licensing

\$ 506,000 \$ 506,200

During the biennium ending June 30, 1985, the liquor control program shall concentrate its activities along the border areas of Minnesota.

Subd. 10. Ancillary Services

\$ 892,400 \$ 921,600

\$137,100 the first year and \$137,100 the second year is from the trunk highway fund for traffic safety and research.

\$654,000 the first year and \$683,100 the second year is for the crime victims reparations board. Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

\$45,000 the first year and \$45,000 the second year is from the state airports fund for the civil air patrol.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

\$56,300 the first year and \$56,400 the second year is for the expenses of the Private Detective and Protective Agency Licensing Board.

Subd. 11. Transfers

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs within funds. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 12. Reimbursements

(a) The sums of \$382,500 for the first year and \$385,900 for the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1984 and January 1, 1985 respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

(b) The sums of \$384,400 for the first year and \$411,300 for the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the general fund on January 1, 1984 and January 1, 1985 respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

(c) The sums of \$333,200 for the first year and \$329,400 for the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1984 and January 1, 1985 respectively, in order to reimburse the trunk highway fund for expenses not related to the

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fund. These represent amounts appropriated out of the trunk highway fund for highway user fund purposes in the administration and related services program.

Sec. 5. AGRICULTURE

General Operations and Management	14,760,600	13,734,700
Approved Complement - 453.8		
General - 222.3		
Special/Revolving - 216.5		
Federal - 15		

Of this appropriation, \$14,610,400 the first year and \$13,556,000 the second year is from the general fund; and \$150,200 the first year and \$178,700 the second year is from the special revenue fund.

The amounts that may be expended from this appropriation for each program are as follows:

Agricultural Protection Service

\$ 3,441,200	\$ 3,461,300
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Notwithstanding Laws 1981, chapter 356, section 23, the commissioner of agriculture need transfer from the grain inspection account to the general fund by June 30, 1983 only the amount of the unobligated balance in the account not needed to provide working capital during the fiscal year ending June 30, 1984, as determined by the commissioner of finance. Any amounts due under Laws 1981, chapter 356, section 23 and not transferred to the general fund by June 30, 1983 shall be transferred to the general fund by June 30, 1984. It is estimated that this delay will reduce general fund transfers from other funds by \$250,000 for fiscal year 1983.

The commissioner of agriculture shall not initiate any new weigh stations until the recommendations of a select committee on livestock weighing have been received by the legislature. The committee shall be made up of three members of the house agricul-

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ture committee appointed by the speaker and three members of the senate agriculture and natural resources committee appointed by the subcommittee on committees of the committee on rules and administration. The committee shall report no later than January 30, 1984.

There is appropriated to the Department of Agriculture \$10,000 for fiscal year 1983 for the purpose of implementing a gypsy moth control program. These funds are available until expended.

Agricultural Promotion Service

\$ 5,771,600 \$ 4,632,000

\$150,200 the first year and \$178,700 the second year is from the commodities research and promotion account in the special revenue fund.

\$500,000 the first year and \$500,000 the second year is for the agriculture development grant program to be expended in accordance with Minnesota Statutes, section 17.101. The commissioner shall submit a work program and semi-annual progress reports to the chairman of the senate finance committee and the chairman of the house appropriations committee.

For the biennium ending June 30, 1985, the commissioner of agriculture may provide money to assist in the implementation of research and promotional orders pursuant to Minnesota Statutes, sections 17.51 to 17.69 from the appropriation provided for agriculture development grants. This money shall be provided in accordance with Minnesota Statutes, section 17.101.

No more than \$15,000 may be spent for implementing a barley research and promotion order.

No more than \$30,000 may be spent for implementing a corn research and promotion order.

\$1,500,000 the first year is for transfer to the special family farm security program

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account created by Minnesota Statutes, section 41.61, subdivision 1, for the purpose of paying lenders for defaulted loans.

\$2,846,200 the first year and \$3,164,600 the second year is for family farm security interest payment adjustments. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Administration and Financial Aids Service

\$ 2,512,400 \$ 2,553,200

The appropriation for administration and financial aids service includes the following amounts for grants to agricultural societies and associations:

(a) For aid to the northeastern Minnesota junior livestock show association

\$ 1,200 \$ 1,200

(b) For aid to Minnesota livestock breeders association

\$ 14,200 \$ 14,200

(c) For aid to northern sheep growers associations

\$ 1,000 \$ 1,000

(d) For aid to southern sheep growers associations

\$ 400 \$ 400

(e) For Red River valley livestock associations

\$ 6,000 \$ 6,000

The amount appropriated by clause (e) shall be disbursed pursuant to provisions of Minnesota Statutes, section 38.02.

(f) For the Red River Valley Dairymen's Association, Inc., for the purpose of promoting better dairying

\$ 1,200 \$ 1,200

Clauses (b), (c), (d), (e), and (f) shall be expended under provisions of Minnesota Statutes, section 17.07.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(g) Aid to county and district agricultural societies

\$ 260,200 \$ 257,600

Of this amount, \$2,600 in fiscal year 1984 is for reimbursing Morrison County for costs incurred in fiscal year 1982;

Of the amount appropriated by clause (g), \$3,800 each year is for livestock premiums to county fair associations for carrying on boys' and girls' club work. The amount appropriated by clause (g) shall be disbursed according to Minnesota Statutes, section 38.02.

Of the amounts appropriated by clause (g), \$900 each year shall be available for agricultural aid to the Red Lake Band of Chippewa Indians, to be expended as may be directed by the Indian council for the purpose of encouraging activities and arts that will advance the economic and social interest of their people and particularly to promote a program of agricultural development that will utilize to the greatest possible extent the lands and forest owned by them. This appropriation may be used to help maintain an agricultural extension service, to promote 4-H club work, or for premiums for the competitive display of exhibits at any fair or exposition that may be arranged under the direction of the council.

(h) For aid in payment of premiums at exhibitions of poultry for the poultry associations

\$ 2,800 \$ 2,800

Out of the amounts appropriated by clause (h) the amount of \$827 shall be allotted each fiscal year to aid the Minnesota state poultry association in the payment of premiums and other necessary expenses, exclusive of salaries or wages of any kind, at its annual exhibition.

\$8,800 the first year and \$9,200 the second year is for payment of claims relating to livestock damaged by endangered animal species.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The commissioner of agriculture shall submit a report to the chairman of the house appropriations committee and the chairman of the senate finance committee by January 15, 1984 outlining the costs and benefits of continuing the building lease beyond October 30, 1984.

Soil and Water Conservation Board

\$ 3,035,400 \$ 3,088,200

\$420,700 the first year and \$420,700 the second year is for general purpose grants in aid to soil and water conservation districts.

\$99,200 the first year and \$152,300 the second year is for grants to districts for technical assistance, education, and demonstrations of conservation tillage.

\$198,500 the first year and \$198,500 the second year is for grants to watershed districts and other local units of government in the southern Minnesota river basin study area 2 for flood plain management.

\$1,541,400 the first year and \$1,541,400 the second year is for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management.

\$158,700 the first year and \$158,700 the second year is for grants in aid to soil and water conservation districts and local units of government to assist them in solving sediment and erosion control problems. Grants shall not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority shall be given to projects designed to solve lake-shore, stream bank, and roadside erosion and to projects eligible for federal matching money.

\$12,400 the first year and \$12,400 the second year is for grants to soil and water

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

conservation districts for review and comment on water permits.

The commissioner of agriculture with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 6. BOARD OF ANIMAL HEALTH

General Operations and Management	1,237,600	1,198,000
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Approved Complement - 35

This appropriation includes \$40,000 the first year and \$40,000 the second year for payment of indemnities. If the appropriation for indemnities for either year is insufficient, the appropriation for the other year is available for it. Indemnities of less than \$1 shall not be paid.

For the biennium ending June 30, 1985, the board of animal health may request additional funding from the legislative advisory commission for the purpose of implementing the provisions of a bill known as H.F. 512, tentatively coded as Minnesota Statutes, section 35.255.

Sec. 7. COMMERCE

General Operations and Management	7,501,900	7,530,300
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Approved Complement - 220

General - 217

Special - 3

Of this appropriation, \$7,316,600 the first year and \$7,336,300 the second year are from the general fund; and \$185,300 the first year and \$194,000 the second year are from the special revenue fund.

The amounts that may be expended from this appropriation for each program are as follows:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Supervision of State-Chartered Financial Institutions

\$ 2,599,100 \$ 2,612,000

During the biennium ending June 30, 1985, the commissioner of banks shall cooperate with the state treasurer in the conduct of audits relating to unclaimed property.

Investment Protection

\$ 1,127,600 \$ 1,135,900

\$185,300 the first year and \$194,000 the second year is from the real estate education, research and recovery account in the special revenue fund for the purpose of Minnesota Statutes, section 82.34, subdivision 6. If the appropriation from the special revenue fund for either year is insufficient, the appropriation for the other year is available for it.

Consumer Services

\$ 1,043,300 \$ 1,050,600

Regulation of Insurance Companies

\$ 2,042,900 \$ 2,042,900

This appropriation includes \$35,000 the first year and \$35,000 the second year for costs associated with the assigned risk plan review board.

During the biennium ending June 30, 1985, the commissioner of insurance shall cooperate with the state treasurer to improve procedures for notifying beneficiaries of the death of life insurance policyholders.

General Support

\$ 689,000 \$ 688,900

The commission with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the

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committee on appropriations of the house of representatives.

Sec. 8. NON-HEALTH RELATED BOARDS.

Subdivision 1. Total for this section	2,665,100	2,644,100
Subd. 2. Board of Abstractors	3,800	3,700
Subd. 3. Board of Accountancy	238,500	218,200

If the department of administration has not approved purchase of a microcomputer and related software by July 1, 1983, the board of accountancy, notwithstanding any other law to the contrary, may purchase a microcomputer and related software.

Approved Complement - 4		
Subd. 4. Board of Architecture, Engineering and Land Surveying	257,600	256,800
Approved Complement - 5		
Subd. 5. Board of Barber Examiners	106,200	106,200
Approved Complement - 3		
Subd. 6. Board of Boxing	25,600	25,700
Approved Complement - 1		
Subd. 7. Board of Electricity	677,300	677,500
Approved Complement - 18		
Subd. 8. Board of Peace Officer Standards and Training General Operations and Management	1,356,100	1,356,000
Approved Complement - 9		
\$1,000,000 the first year and \$1,000,000 the second year is for peace officers training pursuant to Minnesota Statutes, section 626.86.		

Sec. 9. PUBLIC UTILITIES

COMMISSION	1,122,400	1,120,500
Approved Complement - 27		

Sec. 10. PUBLIC SERVICE

General Operations and Management	3,267,300	3,272,900
Approved Complement - 86		

The amounts that may be expended from this appropriation for each program are as follows:

Utility Regulation

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

\$ 1,259,700	\$ 1,265,700
Weights and Measures	
\$ 1,572,600	\$ 1,572,400
Administrative Services	
\$ 435,000	\$ 434,800

The public service department with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers shall be reported forthwith to the committee on finance of the senate and the committee on appropriations in the house of representatives.

Sec. 11. ETHICAL PRACTICES BOARD	172,100	171,900
Approved Complement - 5		
Sec. 12. MINNESOTA MUNICIPAL BOARD	192,200	200,700
Approved Complement - 4		
Sec. 13. MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION	65,800	67,600
Sec. 14. UNIFORM LAWS COMMISSION	12,300	11,600
Sec. 15. VOYAGEURS NATIONAL PARK CITIZENS COMMITTEE	53,700	50,800
Sec. 16. SOUTHERN MINNESOTA RIVERS BASIN BOARD	52,400	52,300
Sec. 17. MINNESOTA HISTORICAL SOCIETY	7,341,200	7,294,600

The amounts that may be expended from this appropriation for each program are as follows:

(a) Minnesota Historical Society Operations

\$ 6,898,800	\$ 6,891,400
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This appropriation includes money for a seven-day-a-week tour program in the capitol and historical buildings. The historical building shall remain open for public use on Saturdays and, if necessary, adjustments in the remainder of the weekday schedule may

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

be effected by the Minnesota historical society.

Any unencumbered balance remaining at the end of the first year shall be returned to the state treasury and credited to the general fund.

The appropriation in this subdivision includes no money for compensation increases. The Minnesota historical society will draw on the salary supplement appropriation for that purpose. Employees of the Minnesota historical society will be paid in accordance with the appropriate pay plan.

(b) Historic Grant-In-Aid

\$ 246,200 \$ 246,200

For historic site grants to encourage local historic preservation projects.

To be eligible for a grant, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines.

(c) Fiscal Agent

\$ 196,200 \$ 157,000

\$51,100 the first year and \$51,900 the second year is for the Sibley House Association.

This appropriation is available for operation and maintenance of the Sibley House and related buildings on the Old Mendota state historic site owned by the Sibley House association.

The historical society should seek an agreement with the Sibley House association whereby the historical society will make payments to the association for this purpose and will provide the association with technical assistance in applying for federal grants.

Notwithstanding any laws to the contrary, the Sibley House association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

\$55,000 the first year and \$55,000 the second year is for the Government Learning Center.

\$32,100 the first year and \$32,100 the second year is for the Minnesota Humanities Commission.

\$18,000 the first year and \$18,000 the second year is for the Minnesota International Center.

\$40,000 in the first year is for the purpose of maintaining Minnesota military history museums at Fort Snelling and Camp Ripley.

Any unencumbered balance remaining in (b) or (c) the first year does not cancel but is available for the second year of the biennium.

Sec. 18. BOARD OF THE ARTS	2,020,600	2,068,900
Approved Complement - 11		
General - 8		
Federal - 3		

The amounts that may be expended from this appropriation for each program are as follows:

(a) Administrative Services

\$ 232,200 \$ 232,200

(b) Subsidies and Grants

\$ 1,788,400 \$ 1,836,700

\$75,000 the first year and \$75,000 the second year is for individual artist grants.

The board of the arts shall report to the chairman of the senate finance committee and the chairman of the house appropriations committee by January 1, 1984 concerning its success at obtaining money from federal, private, and other sources to match state money appropriated for individual artists grants.

\$50,000 the first year and \$50,000 the second year is for arts in education.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

\$688,800 the first year and \$737,100 the second year is for the support of regional arts councils throughout the state.

Any unencumbered balance remaining in (a) or (b) the first year does not cancel but is available for the second year of the biennium.

Sec. 19. MINNESOTA HUMANE SOCIETY	43,800	
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No state money shall be expended for the care, feeding, housing, or disposal of animals.

Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Sec. 20. MINNESOTA HORTICULTURAL SOCIETY	67,900	67,900
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Sec. 21. MINNESOTA ACADEMY OF SCIENCE	20,400	20,500
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Sec. 22. SCIENCE MUSEUM OF MINNESOTA	273,400	290,500
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Sec. 23. MINNESOTA SAFETY COUNCIL	50,700	50,700
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This appropriation is from the trunk highway fund.

Sec. 24. DISABLED AMERICAN VETERANS	20,100	20,100
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For salaries, supplies, and expenses to be expended as provided by Laws 1941, chapter 425.

Sec. 25. VETERANS OF FOREIGN WARS	25,000	25,000
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For carrying out the provisions of Laws 1945, chapter 455.

Sec. 26. GENERAL CONTINGENT ACCOUNTS	650,000	650,000
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The appropriations in this section shall be expended with the approval of the governor after consultation with the legislative advisory

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ry commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it. this appropriation for each purpose are more specifically described in the following subdivisions of this section.

Trunk Highway Fund

\$ 400,000 \$ 400,000

Highway User Tax Distribution Fund

\$ 250,000 \$ 250,000

Sec. 27. TORT CLAIMS 600,000 600,000

To be disbursed by the commissioner of finance.

This appropriation is from the trunk highway fund.

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Sec. 28. Minnesota Statutes 1982, section 12.14, is amended to read:

12.14 ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.

Any person, firm, corporation or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota, shall pay an assessment of \$250,000 per plant to cover the initial cost of upgrading nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. ~~This assessment shall be paid to the state for deposit in the general fund within 90 days of April 25, 1980. Thereafter,~~ An assessment of \$75,000 \$100,000 per plant shall be paid annually on July 1 of each year, beginning with July 1, 1981, to cover ongoing costs related to the emergency response plan.

Sec. 29. Minnesota Statutes 1982, section 17.101, is amended to read:

17.101 PROMOTIONAL ACTIVITIES.

Subdivision 1. DEPARTMENTAL DUTIES. For the purposes of expanding, improving, and developing the markets for products of Minnesota agriculture, the commissioner of agriculture shall encourage and promote the

Changes or additions are indicated by underline, deletions by strikeout.

marketing of these products by means of promotional activities such as advertising and other appropriate activities:

- (a) advertising Minnesota agricultural products;
- (b) assisting state agricultural commodity organizations;
- (c) developing methods to increase processing and marketing of agricultural commodities including commodities not being produced in Minnesota on a commercial scale, but which may have economic potential in national and international markets;
- (d) investigating and identifying new marketing technology and methods to enhance the competitive position of Minnesota agricultural products;
- (e) evaluating livestock marketing opportunities;
- (f) assessing and developing national and international markets for Minnesota agricultural products;
- (g) studying the conversion of raw agricultural products to manufactured products including ethanol;
- (h) hosting the visits of foreign trade teams to Minnesota and defraying the teams' expenses;
- (i) assisting Minnesota agricultural businesses desiring to sell their products in national and international markets; and
- (j) other activities the commissioner deems appropriate to promote Minnesota agricultural products in national and international markets.

Subd. 2. AGRICULTURAL DEVELOPMENT GRANTS. In order to carry out the duties in subdivision 1, the commissioner, in addition to whatever other resources the department may commit, shall make grants and enter into contracts to fulfill the obligations of subdivision 1. The commissioner may contract with, among others, agricultural commodity organizations and agriculture related businesses to fulfill the duties. The commissioner shall make permanent or temporary rules for the administration of these grants and contracts. The rules shall specify at a minimum:

- (a) eligibility criteria;
- (b) application procedures;
- (c) provisions for application review and project approval;
- (d) provisions for program monitoring and review for all approved grants and contracts; and
- (e) other provisions the commissioner finds necessary.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Contracts entered into by the commissioner pursuant to this subdivision shall not exceed 75 percent of the cost of the project supported by the commissioner's grant. In any biennium, no organization shall receive more than \$70,000 in grants from the commissioner.

Subd. 3. AUDITS. The books, records, documents, and accounting procedures and practices of any organization receiving a grant from the commissioner under the provisions of subdivision 2 shall be subject to examination by the department. The commissioner may prescribe uniform methods of accounting to be used by grant recipients.

Subd. 4. ADVISORY GROUP. The commissioner may establish an ad hoc advisory group to assist him in evaluating grant requests made pursuant to subdivision 2.

Sec. 30. Minnesota Statutes 1982, section 17A.04, subdivision 5, is amended to read:

Subd. 5. **LICENSE FEE.** The applicant shall submit to the commissioner the following applicable fee ~~or~~ fees and penalties for late renewal:

(1) ~~\$120~~ (a) \$150 for each livestock market agency and public stockyard license, penalty \$38; (2) \$42 for each livestock dealer license; and (3) \$24 for each agent license

(b) \$50 for each livestock dealer license, penalty \$13;

(c) \$30 for each agent of a livestock dealer license, penalty \$10;

(d) \$50 for each meat packing company license, penalty \$13;

(e) \$30 for each agent of a meat packing company license, penalty \$10.

Sec. 31. Minnesota Statutes 1982, section 18.51, subdivision 2, is amended to read:

Subd. 2. **FEES; PENALTY.** Each A nurseryman shall be required to pay an annual fee before the commissioner shall issue a certificate of inspection. This fee shall be based on the area of all of his nurseries as follows:

Nurseries:

(1) 1/2 acre or less	\$25 <u>\$30</u> per nurseryman
(2) Over 1/2 acre to and including 2 acres	\$35 <u>\$50</u> per nurseryman
(3) Over 2 acres to and including 10 acres	\$60 <u>\$100</u> per nurseryman
(4) Over 10 acres to and including 50 acres	\$160 <u>\$300</u> per nurseryman
(5) Over 50 acres	\$400 <u>\$600</u> per nurseryman

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 32. Minnesota Statutes 1982, section 18.52, subdivision 5, is amended to read:

Subd. 5. **FEES; PENALTY.** ~~Each A dealer is required to~~ shall pay an annual fee. ~~The fee charged shall be based on the dealer's gross sales of the dealer during the preceding certificate year. In the case of A dealer operating for the first year, will pay the minimum fee will suffice.~~

Dealers:

- | | |
|--|--|
| (1) Gross sales up to \$1,000 | at a location
\$20 <u>\$30</u> per location |
| (2) Gross sales over \$1,000 and up to \$5,000 | at a location
\$30 <u>\$40</u> per location |
| (3) Gross sales over \$5,000 up to \$10,000 | at a location
\$45 <u>\$70</u> per location |
| (4) Gross sales over \$10,000 up to \$25,000 | at a location
\$70 <u>\$100</u> per location |
| (5) Gross sales over \$25,000 up to \$75,000 | at a location
\$115 <u>\$150</u> per location |
| (6) Gross sales over \$75,000 up to \$100,000 | at a location
\$175 <u>\$220</u> per location |
| (7) Gross sales over \$100,000 | at a location
\$250 <u>\$330</u> per location |

In addition to the above fees, a minimum penalty of \$10 or 25 percent of the fee due, whichever is greater, shall be charged for any application for renewal not received by January 1 of the year following expiration of a certificate.

Sec. 33. Minnesota Statutes 1982, section 18.53, is amended to read:

18.53 GREENHOUSE CERTIFICATION.

The commissioner or his employee may inspect and certify greenhouses and greenhouse plants as being free from plant pests upon request of the greenhouse operator and issue a greenhouse certificate. The fee is ~~\$25~~ \$30 for each greenhouse operator. ~~Said The certificate shall expire expires~~ on November 15 next following the date of issue.

Sec. 34. Minnesota Statutes 1982, section 18.54, is amended to read:

18.54 LOCAL SALES AND MISCELLANEOUS.

Subdivision 1. The commissioner or his employee may make small lot inspections or perform other necessary services for which another charge is not specified. For these services the commissioner shall charge a fee of ~~\$10;~~ in addition, a charge may be made for the necessary expenses incurred by the

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inspector set a fee plus expenses that will recover the cost of performing this service, as provided in section 16A.128. The commissioner may set an additional acreage fee for inspection of seed production fields for exporters in order to meet domestic and foreign plant quarantine requirements.

Subd. 2. The commissioner shall have the authority to provide special services such as virus disease-free certification and other similar programs. Participation by nurserymen shall be voluntary. Plants offered for sale as certified virus-free must be grown according to certain procedures in a manner defined by the commissioner for the purpose of eliminating viruses and other injurious disease or insect pests. The commissioner may shall collect reasonable fees from participating nurserymen for services and materials that are necessary to conduct this type of work, as provided in section 16A.128.

Sec. 35. Minnesota Statutes 1982, section 18A.22, subdivision 5, is amended to read:

Subd. 5. **FEE.** Each application for registration and renewal shall be accompanied by a registration fee of ~~\$10~~ \$25 for each pesticide registered. ~~All such~~ These registrations shall expire on December 31 of ~~any one~~ each year, unless cancelled sooner.

Sec. 36. Minnesota Statutes 1982, section 18A.22, subdivision 7, is amended to read:

Subd. 7. **LATE REGISTRATION.** If the renewal of a pesticide registration is filed after December 31, or an original application is filed after the first month the pesticide is first manufactured or sold within this state, an additional fee of ~~\$5~~ \$10 shall be paid by the applicant before the registration for that pesticide may be issued or renewed.

Sec. 37. Minnesota Statutes 1982, section 18A.26, is amended to read:

18A.26 LICENSE, REGISTRATION, DEALER, APPLICATOR, FEE.

Subdivision 1. RESTRICTED USE PESTICIDE DEALER LICENSE.

(a) Any person offering for sale or having in his possession with intent to distribute to the ultimate user a restricted use pesticide and any private applicator purchasing from an unlicensed source for his own use any restricted use pesticide shall obtain a license from the commissioner. Application for a restricted use pesticide dealer license shall be made upon the forms and in the manner, which may include an examination, as the commissioner requires to determine if the applicant is qualified to sell restricted use pesticides.

(b) Application for a license requires payment of a fee of ~~\$35~~ \$50. Licenses shall be renewed annually prior to January 1, upon receipt of a ~~\$35~~ \$50 fee and the completed application form.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(c) If an application for renewal of a restricted use pesticide dealer license is not filed prior to January 1 of any one year, an additional fee of ~~\$10~~ \$13 shall be paid by the applicant before the renewal license may be issued.

(d) The dealer license shall not be transferable to another person or to another location.

(e) Each licensed restricted use pesticide dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of restricted use pesticides.

(f) Provisions of this subdivision shall not apply to:

(1) A licensed commercial applicator, noncommercial applicator or structural pest control applicator who sells or uses pesticides only as an integral part of his pesticide application service;

(2) A federal, state, county, or municipal agency which provides pesticides only for its own programs; and

(3) A duly licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in man or other animal in his practice.

Subd. 2. **COMMERCIAL APPLICATOR LICENSE.** (a) No commercial applicator shall use or supervise the use of any pesticide without a commercial applicator's license issued by the commissioner. Application for the license shall be made upon forms and in such manner, which may include an examination, as the commissioner may require. An aerial applicator shall secure an endorsement to his license showing that he has been licensed for commercial spraying or dusting operations, or both, in accordance with chapter 360, and that he has passed an examination prepared by the department of transportation and administered by the department of agriculture, testing whether he is knowledgeable in the aerial application of pesticides. A person intending to apply pesticides in any public waters shall secure an endorsement to his license showing that he has passed an examination prepared by the department of natural resources and administered by the department of agriculture, testing whether he is knowledgeable in the application of pesticides in water.

(b) The commissioner may renew any applicator's license, subject to reexamination or other requirements imposed by the commissioner to ensure that the applicator understands changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(c) Each application for a license shall require payment of an annual fee of ~~\$10~~ \$40 and an identification card fee of ~~\$7.50~~ \$10 for the applicant and ~~\$7.50~~ \$10 for each additional identification card desired.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(d) If the renewal application is not filed prior to March 1 in any year, an additional fee of ~~\$\$~~ \$10 shall be paid by the applicant before the renewal license may be issued.

(e) The license issued shall not be transferable to another person.

(f) Every licensee or his designated operator shall have an identification card when applying pesticides for hire and shall display it upon demand of an authorized representative of the commissioner or a law enforcement officer. The identification card shall contain such information as the commissioner may by rule require.

(g) A person required to be licensed under this subdivision who carries on spraying or dusting operations for hire or who employs or engages an applicator to carry on spraying or dusting operations for hire, shall be responsible for proper application of the material or device. He shall use materials, dosages, formulas, devices and methods of application acceptable to the commissioner based upon registered approved uses of the material or device within limits prescribed by state and federal laws and regulations. He shall not be held liable for the actions of a chemical when applied in accordance with the recommendation of the manufacturer or the commissioner.

Subd. 3. STRUCTURAL PEST CONTROL APPLICATOR LICENSE, REGISTRATION. (a) No person shall engage in structural pest control applications for hire unless registered or licensed by the commissioner. Before any person shall engage in structural pest control application he shall apply on forms supplied by the commissioner for a registration or license to engage in such activities. The commissioner shall determine from the application and the statements contained therein if such applicant is qualified to be registered or to receive a license. The commissioner shall require the applicant to pass a written or an oral examination, or both, and may also require a practical demonstration regarding structural pest control. The examination procedure, including all the phases and contents of the examination, shall be established by the commissioner.

(b) A registration or license is effective until January 1 next following the date of its issuance, and may be renewed annually on or before that date. Registrations or licenses are not transferable to any other person.

(c) ~~An~~ No annual fee of ~~\$15~~ must need accompany an application for registration or renewal where the applicant is licensed by a political subdivision or municipality to engage in structural pest control ~~or \$75.~~ An annual fee of \$100 must accompany an application for registration or renewal if the applicant is not so licensed. Employees of a person who is registered or licensed under this subdivision shall pay a fee of ~~\$10~~ \$20 for an initial license or registration and a fee of ~~\$6~~ \$20 for each renewal thereof. The commissioner may establish other

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

requirements for renewal as are necessary to assure competence of registrants or licensees.

(d) In case a delinquency in the payment of the license or registration renewal fee extends beyond three months the licensee or registrant will be required to obtain a new license or registration subject to all the requirements, procedures and fees required for an initial license or registration.

(e) The commissioner shall establish categories of master, journeyman, and apprentice in structural pest control applications. No person shall engage in structural pest control applications as a sole proprietorship, company, partnership, or corporation unless he is licensed or registered as a master in structural pest control applications or unless he employs a person so licensed or registered.

(f) The commissioner shall notify each licensee or registrant by mail that his fee is due and payable and if not received before the expiration date of the registration or license 50 percent will be added to the required annual renewal fee or fees.

Subd. 4. **NONCOMMERCIAL APPLICATOR.** (a) No noncommercial applicator may use a restricted use pesticide or supervise the use of a restricted use pesticide without having a valid noncommercial applicator license issued by the commissioner for use categories or subcategories for which the pesticide application is made.

(b) License applications shall be made upon forms and in the manner, which may include an examination, as the commissioner may prescribe to determine if the applicant is qualified.

(c) The commissioner may renew a license subject to re-examination or other requirements designed to ensure that the applicator continues to understand changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(d) Each application for a license shall require payment of an annual fee of ~~\$10~~ \$40 and an identification card fee of ~~\$7.50~~ \$10 for the applicant and ~~\$7.50~~ \$10 for each additional identification card desired. Governmental agencies shall be exempt from the fee. The license shall be renewed annually prior to January upon payment of applicable fees and compliance with any other requirement.

(e) If an application for renewal of license is not filed prior to March 1, in any year, an additional fee of ~~\$5~~ \$10 shall be paid by the applicant before the renewal license may be issued.

Sec. 38. **PURPOSE.**

It is the policy of the legislature that consumers should be able to purchase truthfully and adequately labeled seeds for planting. Sections 39 to 51 establish a uniform labeling system for agricultural, vegetable, flower, tree or

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shrub seeds whereby consumers can be protected from inadequately or illegally labeled seed and also whereby fair competition can be achieved.

Sec. 39. [21.80] MINNESOTA SEED LAW.

Sections 39 to 51 may be cited as the "Minnesota Seed Law."

Sec. 40. [21.81] DEFINITIONS.

Subdivision 1. SCOPE. The terms used in sections 39 to 51 have the meanings given them in this section.

Subd. 2. ADVERTISEMENT. "Advertisement" means any representation, other than on a label, disseminated in any manner or by any means, relating to seed within the scope of sections 39 to 51.

Subd. 3. AGRICULTURAL SEEDS. "Agricultural seeds" includes the seeds of grass, forage, cereal, oil, fiber crops, seeds of vegetables grown for processing, and any other kinds of seeds commonly recognized within this state as agricultural or field seeds, lawn seeds, or mixtures of those seeds, and may include noxious weed seed when the commissioner determines that the seed is being used as agricultural seed.

Subd. 4. BLEND. "Blend" means seed consisting of more than one variety of a kind, each in excess of five percent of the whole.

Subd. 5. CERTIFIED SEED. "Certified seed" means certified, registered, or foundation seed, or any other term conveying a similar meaning when referring to seed that has been produced, conditioned, and labeled in compliance with the rules of an officially recognized seed certification agency.

Subd. 6. COMMISSIONER. "Commissioner" means the commissioner of agriculture or his authorized agent and may include a county agricultural inspector.

Subd. 7. CONDITIONING. "Conditioning" means cleaning to remove chaff, sterile florets, immature seeds, weed seeds, inert matter, and other crop seeds, scarifying, combining to obtain uniform quality, or any other operation which would change the purity or germination of the seed and require retesting to determine the quality of the seed. Conditioning does not include such operations as packaging, labeling, combining uniform lots of the same kind or variety without cleaning or preparing a mixture without cleaning, if it would not require retesting to determine the quality of the seed.

Subd. 8. FLOWER SEEDS. "Flower seeds" includes seeds of herbacious plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower seeds in this state.

Subd. 9. GENUINE GROWER'S DECLARATION. A "genuine grower's declaration" is a statement signed by the grower which gives for a lot of

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agricultural seed, the lot number, kind, variety, origin, weight, year of production, date of shipment, and to whom it was sold, shipped, or delivered.

Subd. 10. GERMINATION. "Germination" means the percentage of seeds other than hard seeds which are capable of producing normal seedlings under favorable growing conditions. Broken, weak, diseased, malformed, or abnormal seedlings shall not be considered as having germinated.

Subd. 11. HYBRID. "Hybrid" when applied to kinds or varieties of seed means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines; (b) one inbred or a single cross with an open pollinated variety; or (c) two selected clones, seed lines, varieties, or species. "Controlling the pollination" means to use a method of hybridization which will produce pure seed which is at least 75 percent hybrid seed. The second generation or subsequent generations from these crosses are not hybrids. Hybrid designations shall be treated as variety names.

Subd. 12. INITIAL LABELER. "Initial labeler" means a person who is the first to label for sale within this state an agricultural, vegetable, flower, tree, or shrub seed.

Subd. 13. KIND. "Kind" means one or more related species or subspecies which singly or collectively is known by one common name, such as wheat, oats, or sweet clover.

Subd. 14. LABEL. "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the kind of seeds contained, or any other information relating to the labeled seed and includes invoices under which any seed is imported into the state.

Subd. 15. LOT. "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

Subd. 16. MIXTURE. "Mixture" means seeds consisting of more than one kind, each in excess of five percent of the whole.

Subd. 17. NOXIOUS WEED SEEDS. "Noxious weed seeds" includes prohibited and restricted noxious weed seeds.

Subd. 18. PERSON. "Person" means an individual, partnership, corporation, company, society, association, or firm.

Subd. 19. PROHIBITED NOXIOUS WEED SEEDS. "Prohibited noxious weed seeds" are those weed seeds which are prohibited from being present in any agricultural, vegetable, flower, tree or shrub seed. They are the seeds of weeds which are highly destructive and difficult to control by good cultural practices or by the use of herbicides. They not only reproduce by seed

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but also may spread by underground reproductive parts such as roots and rootstocks and aboveground reproductive parts such as runners and stolons.

Subd. 20. PURE LIVE SEED. “Pure live seed” means the product of the percent germination multiplied by the percent pure seed divided by 100 percent.

Subd. 21. PURE SEED. “Pure seed” means seed exclusive of inert matter and all other seeds not of the kind of seed being considered as defined by the rules for testing seeds of the association of official seed analysts.

Subd. 22. RECORD. “Record” includes all information relating to seed shipments and includes a file sample of each lot of seed. For tree and shrub seed, the record includes all documents regarding statement of origin and elevation where the seed originated.

Subd. 23. RESTRICTED NOXIOUS WEED SEEDS. “Restricted noxious weed seeds” are those weed seeds which, if present in agricultural, vegetable, flower, tree or shrub seed, shall be named on the label together with the number per pound of seed specified and which shall not exceed the legal limit. They are seeds of weeds which are objectionable in fields, lawns, and gardens of this state and can be controlled by good cultural practice and use of herbicides.

Subd. 24. SCREENINGS. “Screenings” means chaff, sterile florets, immature seed, weed seeds, inert matter, and other material removed from seed in any kind of conditioning and which contains less than 25 percent by weight of live agricultural or vegetable seed.

Subd. 25. SEIZURE. “Seizure” means a legal process carried out by a court order against a definite amount of seed.

Subd. 26. SELL. “Sell,” when applying to agricultural, vegetable, flower, tree or shrub seed, and seed samples, includes:

- (a) selling or transferring ownership;
- (b) offering and exposing for sale, exchange, distribution, giving away, and transportation in or into this state;
- (c) having in possession with intent to sell, exchange, distribute, give away, or transport in or into this state;
- (d) storing, carrying, and handling in aid of traffic in seeds, whether done in person or through an agent, employee, or other person; and
- (e) receiving, accepting, and holding on consignment for sale.

Subd. 27. STOP SALE. “Stop sale” means an administrative order restraining the sale, use, disposition, and movement of a definite amount of seed.

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Subd. 28. TREATED. "Treated" means that the seed has received an application of a substance or that it has been subjected to a process for which a claim is made.

Subd. 29. TREE AND SHRUB SEEDS. "Tree and shrub seeds" includes seeds of woody plants commonly known and sold as tree and shrub seeds in this state.

Subd. 30. TREE SEED COLLECTOR'S DECLARATION. A "tree seed collector's declaration" is a statement signed by a grower or person having knowledge of the place of collection which gives for a lot of seed: the lot number, common or scientific name of the species, subspecies if appropriate, origin, elevation, and quantity of tree and shrub seed.

Subd. 31. TYPE. "Type" means a group of varieties so nearly similar that individual varieties cannot be clearly differentiated except under special conditions.

Subd. 32. VEGETABLE SEEDS. "Vegetable seeds" includes the seeds of those crops which are grown in gardens and on truck farms that are generally known and sold under the name of vegetable or herb seeds in this state.

Subd. 33. VARIETY. "Variety" means a subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics by which it can be differentiated from other plants of the same kind.

Subd. 34. WEED SEEDS. "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, including noxious weed seeds.

Sec. 41. [21.82] LABEL REQUIREMENTS; AGRICULTURAL, VEGETABLE, OR FLOWER SEEDS.

Subdivision 1. FORM. Each container of agricultural, vegetable, or flower seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This statement shall not be modified or denied in the labeling or on another label attached to the container.

Subd. 2. CONTENT. For agricultural, vegetable, or flower seeds, except as otherwise provided in subdivisions 4, 5, 6, 7 and 8, the label shall contain:

(a) The name of the kind or kind and variety for each agricultural or vegetable seed component in excess of five percent of the whole and the percentage by weight of each in order of its predominance. The commissioner shall by rule designate the kinds that are required to be labeled as to variety. If the variety of those kinds generally labeled as to variety is not stated and it is not required to be stated, the label shall show the name of the kind and the words: "Variety not stated."

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(1) The percentage that is hybrid shall be at least 95 percent of the percentage of pure seed shown unless the percentage of pure seed which is hybrid seed is shown separately. If two or more kinds or varieties are present in excess of five percent and are named on the label, each that is hybrid shall be designated as hybrid on the label. Any one kind or kind and variety that has pure seed which is less than 95 percent but more than 75 percent hybrid seed as a result of incompletely controlled pollination in a cross shall be labeled to show the percentage of pure seed that is hybrid seed or a statement such as "contains from 75 percent to 95 percent hybrid seed." No one kind or variety of seed shall be labeled as hybrid if the pure seed contains less than 75 percent hybrid seed. The word hybrid shall be shown on the label in conjunction with the kind.

(2) Blends shall be listed on the label using the term "blend" in conjunction with the kind.

(3) Mixtures shall be listed on the label using the term "mixture," "mix," or "mixed."

(b) Lot number or other lot identification.

(c) Origin, if known, or that the origin is unknown.

(d) Percentage by weight of all weed seeds present in agricultural, vegetable, or flower seed. This percentage may not exceed one percent. If weed seeds are not present in vegetable or flower seeds, the heading "weed seeds" may be omitted from the label.

(e) Name and rate of occurrence per pound of each kind of restricted noxious weed seeds present. They shall be listed under the heading "noxious weed seeds." If noxious weed seeds are not present in vegetable or flower seeds, the heading "noxious weed seeds" may be omitted from the label.

(f) Percentage by weight of agricultural, vegetable, or flower seeds other than those required to be named on the label. They shall be listed under the heading "other crop." If "other crop" seeds are not present in vegetable or flower seeds, the heading "other crop" may be omitted from the label.

(g) Percentage by weight of inert matter.

(h) Net weight of contents, to appear on either the container or the label, except that in the case of vegetable or flower seed containers with contents of 200 seeds or less, a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents.

(i) For each named agricultural or vegetable seed:

(1) percentage of germination, exclusive of hard seed;

(2) percentage of hard seed, if present; and

(3) the calendar month and year the percentages were determined by test.

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(j) Name and address of the person who labeled the seed or who sells the seed within this state, or a code number which has been registered with the commissioner.

Subd. 3. TREATED SEED. For all named agricultural, vegetable, or flower seeds which are treated, for which a separate label may be used, the label shall contain:

(a) a word or statement to indicate that the seed has been treated;

(b) the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;

(c) the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;

(d) in the case of mercurials or similarly toxic substances, a poison statement and symbol;

(e) a word or statement describing the process used when the treatment is not of pesticide origin; and

(f) the date beyond which the inoculant is considered ineffective if the seed is treated with an inoculant. It shall be listed on the label as "inoculant: expires (month and year)" or wording that conveys the same meaning.

Subd. 4. HYBRID SEED CORN. For hybrid seed corn purposes a label shall contain:

(a) a statement indicating the number of seeds in the container may be listed along with or in lieu of the net weight of contents; and

(b) for each variety of hybrid seed field corn, the day classification as determined by the originator or owner. The day classification shall approximate the number of days of growing season necessary from emergence of the corn plant above ground to relative maturity and shall conform to the day classification established by the director of the Minnesota agricultural experiment station for the appropriate zone.

Subd. 5. GRASS SEED. For grass seed and mixtures of grass seeds intended for lawn and turf purposes, the requirements in clauses (a) to (c) must be met.

(a) The label shall contain the percentage by weight of inert matter, up to ten percent by weight except for those kinds specified by rule. The percentage by weight of foreign material not common to grass seed must be listed as a separate item in close association with the inert matter percentage.

(b) If the seed contains no "other crop" seed, the following statement may be used and may be flagged: "contains no other crop seed."

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(c) When grass seeds are sold outside their original containers, the labeling requirements are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 6. COATED AGRICULTURAL SEEDS. For coated agricultural seeds the label shall contain:

- (a) percentage by weight of pure seeds with coating material removed;
- (b) percentage by weight of coating material shown as a separate item in close association with the percentage of inert matter; and
- (c) percentage of germination determined on 400 pellets with or without seeds.

Subd. 7. VEGETABLE SEEDS. For vegetable seeds prepared for use in home gardens or household plantings the requirements in clauses (a) to (d) apply. The origin may be omitted from the label.

(a) The label shall contain the following:

(1) the year for which the seed was packed for sale listed as "packed for (year)," or the percentage of germination and the calendar month and year that the percentages were determined by test; and

(2) for vegetable seeds which germinate less than the standard last established by the commissioner:

- (i) percentage of germination, exclusive of hard seed;
- (ii) percentage of hard seed, if present; and
- (iii) the words "below standard" in not less than eight point type and the month and year the percentages were determined by test.

(b) The percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(c) The percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

(d) The labeling requirements for vegetable seeds sold outside their original containers are met if the seed is weighed from a properly labeled container in the presence of the purchaser.

Subd. 8. FLOWER SEEDS. (a) All flower seed labels shall contain:

(1) the name of the kind and variety or a statement of type and performance characteristics as prescribed by rules;

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(2) the year for which the seed was packed for sale listed as "packed for (year)," or the percentage of germination and the calendar month and year that the percentage was determined by test; and

(3) for flower-seeds which germinate less than the standard last established by the commissioner:

(i) the percentage of germination exclusive of hard seed; and

(ii) the words "below standard" in not less than eight point type and the month and year this percentage was determined by test.

(b) The origin may be omitted from the label.

(c) The percentage by weight of pure seed may be omitted from a label if the total is more than 90 percent.

(d) The percentage by weight of inert matter may be omitted from a label if it is less than ten percent.

Sec. 42. [21.83] LABEL REQUIREMENTS; TREE OR SHRUB SEEDS.

Subdivision 1. FORM. Each container of tree or shrub seed which is offered for sale for sowing purposes shall bear or have attached in a conspicuous place a plainly written or printed label or tag in the English language giving the information required by this section. This label statement shall not be modified or denied in the labeling or on another label attached to the container, except that labeling of seed supplied under a contractual agreement may be made by an invoice accompanying the shipment or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number stenciled on the container. Each bag or container that is not so stenciled must carry complete labeling.

Subd. 2. LABEL CONTENT. For all tree or shrub seed subject to this section the label shall contain:

(a) the common name of the species, and the subspecies if appropriate;

(b) the scientific name of the genus and species, and the subspecies if appropriate;

(c) the lot number or other lot identification;

(d) for seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, or geographic description, or political subdivision such as state or county;

(e) for seed collected from a predominantly nonindigenous stand, the identity of the area of collection and the origin of the stand or the words "origin not indigenous;"

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(f) the elevation or the upper and lower limits of elevation within which the seed was collected;

(g) the percentage of pure seed by weight;

(h) for those kinds of seed for which standard testing procedures are prescribed:

(1) the percentage of germination exclusive of hard seed;

(2) the percentage of hard seed, if present; and

(3) the calendar month and year the percentages were determined by test;
or

(4) in lieu of the requirements of clauses (1) to (3), the seed may be labeled "test is in progress, results will be supplied upon request;"

(i) for those species for which standard germination testing procedures have not been prescribed by the commissioner, the calendar year in which the seed was collected; and

(j) the name and address of the person who labeled the seed or who sells the seed within this state.

Subd. 3. TREATED SEED. For all treated tree and shrub seeds for which a separate label may be used the label shall contain:

(a) a word or statement to indicate that the seed has been treated;

(b) the commonly accepted, coined, chemical, or abbreviated generic chemical name of the applied substance;

(c) the caution statement "Do not use for food, feed, or oil purposes" if the substance in the amount present with the seed is harmful to human or other vertebrate animals;

(d) in the case of mercurials or similarly toxic substances, a poison statement and symbol;

(e) a word or statement describing the process used when the treatment is not of pesticide origin;

(f) if the seed has been treated with an inoculant, the date beyond which the inoculant is considered ineffective. It shall be listed on the label as "inoculant: expires (month and year)" or wording which conveys the same meaning.

Sec. 43. [21.84] RECORDS.

Each person whose name appears on the label of agricultural, vegetable, flower, tree or shrub seeds subject to section 41 or 42 shall keep for three years

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complete records of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state and shall keep for one year a file sample of each lot of seed after disposition of the lot. In addition, the grower shall have as a part of the record a "genuine grower's declaration" or a "tree seed collector's declaration."

Sec. 44. **[21.85] DUTIES OF THE COMMISSIONER.**

Subdivision 1. ENFORCEMENT. The commissioner shall administer and enforce sections 39 to 51.

Subd. 2. SEED LABORATORY. The commissioner shall establish and maintain a seed laboratory for seed testing, employing necessary agents and assistants to administer and enforce sections 39 to 51, none of whom, except those who are employed on a regular full-time basis, shall come within or be governed by chapter 43A. The compensation for the unclassified employees shall be on the basis of a rating and salary scale determined by the commissioner's plan of the department of employee relations or the appropriate bargaining unit contract.

Subd. 3. ENTRY UPON PREMISES. For the purpose of administering and enforcing sections 39 to 51 the commissioner may enter upon any public or private premises during regular business hours in order to have access to seeds and the records concerning the seeds that are subject to sections 39 to 51, and to enter any truck or other conveyer by land, water, or air at any time when the conveyer is accessible, for the same purpose.

Subd. 4. INSPECTION AND SAMPLING. The commissioner shall sample, inspect, make analysis of and test seeds subject to sections 39 to 51 that are offered for sale for sowing purposes at the time and place and to the extent necessary to determine whether the seeds are in compliance with sections 39 to 51.

Subd. 5. NOTICE OF VIOLATION. The commissioner shall promptly notify the person who sold, labeled, or transported seed that has been:

- (1) found to be in violation of sections 39 to 51;
- (2) placed under a stop sale order; or
- (3) seized on complaint of the commissioner to a court of competent jurisdiction.

Subd. 6. STOP SALE ORDERS. The commissioner may issue and enforce a written or printed "stop sale" order to the owner or custodian of any lot of seed which he finds to be in violation of sections 39 to 51. The order shall prohibit further sale, conditioning, and movement of the seed, except on approval of the enforcing officer, until the officer has evidence that the law has been complied with and has issued a release from the "stop sale" order. With respect to seed which has been denied sale, conditioning, or movement, the owner or

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custodian of the seed may appeal from the order to a court where the seeds are found, for the discharge of the seeds from the order prohibiting the sale, conditioning, or movement in accordance with the findings of the court. This subdivision does not limit the right of the enforcement officer to proceed in a different fashion.

Subd. 7. SEIZURE. Any lot of seed not in compliance with sections 39 to 51 is subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the locality where the seed is located. If the court finds the seed to be in violation and orders the condemnation of the seed, it shall be denatured, destroyed, relabeled, or otherwise disposed of in compliance with law. In no instance shall the court order dispose of the seed without first giving the claimant an opportunity to apply to the court for the release of the seed or permission to condition or relabel it into compliance.

Subd. 8. INJUNCTION. When the commissioner applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate sections 39 to 51, the injunction shall be issued without requiring a bond.

Subd. 9. PROSECUTIONS. When the commissioner finds that a person has violated any part of sections 39 to 51, he may initiate court proceedings in the locality in which the violation occurred. No prosecution shall be instituted without a person having an opportunity to appear in person or by a representative before the commissioner to provide evidence. Either a county attorney or the attorney general may prosecute actions under sections 39 to 51.

Subd. 10. COMMISSIONER MAY ALTER REQUIREMENTS IN EMERGENCIES. In the event of acute shortages of any seed or seeds, or the occurrence of other conditions which in the opinion of the commissioner create an emergency which would make impractical the enforcement of any requirement of sections 39 to 51 relating to the percentage of purity and weed seed content of any seed or seeds, the commissioner may temporarily change and alter any requirement relating to percentage of purity and weed seed content for the duration of the emergency.

Subd. 11. RULES. The commissioner may make necessary rules, including temporary rules, for the proper enforcement of sections 39 to 51. Existing rules shall remain in effect unless temporary or permanent rules are made that supercede them.

Subd. 12. SERVICE TESTING AND IDENTIFICATION. The commissioner shall provide for purity and germination tests of seeds and identification of seeds and plants for farmers, dealers, and others. He may establish and collect fees for testing and identification.

Subd. 13. SAMPLING EXPORT SEED. The commissioner may sample agricultural, vegetable, flower, tree or shrub seeds which are destined for

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export to other countries. He may establish and collect suitable fees from the exporter for this service.

Subd. 14. COOPERATION WITH UNITED STATES DEPARTMENT OF AGRICULTURE. The commissioner shall cooperate with the United States department of agriculture in seed law enforcement.

Sec. 45. [21.86] UNLAWFUL ACTS.

Subdivision 1. PROHIBITIONS. A person may not advertise or sell any agricultural, vegetable, flower, or tree and shrub seed if:

(a) A test to determine the percentage of germination required by sections 41 and 42 has not been completed within a nine-month period, exclusive of the calendar month in which the test was completed. This prohibition does not apply to tree, shrub, agricultural, or vegetable seeds packaged in hermetically sealed containers. Seeds packaged in hermetically sealed containers under the conditions defined by rule may be offered for sale for a period of 36 months after the last day of the month that the seeds were tested for germination prior to packaging. If seeds in hermetically sealed containers are offered for sale more than 36 months after the last day of the month in which they were tested prior to packaging, they must be retested within a nine-month period, exclusive of the calendar month in which the retest was completed;

(b) It is not labeled in accordance with sections 41 and 42 or has false or misleading labeling;

(c) False or misleading advertisement has been used in respect to its sale;

(d) It contains prohibited noxious weed seeds;

(e) It consists of or contains restricted noxious weed seeds in excess of 25 seeds per pound or in excess of the number declared on the label attached to the container of the seed or associated with the seed;

(f) It contains more than one percent by weight of all weed seeds;

(g) It contains less than the stated net weight of contents;

(h) It contains less than the stated number of seeds in the container;

(i) It contains any labeling, advertising, or other representation subject to sections 41 and 42 representing the seed to be certified unless:

(1) it has been determined by a seed certifying agency that the seed conformed to standards of purity and identity as to kind, species, subspecies, or variety, and also that tree seed was found to be of the origin and elevation claimed, in compliance with the rules pertaining to the seed; and

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(2) the seed bears an official label issued for it by a seed certifying agency stating that the seed is of a certified class and a specified kind, species, subspecies, or variety;

(j) It is labeled with a variety name but not certified by an official seed certifying agency when it is a variety for which a United States certificate of plant variety protection has been granted under United States Code, title 7, sections 2481 to 2486, specifying sale by variety name only as a class of certified seed. Seed from a certified lot may be labeled as to variety name when used in a blend or mixture by or with approval of the owner of the variety; or

(k) The person whose name appears on the label does not have complete records including a file sample of each lot of agricultural, vegetable, flower, tree or shrub seed sold in this state as required in section 43.

Subd. 2. MISCELLANEOUS VIOLATIONS. No person may:

(a) detach, alter, deface, or destroy any label required in sections 41 and 42 or alter or substitute seed in a manner that may defeat the purposes of sections 41 and 42;

(b) hinder or obstruct in any way any authorized person in the performance of duties under sections 39 to 51;

(c) fail to comply with a "stop sale" order or to move or otherwise handle or dispose of any lot of seed held under a stop sale order or attached tags, except with express permission of the enforcing officer for the purpose specified;

(d) use the word "type" in any labeling in connection with the name of any agricultural seed variety;

(e) use the word "trace" as a substitute for any statement which is required; or

(f) plant any agricultural seed which the person knows contains weed seeds or noxious weed seeds in excess of the limits for that seed.

Sec. 46. [21.87] EXEMPTION.

Sections 41 and 42 do not apply:

(a) to seed or grain not intended for sowing purposes;

(b) to seed in storage in or being transported or consigned to a conditioning establishment for conditioning, provided that the invoice or label accompanying any shipment of the seeds bears the statement "seeds for conditioning," and provided that any labeling or other representation which may be made with respect to the unconditioned seed is subject to the provisions of sections 41 and 42; or

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(c) to any carrier with respect to seed transported or delivered for transportation in the ordinary course of its business as a carrier, provided that the carrier is not engaged in producing, conditioning, or marketing seeds subject to sections 41 and 42.

Sec. 47. [21.88] PENALTIES.

Subdivision 1. MISDEMEANOR; GROSS MISDEMEANOR. A violation of sections 39 to 51 or a rule adopted under section 44 is a misdemeanor. Each additional day of violation is a separate offense. A subsequent violation by a person is a gross misdemeanor.

Subd. 2. UNLAWFUL PRACTICE. In addition to other penalties provided by law, a person who violates a provision of sections 39 to 51 or a rule adopted under section 44 has committed an unlawful practice under sections 325F.68 and 325F.69 and is subject to the remedies provided in sections 8.31 and 325F.70.

Subd. 3. PENALTIES NOT TO APPLY. A person is not subject to the penalties in subdivision 1 or 2 for having sold seeds which were incorrectly labeled or represented as to kind, species, subspecies, if appropriate, variety, type, origin and year, elevation or place of collection if required, if the seeds cannot be identified by examination unless he has failed to obtain an invoice or genuine grower's or tree seed collector's declaration or other labeling information and to take other reasonable precautions to ensure the identity is as stated.

Sec. 48. [21.89] SEED FEE PERMITS.

Subdivision 1. SEED FEE. In order to pay for administering and enforcing sections 39 to 51, the commissioner shall establish the fees charged for various seeds and shall collect the fees on all seeds covered by sections 39 to 51.

Subd. 2. PERMITS; ISSUANCE, REVOCATION. The commissioner shall issue a permit to the initial labeler of agricultural, vegetable, or flower seeds which are offered for sale in Minnesota and which conform to and are labeled under sections 39 to 51. The person shall furnish to the commissioner an itemized statement of all seeds sold in Minnesota for the periods established by the commissioner. This statement shall be delivered, along with the payment of the fee, to the commissioner no later than 30 days after the end of each reporting period. Any person holding a permit shall show as part of the analysis labels or invoices on all agricultural, vegetable, flower, tree or shrub seeds all information the commissioner requires. The commissioner may revoke any permit in the event of failure to comply with applicable laws and rules.

Subd. 3. PENALTY. A penalty fee established by the commissioner shall be assessed any permit holder who fails to submit a statement and pay the fee due within the 30 days following the end of each reporting period.

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Subd. 4. EXEMPTIONS. A person who labels for sale agricultural, vegetable, or flower seeds must have a seed fee permit unless:

(a) The person labels and sells less than 50,000 pounds of agricultural seed in Minnesota each calendar year. If more than 50,000 pounds are labeled and sold in Minnesota by any person, the person must have a seed fee permit and pay fees on all seed sold. A person who labels and sells grass seeds and mixtures of grass seeds intended for lawn or turf purposes is not exempted from having a permit and paying seed fees on all seeds in this category sold in Minnesota; or

(b) The agricultural, vegetable, or flower seeds are of the breeder or foundation seed classes of varieties developed by publicly financed research agencies intended for the purpose of increasing the quantity of seed available.

Sec. 49. [21.90] HYBRID SEED FIELD CORN VARIETY REGISTRATION.

Subdivision 1. GROWING ZONES. The director of the agricultural experiment station at the University of Minnesota shall determine, establish, and number or otherwise identify corn growing zones of the state and determine and publish a list of day classifications for each zone which will approximate the number of days growing season necessary for corn from emergence of the corn plants above ground after planting to relative maturity.

Subd. 2. FEES. A record of each hybrid seed field corn variety to be sold in Minnesota shall be registered with the commissioner by February 1 of each year by the originator or owner. The commissioner shall establish the annual fee for registration for each variety. The record shall include the permanent designation of the hybrid as well as the day classification and zone of adaptation, as determined under subdivision 1, which the originator or owner declares to be the zone in which the variety is adapted. In addition, at the time of the first registration of a hybrid seed field corn variety, the originator or owner shall include a sworn statement that his declaration of the zone of adaptation was based on actual field trials in that zone and that the field trials substantiate his declaration as to the day and zone classifications to which the variety is adapted. The name or number used to designate a hybrid seed field corn variety in the registration is the only name of all seed corn covered by or sold under that registration.

Subd. 3. TESTS OF VARIETIES. If the commissioner needs to verify that a hybrid seed field corn variety is adapted to the corn growing zone declared by the originator or owner, it must, when grown in several official comparative trials by the director of the Minnesota agricultural experiment station in the declared zone of adaptation, have an average kernel moisture at normal harvest time which does not differ from the average kernel moisture content of three or more selected standard varieties adapted for grain production in that particular growing zone by more than four percentage points. If a new variety when tested

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has more than six percentage points of moisture over the standard variety, it must have the relative maturity increased by five days in the correct zone of adaptation before it can be sold the second year. If it does not exceed the standard varieties by more than five percentage points of moisture the second year tested, it can be sold the third year with the same relative maturity. If upon being tested the third year the moisture percentage points are found to be over the four percentage points allowed, the variety then must have the relative maturity increased by five days in the correct zone. The varieties to be used as standard varieties for determining adaptability to a zone shall be selected for each zone by the director of the Minnesota agricultural experiment station with the advice and consent of the commissioner of agriculture. Should a person, firm, originator, or owner of a hybrid seed field corn variety wish to offer hybrid seed for sale or distribution in this state, the person, firm, originator, or owner not having distributed any products in Minnesota during the past ten years, or not having any record of testing by an agency acceptable to the commissioner, then after registration of the variety the commissioner is required to have the variety tested for one year by the director of the Minnesota agricultural experiment station before it may be distributed in Minnesota. Should any person, firm, originator, or owner of a seed field corn variety be guilty of two successive violations with respect to the declaration of relative maturity date and zone number, then the violator must commence a program of pretesting for varieties as determined by the commissioner. The list of varieties to be used as standards in each growing zone shall be sent by the commissioner not later than February 1 of each year to each seed firm registering hybrid varieties with the commissioner as of the previous April 1. To assist in defraying the expenses of the Minnesota agricultural experiment station in carrying out the provisions of this section, there shall be transferred annually from the seed inspection fund to the agricultural experiment station a sum which shall at least equal 80 percent of the total revenue from all hybrid seed field corn variety registrations.

Sec. 50. [21.91] SEED CERTIFICATION AGENCIES.

Subdivision 1. MINNESOTA. The official seed certification agency for Minnesota shall be determined by the commissioner of agriculture and the director of the Minnesota agricultural experiment station.

Subd. 2. OTHER JURISDICTIONS. The official seed certification agency for other jurisdictions shall be determined and the identity filed as a public record in the office of the commissioner of agriculture. The determination shall be made by the commissioner of agriculture and the director of the Minnesota agricultural experiment station.

Sec. 51. [21.92] SEED INSPECTION FUND.

There is established in the state treasury an account known as the seed inspection fund. Fees and penalties collected by the commissioner under sections 39 to 51 shall be deposited into this account. The rates at which the fees are

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charged may be adjusted pursuant to section 16A.28. Money in this account, including interest earned and any appropriations made by the legislature for the purposes of sections 39 to 51, is annually appropriated to the commissioner for the administration and enforcement of sections 39 to 51.

Sec. 52. Minnesota Statutes 1982, section 27.041, subdivision 2, is amended to read:

Subd. 2. **LICENSES.** The license, or a certified copy thereof of the license, ~~shall~~ **must** be kept posted in the office of the licensee at each place within the state where he transacts business. Every license shall expire June 30 following its issuance and thereafter be renewed July 1 each year. Any license issued under this subdivision ~~shall~~ **is** automatically be void upon the termination of the surety bond covering the licensed operation. The fee for each license shall be based on the following schedule:

License Fee	Penalty for Late Renewal	Dollar Volume of Business
\$ 30	\$ 9.60 <u>\$10</u>	\$10,000 or less per month
\$ 60	\$18 <u>\$15</u>	Over \$10,000 to \$50,000 per month
\$ 90 <u>\$180</u>	\$26.40 <u>\$45</u>	Over \$50,000 to \$100,000 per month
\$120 <u>\$240</u>	\$36 <u>\$60</u>	Over \$100,000 per month

A fee of ~~\$5~~ \$10 shall be charged for each certified copy of a license, \$2 for each license identification card, and \$2 for each license identification truck decal. The commissioner shall make appropriate license fee adjustments for up to one year from July 1, 1975 for persons required to be licensed hereunder, who hold validly issued licenses as of the effective date of Laws 1975, Chapter 227 under the provisions of law amended or repealed herein. When the licensee sells, disposes of, or discontinues his business during the lifetime of his license he shall at the time the action is taken, notify the commissioner in writing, and upon demand produce before the commissioner a full statement of all assets and liabilities as of the date of transfer or discontinuance of the business.

All moneys Money collected from license fees shall be deposited in the state treasury.

Sec. 53. Minnesota Statutes 1982, section 28A.08, is amended to read:

28A.08 LICENSE FEES; PENALTIES.

The fees for licenses and the penalties for late renewal thereof ~~prescribed herein shall~~ of licenses set in this section apply to the sections named except as provided under section 28A.09. Except as specified herein, bonds and assessments based on number of units operated or volume handled or processed which are provided for in said laws shall not be affected, nor shall any penalties for late payment of said assessments, nor shall inspection fees, be affected by this chapter.

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Type of food handler	License Fee	Penalty
1. Retail food handler (a) <u>Having gross sales of less than \$250,000</u> \$50,000 for the immediately previous license or fiscal year	\$ 48	<u>\$25</u> \$ 6 <u>\$10</u>
(b) <u>Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$ 50</u>	<u>\$13</u>
(b) (c) <u>Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	\$ 36	<u>\$100</u> <u>\$12</u> <u>\$25</u>
(e) (d) <u>Having over \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	\$ 60	<u>\$200</u> <u>\$18</u> <u>\$50</u>
2. Wholesale food handler	\$ 36	<u>\$100</u> <u>\$12</u> <u>\$25</u>
3. Food broker	\$ 48	<u>\$50</u> \$ 6 <u>\$13</u>
4. (a) Wholesale food processor or manufacturer	\$120	\$36
(a) <u>Having gross sales of less than \$250,000 for the immediately previous license or fiscal year</u>	<u>\$150</u>	<u>\$38</u>
(b) <u>Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$200</u>	<u>\$50</u>
(c) <u>Having over \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$250</u>	<u>\$63</u>
5. (b) Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture	\$ 60	\$18
(a) <u>Having gross sales of less than \$250,000 for the immediately previous license of fiscal year</u>	<u>\$ 75</u>	<u>\$19</u>
(b) <u>Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$ 90</u>	<u>\$23</u>
(c) <u>Having over \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$105</u>	<u>\$27</u>
6. (e) Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota farmstead cheese	\$ 30	<u>\$12</u> <u>\$10</u>

Sec. 54. Minnesota Statutes 1982, section 28A.09, is amended to read:

28A.09 INSPECTION FEES FOR VENDING MACHINES.

Subdivision 1. **ANNUAL FEE; EXCEPTIONS.** Every coin operated food vending machine shall be is subject to an annual state inspection fee of \$2 \$5 for each nonexempt machine, provided that:

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(a) Food vending machines may be inspected by either a home rule charter or statutory city, or a county, but not both, and if inspected by a home rule charter or statutory city, or a county they shall not be subject to the state inspection fee, but the home rule charter or statutory city, or the county may impose a reasonable inspection or license fee. A home rule charter or statutory city or county that does not inspect food vending machines shall not impose a food vending machine inspection or license fee.

(b) Vending machines dispensing only bottled or canned soft drinks or ice manufactured and packaged by another shall be exempt from the state inspection fee, but may be inspected by the state, or by a home rule charter city or statutory city or a county which may impose a reasonable inspection or license fee.

Subd. 2. **IDENTIFICATION; RULES.** The commissioner may require that any a vending machine shall must be identified in accordance with rules promulgated pursuant to chapter 14.

Sec. 55. Minnesota Statutes 1982, section 32.075, is amended to read:

32.075 TERM OF LICENSE; TRANSFERABILITY; FEES AND PENALTIES.

Every license issued by the commissioner shall be for a period ending on the thirty-first day of December next following, and shall not be transferable. The fee for each such initial license shall be ~~\$18~~ \$25 and each renewal thereof shall be ~~\$7.20~~ \$10 and shall be paid to the commissioner before any license or renewal thereof is issued. If a license renewal is not applied for on or before January 1 of each year, a penalty of ~~25~~ percent of the license fee \$10 shall be imposed. A person who does not renew his license within one year following its December 31 expiration date, except those persons who do not renew such license while engaged in active military service, shall be required to prove his competency and qualification pursuant to section 32.073, before a license is issued. The commissioner may require any other person who renews his license to prove his competency and qualification in the same manner. All license fees and penalties received by the commissioner shall be paid into the state treasury.

Sec. 56. Minnesota Statutes 1982, section 32.59, is amended to read:

32.59 NONRESIDENT MANUFACTURER LICENSE.

Any person who manufactures frozen foods, mix, ice cream mix, mix base, or ice cream mix base outside of the state, for sale within the state, shall apply for registration with the department of agriculture in such the form, and furnish such with the information, as it may require the commissioner requires. Samples of all frozen foods, mix, ice cream mix, mix base, or ice cream mix base, so manufactured for sale and sold within this state, shall must be submitted to the department. Each application for registration shall must be accompanied by a fee of ~~\$120~~ \$150, which shall constitute is the registration fee in ease if a

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certificate of registration is granted. If the department of agriculture ~~shall find~~ finds that the samples so submitted are up to the accepted standards, and otherwise comply with the laws of this state, it shall issue to the applicant a certificate of registration. The penalty for a late registration application is \$38 if the registration is not renewed by January 1 of any year.

Sec. 57. Minnesota Statutes 1982, section 34.02, is amended to read:

34.02 LICENSES; EXCEPTIONS.

No person ~~shall may~~ manufacture, mix, or compound any soft drinks or other non-alcoholic beverage, to be sold in bottles, barrels, kegs, jars, coolers, cans, glasses or tumblers, or other containers, without first having obtained a license ~~therefor~~ from the commissioner. License fees shall be established in accordance with section 28A.05, clause (c). Sections 34.02 to 34.11 ~~shall do~~ apply to beverages manufactured, mixed, or compounded in quantities of one quart or less at one time.

Sec. 58. Minnesota Statutes 1982, section 34.05, subdivision 1, is amended to read:

Subdivision 1. Any person who distributes soft drinks or other non-alcoholic beverages manufactured outside of this state, for sale within this state, shall apply for registration with the commissioner in ~~such the~~ such form and ~~furnish such~~ accompanied by information as ~~he may require the commissioner requires.~~ Samples of all soft drinks or other non-alcoholic beverages manufactured for sale and sold within this state shall must be submitted to the commissioner once each year for laboratory examination. Each application shall must be accompanied by a registration fee of \$100 established in accordance with section 28A.05, clause (c), which shall constitute is the registration fee in case registration is granted, and one-half of which may be retained to reimburse the state for inspection should if registration be is refused. If the commissioner finds that the samples submitted are up to accepted standards, and otherwise comply with the laws of this state, he shall issue to the applicant a certificate of registration.

Sec. 59. Minnesota Statutes 1982, section 40.03, subdivision 2, as amended by Laws 1983, chapter 66, section 1, is amended to read:

Subd. 2. **EMPLOYEES.** The department of agriculture shall provide administrative functions of this section. The commissioner of agriculture shall make available ~~by separate budget~~ to the state soil and water conservation board the staff ~~services~~, funds for operation, and office space necessary for the administration and coordination of its functions. The state board shall be responsible to the commissioner ~~for reporting purposes in regard to staff functions and operations which relate to department activities.~~

The commissioner of agriculture shall, ~~subject to approval of the state board,~~ provide an administrative officer and other necessary permanent and

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temporary technical experts, agents and employees. The state board shall determine the personnel's qualifications and duties, and recommend compensation to the commissioner of employee relations. The state board may call upon the attorney general for necessary legal services. It shall have authority to delegate to its chairman or to one or more of its other officers or members or administrative officer any of its own powers and duties it may deem proper. The administrative officer is responsible to the state board and may be dismissed by the commissioner of agriculture only upon the advice and recommendation of the state board. All permanent personnel of the state board are employees of the department of agriculture and are in the classified service of the state except as otherwise required by statute. In order to perform its duties, the state board may request information from the supervising officer of any state agency or state institution of higher education, including the state universities, the community colleges, and the post-secondary vocational technical schools. The supervising officer shall comply with the state board's request to the extent possible considering available appropriations and may assign agency or institution employees to compile existing information and to complete special reports, surveys, or studies concerning the problems specified in section 40.02.

Sec. 60. Minnesota Statutes 1982, section 41.61, subdivision 1, as amended by H.F. No. 1308, enacted at the 1983 regular session, is amended to read:

Subdivision 1. There is created a special account in the state treasury for the purposes of financing the family farm security program.

Such sums as may be needed from time to time to pay lenders for defaulted loans and make other payments authorized by this chapter are appropriated from the general fund special account to the commissioner. The sum of all outstanding family farm security loans guaranteed by the commissioner at any time shall not exceed \$100,000,000.

Sec. 61. Minnesota Statutes 1982, section 43A.04, is amended by adding a subdivision to read:

Subd. 8. **DONATION OF TIME BY STATE PATROL.** Notwithstanding any law to the contrary, the commissioner shall authorize the appointing authority to permit the donation of up to three hours of accumulated vacation time in each year by each employee who is a member of law enforcement unit number 1 to their union representative for the purpose of carrying out the duties of his or her office.

Sec. 62. Minnesota Statutes 1982, section 70A.06, is amended by adding a subdivision to read:

Subd. 5. (1) Rates and changes and amendments of rates for policies of insurance against damage by hail must be filed with the commissioner 30 days prior to their effective date.

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(2) An insurer increasing the rate charged for a policy of insurance against damage by hail shall notify the insured 30 days prior to a renewal, if applicable.

Sec. 63. Minnesota Statutes 1982, section 79.251, subdivision 1, is amended to read:

Subdivision 1. **ASSIGNED RISK PLAN REVIEW BOARD.** (1) An assigned risk plan review board is created for the purposes of review of the operation of sections 79.24 to 79.27. The board shall have all the usual powers and authorities necessary for the discharge of its duties under this section and may contract with individuals in discharge of those duties.

(2) The board shall consist of five members to be appointed by the commissioner of insurance. Two members shall be insureds holding policies issued pursuant to section 79.25. Two members shall be members of the association. The commissioner shall be the fifth member and shall vote.

Initial appointments shall be made by September 1, 1981 and terms shall be for three years duration. Removal, the filling of vacancies and compensation of the members other than the commissioner shall be as provided in section 15.059.

(3) The assigned risk review board shall audit the reserves established by insurers (a) for individual cases arising under policies issued under section 79.25 and (b) for the total book of business issued under section 79.25.

(4) The assigned risk review board shall monitor the operations of sections 79.24 to 79.27 and shall periodically make recommendations to the commissioner, and to the governor and legislature when appropriate, for improvement in the operation of those sections.

(5) All members of the association issuing policies under section 79.25 shall pay and to the commissioner shall receive and disburse, on behalf of the board, a .25 percent assessment on premiums for policies issued under section 79.25 for the purpose of defraying the costs of the assigned risk review board. Proceeds of the assessment shall be deposited in the state treasury and credited to the general fund.

Sec. 64. Minnesota Statutes 1982, section 155A.07, subdivision 7, is amended to read:

Subd. 7. **FEEES.** Examination and licensing fees shall be established and adjusted, by rule, so that the total amount of fee income at least meets the anticipated costs, as provided in section ~~214.06~~ 16A.128.

Sec. 65. Minnesota Statutes 1982, section 155A:08, subdivision 5, is amended to read:

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Subd. 5. **FEES.** Licensing and inspection fees shall be established and adjusted, by rule, so that the total amount of fee income at least meets the anticipated costs, as provided in section ~~214.06~~ 16A.128.

Sec. 66. Minnesota Statutes 1982, section 169.81, subdivision 3b, is amended to read:

Subd. 3b. **PERMITS FOR CERTAIN SEMITRAILERS; FEES.** The commissioner may issue an annual permit for a semitrailer in excess of 45 feet in length, if the distance from the kingpin to the center of the rearmost axle of the semitrailer does not exceed 40 feet, and if a combination of vehicles, which includes a semitrailer in excess of 45 feet for which a permit has been issued pursuant to this subdivision, does not exceed the length limits set out in this section. The annual fee for a permit issued under this subdivision is ~~\$36~~ \$40.

Sec. 67. Minnesota Statutes 1982, section 169.86, subdivision 5, is amended to read:

Subd. 5. **FEES.** The commissioner, with respect to highways under his jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

- (a) ~~\$12~~ \$15 for each single trip permit.
- (b) ~~\$12~~ \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight and dimension.
- (c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:
 - (1) ~~truck cranes;~~
 - (2) ~~construction equipment, machinery, and supplies;~~
 - (3) ~~manufactured homes;~~
 - (4) ~~farm equipment when the movement is not made according to the provisions of section 169.80, subdivision 1, clauses (a) to (f).~~
 - (5) ~~refuse compactor vehicles that carry a gross weight up to but not in excess of 22,000 pounds on a single rear axle and not in excess of 38,000 pounds on a tandem rear axle;~~
 - (6) (2) ~~motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;~~

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(7) (3) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(d) \$120 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

- (1) truck cranes;
- (2) construction equipment, machinery, and supplies;
- (3) manufactured homes;
- (4) farm equipment when the movement is not made according to the provisions of section 169.80, subdivision 1, clauses (a) to (f);
- (5) double-deck buses;
- (6) commercial boat hauling.

Sec. 68. Minnesota Statutes 1982, section 169.862, is amended to read:

169.862 PERMITS FOR WIDE LOADS OF BALED HAY.

The commissioner of transportation, with respect to highways under his jurisdiction, and local authorities, with respect to highways under their jurisdiction, may issue an annual permit to enable a vehicle carrying round baled hay, with a total outside width of the vehicle or the load thereon not exceeding 11-1/2 feet, to be operated on public streets and highways. Permits issued pursuant to this section shall be governed by the applicable provisions of section 169.86 except as otherwise provided herein, and in addition shall carry the following restrictions:

(a) The vehicles shall not be operated between sunset and sunrise, when visibility is impaired by weather, fog or other conditions rendering persons and vehicles not clearly visible at a distance of 500 feet, or on Saturdays, Sundays and holidays.

(b) The vehicles shall not be operated on interstate highways.

(c) The vehicles shall not be operated on a trunk highway with a pavement less than 24 feet wide.

(d) A vehicle operated under the permit shall be equipped with a retractable or removable mirror on the left side so located that it will reflect to the driver a clear view of the highway for a distance of at least 200 feet to the rear of the vehicle. Simultaneous flashing amber lights, as provided in section 169.59, subdivision 4, shall be displayed to the front and rear of the vehicle. The flashing amber lights shall be lighted only when the width of the load exceeds eight feet. The flashing amber light system shall be in addition to and separate from the turn signal system and the hazard warning light system.

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(e) A vehicle operated under the permit shall display red, orange or yellow flags, 12 inches square, as markers at the front and rear, and on both sides of the load. The load shall be securely bound to the transporting vehicle.

The fee for the permit shall be ~~\$25~~ \$24.

Sec. 69. Minnesota Statutes 1982, section 170.23, is amended to read:

170.23 ABSTRACTS; FEE; ADMISSIBLE IN EVIDENCE.

The commissioner shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, and, if there shall be no record of any conviction of such person of violating any law relating to the operation of a motor vehicle or of any injury or damage caused by such person, the commissioner shall so certify. Such abstracts shall not be admissible as evidence in any action for damages or criminal proceedings arising out of a motor vehicle accident. A fee of ~~\$2.50~~ \$5 shall be paid for each such abstract. The commissioner shall permit a person to inquire into the operating record of any person by means of the inquiring person's own computer facilities for a fee to be determined by the commissioner of at least \$2 for each inquiry. The commissioner shall furnish an abstract that is not certified for a fee to be determined by the commissioner in an amount less than the fee for a certified abstract but more than the fee for an inquiry by computer.

Sec. 70. Minnesota Statutes 1982, section 171.26, is amended to read:

171.26 MONEYS CREDITED TO TRUNK HIGHWAY FUND AND TO GENERAL FUND.

All money received under the provisions of this chapter shall be paid into the state treasury with 90 percent of such money credited to the trunk highway fund, and ten percent credited to the general fund, except as provided in section 171.29, subdivision 2.

Sec. 71. Minnesota Statutes 1982, section 171.29, subdivision 2, is amended to read:

Subd. 2. Any person whose drivers license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before his drivers license is reinstated. A person whose drivers license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$100 fee before his drivers license is reinstated; 75 percent of this fee shall be credited to the trunk highway fund and 25 percent shall be credited to the general fund.

Sec. 72. Minnesota Statutes 1982, section 173.07, subdivision 2, is amended to read:

Subd. 2. The commissioner of transportation may renew each permit for additional one year periods upon the receipt of an application therefor made

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within 30 days of the expiration date of such permit together with the payment of an annual fee of ~~\$15~~ \$30. The permit or renewal thereof shall be revocable for any violation of sections 173.01 to 173.11 or regulations adopted thereunder at any time by the commissioner of transportation on 30 days written notice to the permit holder. All fees collected shall be paid into the trunk highway fund.

Sec. 73. Minnesota Statutes 1982, section 173.08, subdivision 1, is amended to read:

Subdivision 1. **ADVERTISING DEVICES RESTRICTED.** No advertising device, excepting the advertising devices described and permitted under ~~Laws 1971, Chapter 883~~ sections 173.01 to 173.27, shall be erected or maintained in an adjacent area, after June 8, 1971, except the following:

(a) Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the commissioner relative to their lighting, size, spacing and other requirements as may be appropriate to implement ~~Laws 1971, Chapter 883~~ sections 173.01 to 173.27;

(b) Advertising devices advertising the sale or lease of property upon which they are located, provided that there shall not be more than one such sign, advertising the sale or lease of the same property, visible to traffic proceeding in any one direction on any one interstate or primary highway;

(c) Advertising devices advertising activities conducted on the property on which they are located, including, without limiting the generality of the foregoing, goods, sold, stored, manufactured, processed or mined thereon, services rendered thereon, and entertainment provided thereon;

(d) Advertising devices stating the name and address of the owner, lessee or occupant of such property or information otherwise required or authorized by law to be posted or displayed thereon;

(e) Public utility signs;

(f) Service club and religious notices, ~~except that a permit with a fee of \$2 shall be required;~~

(g) Advertising devices of which the advertising copy or the name of the owner thereof is in no part visible from the traveled way of the aforesaid highways;

(h) Advertising devices which are located, or which are to be located, in business areas and which comply, or will comply when erected, with the provisions of ~~Laws 1971, Chapter 883~~ sections 173.01 to 173.27.

Sec. 74. Minnesota Statutes 1982, section 173.13, subdivision 4, is amended to read:

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Subd. 4. The annual fee for each such permit or renewal thereof shall be as follows:

(1) If the advertising area of the advertising device does not exceed 50 square feet, the fee shall be ~~\$10~~ \$20.

(2) If the advertising area exceeds 50 square feet but does not exceed 300 square feet, the fee shall be ~~\$20~~ \$40.

(3) If the advertising area exceeds 300 square feet, the fee shall be ~~\$40~~ \$80.

(4) No fee shall be charged for a permit for directional and other official signs and notices as they are defined in section 173.02.

Sec. 75. Minnesota Statutes 1982, section 174.24, subdivision 3, is amended to read:

Subd. 3. **FINANCIAL ASSISTANCE.** Payment of financial assistance shall be by contract between the commissioner and an eligible recipient. The commissioner shall determine the total operating cost of any public transit system receiving or applying for assistance in accordance with generally accepted accounting principles. To be eligible for financial assistance, an applicant or recipient shall provide to the commissioner all financial records and other information and shall permit any inspection reasonably necessary to determine total operating cost and correspondingly the amount of assistance which may be paid to the applicant or recipient. Where more than one county or municipality contributes assistance to the operation of a public transit system, the commissioner shall identify one as lead agency for the purpose of receiving moneys under this section.

The commissioner shall adopt rules establishing uniform performance standards for private operators of regular route transit systems in the transit taxing district, as defined in section 473.446, subdivision 2. The rules are subject to the provisions in the administrative procedure act of sections 14.01 to 14.70. Payments to those private operators shall be based on the uniform performance standards and operating deficit and shall not exceed 100 percent of the operating deficit as determined by the commissioner. Payments shall be based on approved estimates of expenditures during the contract period and shall be subject to audit and adjustment after any payment has been made.

Prior to distributing operating assistance to eligible recipients for any contract period, the commissioner shall place all recipients into one of the following classifications: large urbanized area service, urbanized area service, small urban area service, rural area service, and elderly and handicapped service. The commissioner shall distribute funds under this section so that the percentage of total operating cost paid by any recipient from local sources will not exceed the percentage for that recipient's classification, except as provided in an undue hardship case. The percentages shall be: for large urbanized area service, 55

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percent; for urbanized area service and small urban area service, 40 percent; for rural area service, 35 percent; and for elderly and handicapped service, 35 percent. The remainder of the total operating cost will be paid from state funds less any assistance received by the recipient from any federal source. For purposes of this subdivision "local sources" means all local sources of funds and includes all operating revenue, tax levies, and contributions from public funds, except that the commissioner may exclude from the total assistance contract revenues derived from operations the cost of which is excluded from the computation of total operating cost.

If a recipient informs the commissioner in writing after the establishment of these percentages but prior to the distribution of financial assistance for any year that paying its designated percentage of total operating cost from local sources will cause undue hardship, the commissioner may reduce the percentage to be paid from local sources by the recipient and increase the percentage to be paid from local sources for all by one or more other recipients in its inside or outside the classification so that the total state funds to be received by all the recipients in the classification will not be altered, provided that no recipient shall have its percentage thus reduced or increased for more than two years successively. If for any year the funds appropriated to the commissioner to carry out the purposes of this section are insufficient to allow the commissioner to pay the state share of total operating cost as provided in this paragraph, the commissioner shall reduce the state share in each classification to the extent necessary.

Sec. 76. Minnesota Statutes 1982, section 174A.02, subdivision 2, is amended to read:

Subd. 2. **SPECIFIC FUNCTIONS AND POWERS.** The board shall further hold hearings and issue orders in cases brought before it by either the commissioner or by a third party in the following areas:

(a) Adequacy of services which ~~all~~ carriers are providing to the public, including the continuation, termination or modification of ~~all~~ services and facilities.

(b) The reasonableness of tariffs of rates, fares, and charges, or ~~any a part or classification thereof, and prescribe the form and manner of filing, posting and publication thereof.~~ The board may authorize common carriers by rail and motor carrier for hire to file tariffs of rates, fares, and charges individually or by group. ~~All such~~ Carriers participating in group rate making ~~shall~~ have the free and unrestrained right to take independent action either before or after ~~any a~~ determination arrived at through such procedure.

(c) The issuing of franchises, permits, or certificates of convenience and necessity.

Sec. 77. Minnesota Statutes 1982, section 174A.06, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

174A.06 CONTINUATION OF RULES OF PUBLIC SERVICE COMMISSION, PUBLIC UTILITIES COMMISSION, AND DEPARTMENT OF TRANSPORTATION.

All ~~rules~~, Orders and directives heretofore in force, issued or promulgated by the public service commission, public utilities commission, or the department of transportation under authority of chapters ~~174~~, 216A, 218, 219, and 221 and 222 shall remain and continue in force and effect until repealed, modified, or superseded by duly authorized ~~rules~~, orders or directives of the transportation regulation board. Rules adopted by the public service commission, public utilities commission or the department of transportation under authority of the following sections are transferred to the transportation regulation board and continue in force and effect until repealed, modified, or superseded by duly authorized rules of the transportation regulation board:

(1) section 218.041 except rules related to the form and manner of filing railroad rates, railroad accounting rules, and safety rules;

(2) section 219.40;

(3) rules relating to rates or tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.031, subdivision 1;

(4) rules relating to the sale, assignment, pledge, or other transfer of a stock interest in a corporation holding authority to operate as a permit carrier as prescribed in section 221.151, subdivision 1, or a local cartage carrier under section 221.296, subdivision 8;

(5) rules relating to rates, charges, and practices under section 221.161, subdivision 4; and

(6) rules relating to rates, tariffs, or the granting, limiting, or modifying of permits or certificates of convenience and necessity under section 221.296, subdivision 2.

The board shall review the transferred rules, orders, and directives and, when appropriate, develop and adopt new rules, orders, or directives within 18 months of July 1, ~~1984~~ 1985.

Sec. 78. Minnesota Statutes 1982, section 221.061, is amended to read:

221.061 OPERATION CERTIFICATE FOR REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.

Any ~~A~~ person desiring a certificate authorizing operation as a regular route common carrier or petroleum carrier, or an extension of or amendment to ~~such~~ that certificate, shall file a petition ~~therefor~~ with the board which ~~shall~~ must contain ~~such~~ information as the board, by rule may prescribe.

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Upon the filing of a petition for a certificate, the petitioner shall pay into the state treasury to the commissioner as a fee for the issuance thereof issuing the certificate the sum of \$75 and for any a transfer or lease of such the certificate the sum of \$37.50.

The petition ~~shall~~ must be processed as any other petition. The board shall cause a copy and a notice of hearing thereon to be served upon any a competing carrier operating into any a city located on the proposed route of the petitioner and to such other persons or bodies politic which the ~~commission board~~ board deems interested in the petition. Such A competing carrier and other persons or bodies politic are hereby declared to be interested parties to the proceedings.

If, during the hearing, an amendment to the petition is proposed which appears to be in the public interest, the board may allow ~~the same it~~ when the issues and the territory are not unduly broadened by the amendment.

Sec. 79. Minnesota Statutes 1982, section 221.071, is amended to read:

221.071 ISSUANCE OF CERTIFICATE TO REGULAR ROUTE COMMON CARRIER OR PETROLEUM CARRIER.

If the board finds from the evidence that the petitioner is fit and able to properly perform the services proposed and that public convenience and necessity requires the granting of the petition or any a part thereof of it, it shall issue a certificate of public convenience and necessity to the petitioner. In determining whether a certificate should be issued, the board shall give primary consideration to the interests of the public that might be affected ~~thereby~~, to the transportation service being furnished by any a railroad which may be affected by the granting of the certificate, and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The board may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted such terms and conditions as in its judgment public convenience and necessity may require.

The board may grant a temporary certificate, ex parte, valid for a period not exceeding six months, upon a showing that no regular route common carrier is then authorized to serve on the route sought, that there is no other petition on file with the board covering said route, and that there is a need for the proposed service.

A certificate which has been issued to a regular route common carrier may be amended by the board on ex parte petition and payment of a ~~fee~~ fee of \$25 fee to the commissioner so as to grant an additional or alternate route where there is no other means of transportation over such the proposed additional route or between

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the termini ~~thereon~~, and ~~such~~ the proposed additional route does not exceed ten miles in length.

Sec. 80. Minnesota Statutes 1982, section 221.131, is amended to read:

221.131 PERMITS; TERMS, FEES, IDENTIFICATION CARDS.

Permits issued ~~pursuant to~~ under the provisions of sections 221.011 to 221.291 ~~shall be~~ are effective for a 12-month period. Each permit holder ~~shall have~~ has one annual renewal date encompassing all of the permits held by him. The permit holder shall pay ~~into the treasury of the state of Minnesota~~ to the commissioner a fee of \$25 for each kind of permit, reinstatement, or extension of authority for which a petition is filed, except on annual renewal, ~~pursuant to~~ under section 221.121 and a registration fee of \$20 on each vehicle, including pickup and delivery vehicles, operated by him under authority of the permit during the 12-month period or fraction of the 12-month period. Trailers used by petitioner in combination with power units ~~shall~~ are not be counted as vehicles in the computation of fees under this section if the petitioner pays the fees for power units. The commissioner shall furnish a distinguishing identification card for each vehicle or power unit for which a fee has been paid, ~~which~~ and the identification card ~~shall~~ must at all times be carried in the vehicle or power unit to which it has been assigned. Identification cards may be reassigned to another vehicle or power unit without fee by the commissioner upon petition of the permit holder. Identification cards issued under the provisions of this section ~~shall be~~ are valid only for the period for which the permit is effective. The name and residence of the permit holder ~~shall~~ must be stenciled or otherwise shown on both sides of each registered vehicle operated under the permit. In the event a permit has been suspended or revoked, the board may consider a petition for reinstatement of the permit, upon the same procedure required for an original petition, and may, in its discretion, grant or deny the permit. Regular route common carriers and petroleum carriers, operating under sections 221.011 to 221.291, shall annually on or before January 1 of each calendar year, pay ~~into the treasury of the state of Minnesota~~ to the commissioner an annual registration fee of \$20 for each vehicle, including pickup and delivery vehicles, operated during ~~any~~ a calendar year.

The department may issue special "floater" identification cards up to a maximum of five per motor carrier. Floater cards may be freely transferred between vehicles used under short-term leases by the motor carrier. The motor carrier shall pay to the commissioner a fee of \$100 for each floater card issued.

A fee of \$3 ~~shall be~~, to be paid to the commissioner, is charged for the replacement of an unexpired identification card which has been lost or damaged by the owner.

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The provisions of this section are limited by the provisions of any applicable federal law.

Sec. 81. Minnesota Statutes 1982, section 221.221, is amended to read:

221.221 ENFORCEMENT POWERS.

Transportation representatives and hazardous material specialists of the department for the purpose of enforcing the provisions of this chapter and section 296.17, subdivisions 10 and 17 and the applicable rules, orders, or directives of the commissioner, the commissioner of revenue, and the board issued pursuant to under this chapter and chapter 296, but for no other purpose, ~~shall have all the~~ powers conferred by law upon police officers. The powers shall include the authority to conduct inspections at designated highway weigh stations or under other appropriate circumstances within the state for the purpose of viewing log books, licenses, health certificates and other documents or equipment required to be maintained within commercial motor vehicles operating in Minnesota pursuant to applicable state motor vehicle carrier laws and rules.

Sec. 82. Minnesota Statutes 1982, section 221.296, subdivision 5, is amended to read:

Subd. 5. **PERMIT FEES.** Upon filing of a petition for a permit the petitioner shall pay to the ~~state treasury commissioner~~ commissioner as a fee for the issuance thereof of the permit, the sum of \$50, and shall thereafter pay an annual renewal fee of \$75 plus \$5 per motor vehicle if the local cartage carrier operates less than five motor vehicles, or \$100 plus \$5 per motor vehicle if the local cartage carrier operates at least five but less than 15 motor vehicles, or \$150 plus \$5 per motor vehicle if the local cartage carrier operates 15 or more vehicles provided that ~~said the~~ \$5 per motor vehicle charge ~~shall does~~ not apply to taxicabs operated pursuant to under a local cartage permit. Upon issuance of the permit the commissioner shall assign the carrier a permit number, which ~~shall must~~ be painted or prominently displayed on both sides of all vehicles used by the local cartage carrier under authority of said the permit.

Sec. 83. Minnesota Statutes 1982, section 221.64, is amended to read:

221.64 REGISTRATION FEE; EXEMPTIONS.

~~Such~~ Registration as herein provided shall must be granted upon petition, without hearing, upon payment of an initial filing fee in the amount of \$25 to the commissioner. Upon petition, and payment of ~~said the~~ fee if applicable, the commissioner shall furnish to the registration holder a distinguishing identification stamp for each motor vehicle included in ~~said the~~ registration ~~which and the~~ stamp shall must at all times be carried in the registered vehicle of the registration holder. For each identification stamp issued, the commissioner shall establish and collect a fee of no more than \$5 ~~to be deposited in the state treasury,~~ provided that a lesser fee may be collected pursuant to under the terms of

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reciprocal agreements between the commissioner and the regulatory bodies of other states or provinces of the Dominion of Canada.

Sec. 84. Minnesota Statutes 1982, section 221.81, is amended to read:

221.81 BUILDING MOVER REGULATION.

Subdivision 1. **DEFINITION DEFINITIONS.** For the purposes of this section, the terms used in this section have the meanings given them in this subdivision.

(a) "Building mover" means any a person, corporation, or other entity engaged in the business of raising, supporting off the foundation, and moving buildings, excluding manufactured homes on and over public streets and highways. Building mover does not include a person who moves manufactured homes or farmers moving farm buildings.

(b) "Political subdivision" means a city, town, or county.

(c) "Road authority" has the meaning given it in section 160.02, subdivision 9.

Subd. 2. **LICENSE.** All building movers operating in Minnesota shall be licensed by the board No person may operate as a building mover in this state unless licensed by the commissioner.

Subd. 3. **LICENSE APPLICATION.** To obtain a license to operate as a building mover an applicant shall file a petition an application with the commissioner specifying the name and address of its officers and other information as the board commissioner may reasonably require. The board commissioner shall issue the license upon compliance by the applicant with bonding and insuring insurance requirements set by rule of the department and payment of an initial \$150 filing fee. A license once granted shall continue continues in full force and effect, subject to a \$100 annual renewal fee and compliance with bonding and insuring insurance requirements, unless revoked or suspended.

The commissioner, upon approval of a license for a building mover, shall issue a sufficient number of cab cards to each licensed mover to provide one cab card for each power unit used in moving buildings. The fee is \$50 \$10 for each cab card issued. The cab card must be carried at all times in a readily available place in the cab of the power unit for which it was issued. The building mover may also purchase up to five floater cab cards for a fee of \$200 \$100 for each floater card issued. Cab cards shall be are effective for a 12-month period and shall continue from year to year thereafter upon payment of the required fee. Cab cards shall are only be good for the period for which the license is effective.

Licenses shall be transferable pursuant to the provisions of section 221.151.

Changes or additions are indicated by underline, deletions by strikeout.

Subd. 3a. INSURANCE. Each building mover shall have in effect the following:

(a) comprehensive general liability insurance including completed operations, underground property damage, and collapse coverage in the amount of at least \$500,000 for bodily injury or property damage; and

(b) motor vehicle liability insurance in the amount of at least \$500,000 for bodily injury or property damage.

The insurance must be written by an insurer licensed to do business in the state of Minnesota. Each building mover shall file with the commissioner a certificate evidencing the insurance. The insurance policy must provide that the policy may not be canceled without the insurer first giving 30 days written notice to the commissioner of the impending cancellation.

Subd. 3b. LOCAL PERMITS. A building mover may not move a building on or across a street or highway without first obtaining a permit from the road authority having jurisdiction over the street or highway. A permit for the movement of a building may not be granted to a building mover who does not possess a current license issued by the commissioner.

Subd. 3c. LOCAL REGULATION. No license to move buildings or bond, cash deposit, or insurance coverage may be required by a political subdivision of the state other than the license and insurance coverage required by the commissioner. A road authority may charge a fee for services performed and may require a permit which reasonably regulates the hours, routing, movement, parking, or speed limit for a building mover operating on streets or highways under its jurisdiction. A building mover shall comply with the state building code in jurisdictions which have adopted the state building code, and with local ordinances which regulate the moving or removing of buildings. A building mover may not be required to pay a route approval fee to, or obtain a permit for the movement of a building on streets or highways from, a political subdivision which is not also the road authority. This section does not prohibit a political subdivision from charging a permit fee for regulation of activities which do not involve the use of public streets or highways. Neither the state nor a political subdivision may regulate rates charged by building movers.

Subd. 4. LICENSE REVOCATION, SUSPENSION, DENIAL. The board commissioner, after notice and a hearing, may revoke, suspend, or deny a license for:

- (a) failure to pay application or renewal fees;
- (b) failure to comply with bonding and insuring requirements;
- (c) Conduct of the applicant or license holder that impairs usage of to reimburse the road authority for damage to public highways, roads, streets, or utilities which are not paid for by the license holders insurer;

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(d) ~~(b)~~ conduct of the applicant or license holders that endangers the health and safety of users of the public highways, roads, streets, or utilities; or

~~(e) a course of (c) conduct of the applicant or license holder that demonstrates unsafe or hazardous operation of the business obstructs traffic in a manner other than as authorized in the permit;~~

(d) violation of the provisions of this section; or

(e) failure to obtain required local moving permits or permits required by section 169.86.

Subd. 5. **SUSPENSION BY COMMISSIONER.** The commissioner may shall suspend a license without a hearing for the following reasons:

(1) (a) failure to pay the application or renewal fee; or

(2) (b) failure to comply with bonding and insurance requirements.

The suspension shall ~~continue~~ continues until the fees have been are paid and the bonding and insurance requirements have been are satisfied.

Subd. 6. **APPLICATION OF VIOLATION AND PENALTY PROVISIONS PENALTIES.** ~~The violation and penalty provisions of section 221.291 are applicable to this section~~ A person who violates, or aids or abets the violation of, any of the provisions of this section is guilty of a misdemeanor. Every distinct violation is a separate offense.

Subd. 7. **RULES.** The commissioner shall promulgate rules establishing bonding and insuring requirements.

Subd. 8. **LOCAL REGULATION.** No license to move buildings, bond or insurance coverage shall be required by a political subdivision of the state other than the license, bond and insurance coverage issued or required by the board or commissioner. A political subdivision of the department may require a permit which reasonably regulates the hours, routing, movement, parking or speed limit for a building mover operating on streets or roads within the jurisdiction of the political subdivision or highways within the jurisdiction of the commissioner. Neither the state nor a political subdivision may regulate rates charged by building movers.

Subd. 9. **FEES DEPOSITED IN GENERAL FUND.** All fees collected pursuant to this section shall be deposited in the general fund.

Sec. 85. **[221.82] RECEIPTS TO BE CREDITED TO TRUNK HIGHWAY FUND.**

Money received by the commissioner under the provisions of this chapter shall be paid into the state treasury and credited to the trunk highway fund.

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Sec. 86. [221.83] COSTS TO BE PAID FROM THE TRUNK HIGHWAY FUND.

The costs of administering the provisions of this chapter shall be paid from the trunk highway fund.

Sec. 87. Minnesota Statutes 1982, section 296.17, subdivision 10, is amended to read:

Subd. 10. **LICENSE.** (a) No motor carrier ~~shall~~ may operate a commercial motor vehicle upon the highways of this state unless and until he has been issued a license pursuant to this section or has obtained a trip permit or temporary authorization as provided in this section.

(b) A license shall be issued to any responsible person qualifying as a motor carrier who makes application therefor and who ~~shall pay~~ pays to the commissioner, at the time thereof, a license fee of \$10 ~~\$20~~. ~~Such~~ The license ~~shall remain~~ is valid for a period of up to two years or until revoked by the commissioner or until surrendered by the motor carrier. All outstanding licenses will expire on March 31 of each even-numbered year beginning with 1984 and may be renewed upon application to the commissioner and payment of the \$20 fee. ~~Such~~ The license, photocopy, or electrostatic copy of it, shall be carried in the cab of every commercial motor vehicle while it is being operated in Minnesota by a licensed motor carrier.

Sec. 88. Minnesota Statutes 1982, section 296.17, subdivision 17, is amended to read:

Subd. 17. **TRIP PERMITS AND TEMPORARY AUTHORIZATIONS.** (a) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate a commercial motor vehicle in Minnesota for a period of five consecutive days beginning and ending on the dates specified on the face of the permit. The fee for ~~such~~ the permit shall be \$5 ~~\$15~~. Fees for trip permits shall be in lieu of the road tax otherwise assessable against ~~such~~ the motor carrier on account of ~~such~~ the commercial motor vehicle operating therewith, and no reports of mileage shall be required with respect to ~~such~~ the vehicle.

The above permit shall be issued in lieu of license if in the course of the motor carrier's operations he operates on Minnesota highways no more than three times in any one calendar year.

(b) Whenever the commissioner is satisfied that unforeseen or uncertain circumstances have arisen which requires a motor carrier to operate in this state a commercial motor vehicle for which neither a trip permit pursuant to clause (a) of this subdivision nor a license pursuant to subdivisions 7 to 22 has yet been obtained, and if the commissioner is satisfied that prohibition of ~~such~~ that operation would cause undue hardship, the commissioner may provide the motor

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carrier with temporary authorization for the operation of ~~such~~ the vehicle. A motor carrier receiving temporary authorization pursuant to this subdivision shall perfect the same either by obtaining a trip permit or a license, as the case may be, for the vehicle at the earliest practicable time.

Sec. 89. Minnesota Statutes 1982, section 296.17, subdivision 20, is amended to read:

Subd. 20. **ENFORCEMENT POWERS.** (a) The commissioner is hereby authorized and directed to enforce the provisions of subdivisions 7 to 22. In addition, the commissioner of public safety is hereby authorized and directed to ~~utilize~~ use the Minnesota state patrol to assist in the enforcement of the provisions of subdivisions 7 to 22 and the commissioner of transportation is authorized and directed to enforce the provisions of subdivisions 10 and 17 as provided in section 221.221.

(b) The officers of the Minnesota state patrol shall in addition to all other powers granted to them by Minnesota Statutes have the power of making arrests, service process, and appearing in court in all matters and things relating to subdivisions 7 to 22 and the administration and enforcement thereof.

Sec. 90. Minnesota Statutes 1982, section 296.25, subdivision 1, is amended to read:

Subdivision 1. Any person who fails to comply with any provisions of sections 296.01 to 296.421, or who makes any false statement in any report, record, or sales ticket required by sections 296.12, 296.14, 296.17, subdivision 5, 296.18, subdivision 2, or 296.21, shall be guilty of a misdemeanor. A minimum fine of \$200 shall be imposed on a person who fails to obtain a license or trip permit required under section 296.17, subdivisions 10 and 17.

Prosecutions commenced under this section may be brought in the county in which the defendant resides or in Ramsey county.

The county attorney of any county in which ~~such~~ the action is commenced, shall on request of the commissioner of revenue, prosecute violations of this chapter. Costs, fees, and expenses incurred by any county attorney in litigation in connection with ~~such actions~~ the action may be paid from appropriations to the commissioner of revenue for the administration of this chapter.

Sec. 91. Minnesota Statutes 1982, section 299C.37, subdivision 3, is amended to read:

Subd. 3. The superintendent of the bureau shall, upon written application, issue a written permit, which shall be nontransferable, to ~~any a~~ a person of good moral character, firm, or corporation showing good cause to use ~~such~~ radio equipment capable of receiving ~~any a~~ a police emergency frequency, as a necessity, in the lawful pursuit of a business, trade, or occupation.

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Sec. 92. Minnesota Statutes 1982, section 299C.46, subdivision 3, is amended to read:

Subd. 3. The datacommunications network shall be used exclusively for criminal justice agencies of the state in connection with enforcement of the criminal or traffic laws of the state.

The commissioner of public safety, ~~after consultation with representatives of participating criminal justice agencies, may~~ shall establish a monthly operational network access charge to be paid by each participating criminal justice agency ~~in the event that money available to the commissioner for this purpose is not adequate to pay these costs.~~ The network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the criminal justice datacommunications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

The commissioner of public safety is authorized to arrange for the connection of the datacommunications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

Sec. 93. Minnesota Statutes 1982, section 299D.03, subdivision 8, is amended to read:

Subd. 8. **CAUSES FOR DISCHARGE.** ~~Causes for suspension, demotion, or discharge shall be: A trooper who has completed six months of continuous employment shall not be suspended, demoted or discharged except for just cause. For purposes of this section, just cause includes, but is not limited to:~~

- (1) conviction of any criminal offense in any court of competent jurisdiction subsequent to the commencement of such employment;
- (2) neglect of duty or willful violation or disobedience of orders or rules;
- (3) inefficiency in performing duties;
- (4) immoral conduct or conduct injurious to the public welfare, or conduct unbecoming an officer; or
- (5) incapacity or partial incapacity affecting his normal ability to perform his official duties.

Sec. 94. Minnesota Statutes 1982, section 299D.03, subdivision 9, is amended to read:

Subd. 9. **CHARGES AGAINST TROOPERS.** (a) Charges against any state trooper shall be made in writing and signed and sworn to by the person making the same, which written charges shall be filed with the commissioner. Upon the filing of same, if the commissioner shall be of the opinion that such charges constitute a ground for suspension, demotion, or discharge, ~~he shall order~~

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a hearing to be had thereon and fix a time for such hearing and may designate a subordinate as his deputy to conduct such hearing. ~~Otherwise he shall dismiss the charges shall be held on them.~~ The hearing shall be conducted by an arbitrator selected by the parties from a list of five arbitrators provided by the bureau of mediation services. At least ~~ten~~ 30 days before the time appointed for the hearing, written notice specifying the charges filed and stating the name of the person making the charges, shall be served on the employee personally or by leaving a copy thereof at his usual place of abode with some person of suitable age and discretion then residing therein. If the commissioner orders a hearing he may suspend such employee pending his decision to be made after such before the hearing.

(b) Members of the state patrol shall have the option of utilizing either the contractual grievance procedure or the legal remedies of this section, but in no event both.

(c) The commissioner, after having been informed by the exclusive representative that the employee against whom charges have been filed desires to utilize the grievance procedure of the labor agreement, may immediately suspend, demote or discharge the employee without the hearing required by clause (a).

Sec. 95. Minnesota Statutes 1982, section 299D.03, subdivision 10, is amended to read:

Subd. 10. HEARING ON CHARGES, DECISION, PUNISHMENT.

The commissioner or his designated subordinate shall have power to compel the attendance of witnesses at any such hearing and to examine them under oath, and to require the production of books, papers, and other evidence at any such hearing, and for that purpose may issue subpoenas and cause the same to be served and executed in any part of the state. The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf, and to be represented by counsel at such hearing. If the hearing is conducted by a designated subordinate of the commissioner such designated subordinate upon completion of the hearing shall forthwith transmit a transcript of the testimony of the hearing, together with his recommendations, to the commissioner. The commissioner, within 25 days after such hearing, shall render his decision in writing and file the same in his office. If after such hearing he finds that any such charge made against such state employee is true, he may punish the offending party by reprimand, suspension without pay, demotion, or dismissal. If upon any such hearing the commissioner shall find the charges made against such trooper are not true, or dismiss such charges after such hearing, such trooper shall be reinstated in his position and any salary or wages withheld from him pending the determination or decision of the commissioner upon such charges shall be paid to such trooper by the commissioner out of state funds. The arbitrator may compel the attendance of witnesses at the hearing and

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examine them under oath, and may require the production of books, papers, and other evidence at the hearing, and for that purpose may issue subpoenas and cause them to be served and executed in any part of the state. The employee accused is entitled to be confronted with the witnesses against him and may cross-examine them and may introduce at the hearing testimony in his own behalf, and to be represented by counsel at the hearing.

Sec. 96. Minnesota Statutes 1982, section 299D.03, subdivision 11, is amended to read:

Subd. 11. REVIEW BY CERTIORARI OF ARBITRATION AWARD. Any state trooper who is so suspended, demoted, or dismissed may have such decision or determination of the ~~commissioner~~ reviewed by a writ of certiorari arbitrator reviewed pursuant to the Uniform Arbitrator Act in the district court of the county where such trooper resides. If such decision or determination of the ~~commissioner~~ arbitrator shall be finally rejected or modified by the court, the trooper shall be reinstated in his position, and the commissioner shall pay to the trooper so suspended out of the funds of the state the salary or wages withheld from him pending the determination of the charges or as may be directed by the court.

Sec. 97. Minnesota Statutes 1982, section 343.01, subdivision 3, is amended to read:

Subd. 3. The society shall must be governed by a board of directors consisting of seven persons appointed by the governor. The governor, the commissioner of education, and the attorney general, or their designees shall serve as ex officio, nonvoting members of the board. The membership terms, compensation, removal, and filling of vacancies of board members other than ex officio members shall be as provided in section 15.0575; provided that the terms of two initial members shall expire in each of 1979, 1980, and 1981, and the term of the seventh initial member shall expire in 1982. The members of the board shall annually elect a chairman and other officers as deemed necessary. Meetings shall must be called by the chairman or at least two other members. The governor shall appoint an executive director who shall serve in the unclassified civil service at the governor's pleasure for a term coterminous with that of the governor. The ~~board~~ executive director may employ other staff who shall serve in the unclassified civil service ~~at the pleasure of the board.~~ The commissioner of administration upon request of the ~~board~~ executive director shall supply the board with necessary office space and administrative services, and the board shall reimburse the commissioner for the cost ~~thereof~~.

Sec. 98. Minnesota Statutes 1982, section 352.86, subdivision 1, is amended to read:

Subdivision 1. **ELIGIBILITY; RETIREMENT ANNUITY.** Any person who is employed by the department of transportation in the civil service

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employment classification of aircraft pilot or chief pilot who is covered by the general employee retirement plan of the Minnesota state retirement system pursuant to section 352.01, subdivision 23, who elects this special retirement coverage pursuant to subdivision 3, who is prohibited from performing the duties of aircraft pilot or chief pilot after attaining the age of ~~60~~ 62 years by a regulation of the federal aviation administration adopted by the commissioner of transportation and who terminates employment as a state employee upon attaining that age shall be entitled, upon application, to a retirement annuity computed in accordance with section 352.115, subdivisions 2 and 3, without any reduction for early retirement pursuant to section 352.116, subdivision 1.

Sec. 99. Minnesota Statutes 1982, section 352.86, is amended by adding a subdivision to read:

Subd. 1a. DISABILITY BENEFITS. An employee described in subdivision 1, who is less than 62 years of age and who becomes disabled and physically or mentally unfit to perform his duties due to injury, sickness, or other disability, and who is found disqualified for retention as chief pilot or pilot as a result of a physical examination required by applicable federal laws or regulations, shall be entitled upon application to disability benefits for a maximum of five years in the amount of 75 percent of current monthly salary, to be paid by the appointing authority from the state airports fund. In no case shall disability benefits continue beyond the age of 62 years. These benefits are in lieu of all other state benefits for the disability, including, but not limited to, workers' compensation benefits.

Sec. 100. Minnesota Statutes 1982, section 360.018, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** The general public interest and safety, the safety of persons receiving instruction concerning or operating, using, or traveling in aircraft and of persons and property on the ground, and the interest of aeronautical progress requiring that aircraft operated within this state should be airworthy, that airmen and those engaged in air instruction should be properly qualified, and that airports, restricted landing areas, and air navigation facilities should be suitable for the purposes for which they are designed; the purposes of sections 360.013 to 360.075, requiring that the commissioner should be enabled to exercise the powers of supervision therein granted; and the advantages of uniform regulation making it desirable that aircraft operated within this state should conform with respect to design, construction and airworthiness to the standards prescribed by the United States government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this state should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States, the commissioner is authorized:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(1) To require the registration annually of federal licenses, permits, or certificates of civil aircraft engaged in air navigation within this state, and to issue certificates of such registration, which certificates may be the same as the certificates issued pursuant to section 360.59, subdivision 3. The application for registration made pursuant to sections 360.54 to 360.67 shall be considered as the application for registration required by this section.

(2) The certificates of registration of aircraft issued pursuant to this section shall constitute licenses of such aircraft for operations within this state to the extent permitted by the federal licenses, certificates, or permits so registered. The application for registration shall contain such information as the commissioner may by rule, regulation, or order prescribe. The first application for registration made in this state shall be verified by the applicant. The second and succeeding applications for registration need not be verified. Each application for registration of aircraft shall be made as required by sections 360.54 to 360.67.

(3) To license any person engaged in commercial operations in accordance with rules and regulations to be adopted by the commissioner and to annually renew such a license. The rules and regulations adopted hereunder shall provide for:

(a) ~~the maximum fee to be charged any one person for an original license and the renewal thereof, such maximum fee not to exceed \$10;~~

(b) compliance with all requirements of the United States government relating to permits or certificates governing aircraft and airmen; and

(c) (b) compliance with all laws of the state of Minnesota and rules and regulations of any state department or agency promulgated thereunder;

The fee for an original license or renewal license is \$30.

(4) To approve airport and restricted landing area sites and to license airports, restricted landing areas, or other air navigation facilities, in accordance with rules and regulations to be adopted by the commissioner, and to renew such licenses. Licenses granted under this subdivision or under any prior law shall be renewed annually or every three years upon payment of the fee therefor, and licenses shall be granted for airports and restricted landing areas which were being operated under a license on the 1st day of July 1943, without requirements of a certificate of approval, unless the commissioner shall reasonably determine, after a public hearing to be called by him and held in the same manner and upon the same notice as is provided for hearings upon certificates of approval or original licenses, that the operation of such airport or restricted landing area is hazardous to persons operating, using, or traveling in aircraft or to persons and property on the ground. He shall make no charge for approval certificates of proposed property acquisition for airport or restricted landing area purposes. ~~He may charge~~ The fee for the issuance of each original license for an airport or

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restricted landing area ~~not to exceed \$10~~ is \$15 per year and ~~not to exceed \$25~~ \$40 for three years, based on classifications made by the commissioner.

(5) To suspend or revoke any license or certificate of registration of an aircraft or licensee of commercial operations issued by him, or to refuse to issue any such license or certificate of registration, when he shall reasonably determine that any aircraft is not airworthy or that any licensee of commercial operations is not qualified has engaged in advertising by means of false or deceptive statements, has been found guilty of gross incompetency or gross negligence, has been found guilty of fraud, dishonesty, forgery, or theft, has willfully violated the provisions of sections 360.013 to 360.075, the rules and regulations prescribed pursuant thereto, or any other statute of this state relating to aeronautics, or any act of congress or any rule or regulation promulgated pursuant thereto, is addicted to the use of narcotics or other habit forming drug or to the excessive use of intoxicating liquor, has made any false statement in any application for registration of a federal license, certificate or permit, or has been guilty of other conduct, acts, or practices dangerous to the public safety and the safety of those engaged in aeronautics.

Sec. 101. ACCOUNT TRANSFERRED.

The air transportation revolving account in the trunk highway fund is transferred to the state airports fund and renamed the air transportation services account.

Sec. 102. [360.024] AIR TRANSPORTATION SERVICES.

The commissioner shall charge users of air transportation services provided by the commissioner for all direct and indirect operating costs, excluding salaries and acquisition of aircraft. All receipts for these services shall be deposited in the air transportation services account in the state airports fund and are appropriated to the commissioner to pay all direct and indirect air service operating costs, excluding salaries.

Sec. 103. Minnesota Statutes 1982, section 360.63, is amended to read:

360.63 DEALER'S LICENSE.

Subdivision 1. Any person engaged in the business of selling, purchasing, or dealing in aircraft, new or used, and who desires to withhold aircraft owned by him from tax as provided in sections 360.511 to 360.67, may apply to the commissioner for an aircraft dealer's license. In order to qualify for an aircraft dealer's license the applicant shall show that he has an established place of business on an airport licensed as a public airport by the commissioner and that he has the necessary buildings, facilities and equipment for the proper storage and maintenance of aircraft in accordance with such rules and regulations as may be established by the commissioner. The commissioner may charge a fee of \$10 for each license which license shall be effective for one year from the date of its

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issuance or he may authorize an aircraft dealer to operate under a flight operator's license as otherwise provided by ~~Minnesota Statutes 1945~~, chapter 360, as amended. The commissioner is empowered to suspend or revoke any license issued by him when he shall determine that the holder thereof has violated any of the provisions of sections 360.511 to 360.67 or has failed to maintain any of the requirements necessary to obtain such license.

Subd. 2. Any licensed aircraft dealer may apply to the commissioner for one or more aircraft dealer's plates. A charge of ~~\$5~~ \$15 shall be made for each such plate. Any aircraft owned by said dealer may be used for the purpose of demonstration or for any purpose incident to the usual conduct and operation of his business as an aircraft dealer provided aircraft dealer's plates are conspicuously attached to the aircraft when so used, and provided said aircraft has been first listed with the commissioner on an aircraft withholding form provided by him.

Sec. 104. Minnesota Statutes 1982, section 473.408, subdivision 3, is amended to read:

Subd. 3. **SPECIAL FARES.** In off-peak hours the commission and other operators shall charge the following reduced fares for transit service:

(a) not more than ~~20~~ 25 cents plus any zone charges for all persons under the age of 18 holding an identification card issued by the commission;

(b) not more than ~~ten~~ 25 cents for all persons 65 years of age and over holding a medicare card or other identification card authorized or approved by the commission; and

(c) not more than one-half of the full fare for all handicapped persons, as defined by the commission.

Sec. 105. Minnesota Statutes 1982, section 473.436, is amended by adding a subdivision to read:

Subd. 6. **TEMPORARY BORROWING.** On or after the first day of any fiscal year, the commission may borrow money which may be used or expended by the commission for any purpose, including but not limited to current expenses, capital expenditures and the discharge of any obligation or indebtedness of the commission. The indebtedness shall be represented by a note or notes which may be issued from time to time in any denomination and sold at public or private sale pursuant to a resolution authorizing the issuance thereof, which resolution shall set forth the form and manner of execution of the notes and shall contain other terms and conditions the commission deems necessary or desirable to provide security for the holders of the notes. The note or notes shall be payable from committed or appropriated money of grants or loans of the state or federal government made to the commission, and the money may be pledged to the payment of the notes. To the extent the notes are not paid from the grant or loan money pledged for the payment thereof, the notes shall be paid with the

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interest thereon from any taxes, income and revenue received or accrued during the fiscal year in which the note or notes were issued, or other money of the commission lawfully available therefor.

Sec. 106. Minnesota Statutes 1982, section 473.446, subdivision 1, as amended by Laws 1983, chapter 17, section 13, is amended to read:

Subdivision 1. **TAXATION WITHIN TRANSIT TAXING DISTRICT.** For the purposes of sections 473.401 to 473.451 and the metropolitan transit system, except as otherwise provided in this subdivision the metropolitan transit commission shall levy each year upon all taxable property within the metropolitan transit taxing district, defined in subdivision 2, a transit tax consisting of:

(a) An amount equal up to two mills times the assessed value of all such property, based upon the level of transit service provided for the property, the proceeds of which shall be used for payment of the expenses of operating transit and paratransit service;

(b) An additional amount, if any, as the commission determines to be necessary to provide for the full and timely payment of its certificates of indebtedness and other obligations outstanding on July 1, 1977, to which property taxes under this section have been pledged; and

(c) An additional amount necessary to provide full and timely payment of certificates of indebtedness, bonds, or other obligations issued or to be issued pursuant to section 473.436 for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the commission has specifically pledged tax levies under this clause.

Sec. 107. Minnesota Statutes 1982, section 500.221, subdivision 4, is amended to read:

Subd. 4. **REPORTS.** Any natural person, corporation, partnership, limited partnership, trustee, or other business entity prohibited from future acquisition of agricultural land may retain title to any agricultural land lawfully acquired within this state prior to June 1, 1981, but shall file a report with the commissioner of agriculture annually before January 31 containing a description of all agricultural land held within this state, the purchase price and market value of the land, the use to which it is put, the date of acquisition and any other reasonable information required by the commissioner. The commissioner shall make the information available to the public. All required annual reports shall include a filing fee of \$35 \$50 plus \$10 for each additional quarter section of land.

Sec. 108. Minnesota Statutes 1982, section 626.553, subdivision 2, is amended to read:

Subd. 2. Whenever a peace officer discharges a firearm in the course of duty, other than for training purposes or the killing of an animal that is sick, injured, or dangerous, notification shall be filed within 30 days of the incident by

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the officer's department head with the commissioner of public safety. The notification shall contain information concerning the reason for and circumstances surrounding discharge of the firearm. The commissioner of public safety shall file a report with the legislature by November 15 of each even numbered year containing summary information concerning use of firearms by peace officers.

Sec. 109. Minnesota Statutes 1982, section 626.88, subdivision 3, is amended to read:

Subd. 3. **EXCEPTION.** Security guards employed by the capitol complex security division of the department of public safety are not required to comply with subdivision 2 until ~~April~~ July 1, 1983 1985, at which time they shall be subject to the same uniform color restrictions as other security guards.

Sec. 110. TEMPORARY LEGISLATIVE STUDY COMMISSION ON METROPOLITAN TRANSIT.

Subdivision 1. CREATION; MEMBERSHIP. A temporary legislative study commission on metropolitan transit is created consisting of five members of the house of representatives and five members of the senate, named by the customary appointing authority in each house. Members must be compensated in the same manner and amount as for other legislative service.

Subd. 2. ORGANIZATION; STAFF. The commission shall choose a chairperson and other officers as necessary. Staff and administrative support for the commission must be provided by existing legislative service offices.

Subd. 3. STUDY. The commission shall evaluate:

(a) the objectives of the Metropolitan Transit Commission established for the seven-county metropolitan area, and its effectiveness in achieving the purposes established by the legislature;

(b) the powers, responsibilities, and external accountability of the transit commission;

(c) the internal structure of the transit commission, including the contractual relationship with the management company;

(d) the efficiency of current labor practices and contracts relative to use of labor required for peak hours;

(e) governmental arrangements for transit planning and development in the metropolitan area, including the relationship with the department of transportation, the metropolitan council, and the transportation advisory board;

(f) the proper role of the transit commission in the governance, regulation, and coordination of transit and other public transportation services in the metropolitan area;

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(g) the financing of public transit in the metropolitan area, including fare structures and sources and amounts of subsidy; and

(h) the effectiveness of the metropolitan transit service demonstration program.

Subd. 4. REPORT. The commission shall submit a report of its findings and recommendations to the legislature by February 1, 1984.

Subd. 5. REPEALER. This section is repealed on February 2, 1984.

Sec. 111. Laws 1975, chapter 235, section 2, is amended to read:

Sec. 2. This act is effective July 1, 1975 and shall expire June 30, 1983 1987.

Sec. 112. Laws 1977, chapter 277, section 1, is amended to read:

Section 1. TRANSPORTATION; HIGHWAY AND BRIDGE BONDS.

The commissioner of finance is authorized and directed, upon request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, Sections 167.50 to 167.52 and of the Minnesota Constitution, Article XI, Sections 4 to 7, and Article XIV, Section 11, at such times and in such amounts as may be requested by the commissioner of transportation. Bonds issued pursuant to this section are authorized in an aggregate principal amount of \$50,000,000. The proceeds of such bonds sold on or before April 6, 1983 shall be deposited in a separate bridge construction account in the trunk highway fund. The proceeds of bonds sold after April 6, 1983 shall be deposited in a separate capital improvement account in the trunk highway fund and are appropriated to the commissioner of transportation for capital improvements on the trunk highway system, including interstate routes.

Sec. 113. Laws 1977, chapter 277, section 3, subdivision 1, is amended to read:

Subdivision 1. The sum of ~~\$50,000,000~~ \$31,000,000, or so much thereof as is determined to be needed, is appropriated from the separate bridge construction account in the trunk highway fund created pursuant to section 1, to the department of transportation for the design, construction and reconstruction of key bridges and bridge approaches on the trunk highway system including interstate routes. Any money appropriated under this subdivision shall be expended in accordance with the requirements for expenditure of money from the Minnesota state transportation fund for trunk highway bridges as those requirements are provided in Minnesota Statutes, Section 174.50 and in rules promulgated pursuant to that section.

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Sec. 114. Laws 1983, chapter 17, section 12, is amended to read:

Sec. 12. TRUNK HIGHWAY BONDS.

The commissioner of finance is authorized and directed, on request of the commissioner of transportation, to issue and sell Minnesota trunk highway bonds under the provisions of Minnesota Statutes, sections 167.50 to 167.52 and of the Minnesota Constitution, article XI, sections 4 to 6, and article XIV, section 11, at the time and in the amounts requested by the commissioner of transportation. Bonds issued under this section are authorized in an aggregate principal amount of \$56,000,000. The proceeds of the bonds shall be deposited in a separate capital improvement account in the trunk highway fund and are appropriated to the commissioner of transportation for capital improvements on the trunk highway system, including interstate routes.

Sec. 115. REPEALER.

Minnesota Statutes 1982, sections 21.47; 21.48; 21.49; 21.50; 21.502; 21.503; 21.51; 21.52; 21.53; 21.54; 21.55; 21.56; 21.57; 21.58; 24.24; 24.25; 24.26; 24.27; 24.28; 24.29; 24.30; 24.31; 160.26, subdivision 3; 174A.07; 299C.37, subdivision 4; 326.54; 326.541; 326.542; 326.543; 326.544; 326.545; 326.546; and 326.547, are repealed.

Sec. 116. EFFECTIVE DATE.

Sections 104 to 106 are effective the day following final enactment in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sections 29, and 111 to 114 are effective the day following final enactment. Section 61 is effective January 1, 1984. Sections 85 and 86 are effective July 1, 1985.

Approved June 7, 1983

CHAPTER 294 — S.F.No. 1151

An act relating to taxation; imposing or altering certain income tax, withholding tax, sales, and excise tax penalties; extending the time limitations within which certain indictments may be filed; providing for apportionment of property taxes payable with respect to certain claims for property tax refunds; requiring a study; amending Minnesota Statutes 1982, sections 290.53, subdivision 4, and by adding a subdivision; 290.92, subdivision 15; 290A.03, subdivisions 8 and 13; 290A.05; 290A.11, subdivision 2; 297A.08; 297A.39, subdivision 4, and by adding a subdivision; and 297B.10.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.