

Subd. 2. COMMISSIONER OF NATURAL RESOURCES. \$1,200,000 is appropriated from the general fund to the commissioner of natural resources to implement components of the comprehensive fish and wildlife plan under Minnesota Statutes, section 84.942. \$480,000 of this appropriation is to assist both public and private landowners to improve wildlife habitat. The approved complement of the department of natural resources is increased by eight positions in the classified service.

Approved June 2, 1987

CHAPTER 358—S.F.No. 1516

An act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; providing for regulation of certain activities and practices; requiring studies and reports; fixing and limiting fees; amending Minnesota Statutes 1986, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 27.041, subdivision 2; 27.07, by adding a subdivision; 28A.08; 32.075; 32.59; 40.01, subdivision 4; 40.03, subdivision 4; 40.035, subdivision 2; 40.21, subdivisions 1 and 3; 40.43, subdivision 1; 60A.14, subdivision 1; 60A.206, subdivision 2; 60A.23, subdivision 7; 70A.14, subdivision 4; 83.23, subdivisions 2 and 3; 83.30, subdivision 2; 105.73; 110B.02, subdivision 2; 112.35, subdivision 4; 116C.03, subdivision 2; 138.65; 138.91, by adding a subdivision; 144.226, subdivision 3; 171.02, subdivision 3; 171.06, subdivision 2; 296.17, subdivision 9a; 297B.09, subdivision 1; 299A.23, subdivision 3; 299A.26; 309.531, subdivision 1; 326.241, subdivision 3; 326.244, subdivision 2; 332.33, subdivisions 3 and 4; 473.39, subdivision 1a; 473.876, by adding a subdivision; 473.877, subdivision 2; 473.8771, subdivisions 1 and 2; 473.878, subdivisions 7 and 8; 611A.61, by adding a subdivision; 626.841; 626.846, by adding a subdivision; and 626.852; proposing coding for new law in Minnesota Statutes, chapters 110B and 626; proposing coding for new law as Minnesota Statutes, chapter 18B; repealing Minnesota Statutes 1986, sections 18A.21 to 18A.48; 40.03, subdivisions 1, 1a, 2, and 3; 105.71; 116C.40, subdivision 3; 116C.41, subdivision 2; 297B.09, subdivision 2; and 626.849.

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

Section 1. TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1987," "1988," and "1989," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1987, June 30, 1988, or June 30, 1989, respectively.

SUMMARY BY FUND

	1987	1988	1989	TOTAL
General	\$1,089,200	\$89,791,000	\$89,138,200	\$ 180,018,400

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

Special Revenue	4,310,400	4,660,400	8,970,800
Airports	10,910,800	11,707,000	22,617,800
M.S.A.S.	58,750,000	59,250,000	118,000,000
C.S.A.H.	183,550,000	184,915,000	368,465,000
Tr. Hwy.	648,724,900	646,769,000	1,295,493,900
Hwy. User	9,690,500	9,770,700	19,461,200
Transit Assistance	7,100,000	7,425,000	14,525,000
Motor Vehicle Transfer	868,800	868,800	1,737,600
Transfers to Other			
Direct	(1,600,400)	(1,638,800)	(3,239,200)
TOTAL	\$1,089,200	\$1,012,096,000	\$1,012,865,300
			\$2,026,050,500

APPROPRIATIONS
Available for the Year
Ending June 30
1988 1989

Sec. 2. TRANSPORTATION

Subdivision 1. Total

Appropriation		\$855,432,300	\$856,083,400
Approved Complement -	4,651	4,648	
General -	15	14	
State Airports -	40	40	
Trunk Highway -	4,580	4,580	
Federal -	16	16	

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

Summary by Fund

General	\$ 5,107,200	\$ 4,912,200
Airports	\$ 10,910,800	\$ 11,707,000
M.S.A.S.	\$ 58,750,000	\$ 59,250,000
C.S.A.H.	\$183,550,000	\$184,915,000
Trunk Highway	\$594,825,500	\$592,930,400
Transit Assistance		
Fund	\$ 1,420,000	\$ 1,500,000
Motor Vehicle		
Transfer	\$ 868,800	\$ 868,800

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

Subd. 2. Highway Development 596,998,500 597,409,700

Summary by Fund

M.S.A.S.	\$ 58,750,000	\$ 59,250,000
C.S.A.H.	\$183,550,000	\$184,915,000
Trunk Highway	\$353,829,700	\$352,375,900
Motor Vehicle		
Transfer	\$ 868,800	\$ 868,800

(a) Trunk Highway Development

1988	1989
\$343,609,100	\$343,569,100

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

Summary by Fund		
Trunk Highway	\$342,740,300	\$342,700,300
Motor Vehicle		
Transfer	\$ 868,800	\$ 868,800

It is estimated that the appropriation from the trunk highway fund will be funded as follows:

Federal Highway Aid		
\$222,000,000	\$207,000,000	
Highway User Taxes		
\$120,740,300	\$135,700,300	

The commissioner of transportation shall notify the chair of the senate finance committee and chair 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.

(b) County State Aids

\$183,550,000	\$184,915,000
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This appropriation is from the county state-aid highway fund and is available until spent.

(c) Municipal State Aids

\$ 58,750,000	\$ 59,250,000
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This appropriation is from the municipal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance,

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\$75,000 the first year and \$75,000 the second year are for a transportation research contingent account to finance research 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 must 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.

(b) State Aid Technical Assistance

\$ 911,900 \$ 909,900

(c) Electronic Communications

\$ 2,475,100 \$ 2,467,700

Subd. 5. Non-Metropolitan

Transit Assistance		5,800,000	5,720,000
	Summary by Fund		
General	\$ 4,380,000	\$ 4,220,000	
Transit Assistance	\$ 1,420,000	\$ 1,500,000	

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

Subd. 6. Program Management		7,330,300	7,297,000
	Summary by Fund		

General	\$ 683,600	\$ 645,900
Trunk Highway	\$ 6,646,700	\$ 6,651,100

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

(a) Highway Programs

\$ 1,789,100 \$ 1,784,600

Summary by Fund

General	\$ 70,900	\$ 70,900
Trunk Highway	\$ 1,718,200	\$ 1,713,700

\$225,000 the first year and \$225,000 the second year are available for grants to regional development commissions outside the seven-county metropolitan area

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for transportation studies to identify critical concerns, problems, and issues.

(b) Motor Carrier Safety and Compliance

\$ 1,062,200 \$ 1,059,600

(c) Railroads and Waterways

\$ 908,200 \$ 905,900

Summary by Fund

General	\$ 233,600	\$ 233,300
Trunk Highway	\$ 674,600	\$ 672,600

(d) Transit Administration

\$ 594,000 \$ 556,500

Summary by Fund

General	\$ 379,100	\$ 341,700
Trunk Highway	\$ 214,900	\$ 214,800

(e) Transportation Data, Research, and Analysis

\$ 2,976,800 \$ 2,990,400

Subd. 7. General Support

Services	26,572,400	26,607,600
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Summary by Fund

General	\$ 43,600	\$ 46,300
Airports	\$ 144,500	\$ 140,000
Trunk Highway	\$ 26,384,300	\$ 26,421,300

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

(a) Finance and Administration

\$ 8,556,600 \$ 8,530,500

(b) General Services

\$ 7,355,100 \$ 7,425,100

Summary by Fund

General	\$ 38,900	\$ 41,600
Airports	\$ 78,800	\$ 83,100
Trunk Highway	\$ 7,237,400	\$ 7,300,400

(c) Equipment

\$ 9,672,500 \$ 9,663,800

If the appropriation for either year is

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

Summary by Fund

General	\$ 4,700	\$ 4,700
Airports	\$ 65,700	\$ 56,900
Trunk Highway	\$ 9,602,100	\$ 9,602,200

(d) Legal Services

\$ 988,200	\$ 988,200
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This appropriation is for the purchase of legal services from or through the attorney general.

Subd. 8. Aeronautics	10,766,300	11,567,000
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This appropriation is from the state airports fund.

(a) Aeronautics Operations

\$ 1,089,500	\$ 1,156,800
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(b) Airport Development and Assistance

\$ 9,572,700	\$ 10,306,100
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\$1,563,700 the first year and \$1,546,600 the second year are for navigational aids.

\$4,828,800 the first year and \$5,689,100 the second year are for airport construction grants.

\$1,713,000 the first year and \$1,713,000 the second year are 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. The appropriations for construction grants and maintenance grants must be expended only for grant-in-aid programs for airports that are not state owned.

These appropriations must be expended in accordance with Minnesota Statutes, section 360.305, subdivision 4.

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

The commissioner of transportation may transfer unencumbered balances among the appropriations for airport development and assistance with the approval of the governor after consultation with the legislative advisory commission.

\$8,000 the first year and \$8,000 the second year are for maintenance of the Pine Creek Airport.

(c) Air Transportation Services

\$ 39,100 \$ 39,100

(d) Civil Air Patrol

\$ 65,000 \$ 65,000

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 fund and the state airports fund made in this section. No transfer may be made from the appropriation for trunk highway development. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers may not be made between funds. Transfers must be reported immediately 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.

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

(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. REGIONAL TRANSIT BOARD			20,450,000	20,450,000
	Summary by Fund			
General	\$ 14,770,000	\$ 14,525,000		
Transit Assistance	\$ 5,680,000	\$ 5,925,000		

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

Notwithstanding Minnesota Statutes, section 473.398, the regional transit board may expend the funds appropriated by this section for the purposes stated herein.

Subdivision 1. Regular				
Route Service			11,721,500	11,721,500
Subd. 2. Metro				
Mobility			6,250,000	6,250,000
Subd. 3. Small Urban, Rural, and Replacement Services				
			730,000	730,000
Subd. 4. Test Marketing of New Services				
			448,500	448,500
Subd. 5. Light Rail Transit Studies				
			200,000	200,000
Subd. 6. Planning and Programs				
			750,000	750,000
Subd. 7. Administration				
			350,000	350,000

If an appropriation in this section for

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

No more than \$1,300,000 the first year and \$1,300,000 the second year may be used for regional transit board administration, planning, programs, and light rail transit studies.

The board may supplement any of the appropriations made in this section from its fund balance reserve.

The board shall not spend any funds on light rail transit planning or preliminary engineering or test marketing of new services if the expenditure of the funds reduces the level of regular route transit service provided by the metropolitan transit commission or other operators.

The board may not allow the metropolitan transit commission to alter fare schedules existing on January 1, 1987, until the board has adopted a plan and policies on fares as required by Laws 1985, First Special Session chapter 10, section 30, and has submitted its plan to the senate transportation and finance committees and the house of representatives metropolitan affairs and appropriations committees for their review and comment.

The regional transit board may not be a recipient of federal capital or operating assistance for transit. The board shall study and report to the legislature by January 1, 1988, on the effects, advantages, and disadvantages of transferring the authority to receive these funds from the commission to the board and on how and for what purpose the board would use the funds differently than the commission would use the funds.

Sec. 4. TRANSPORTATION

REGULATION BOARD

531,500

531,500

Approved Complement - 8

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

This appropriation is from the trunk highway fund.

Sec. 5. PUBLIC SAFETY

Subdivision 1. Total

Appropriation	81,888,100	81,990,800
Approved Complement - 1,676.4		
General - 393.7		
Special Revenue - 3		
Trunk Highway - 1,060.8		
Highway User - 173.6		
Federal - 48.3		

The above approved complement includes 511 for state-funded, unclassified patrol officers and supervisors of the state 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 must be reduced accordingly.

Summary by Fund

General	\$ 20,905,800	\$ 20,977,500
For 1987 - \$900,000		
Trunk Highway	\$ 52,517,200	\$ 52,456,400
Highway User	\$ 9,565,500	\$ 9,645,700
Special Revenue	\$ 500,000	\$ 550,000
Transfers to Other		
Direct	(\$ 1,600,400)	(\$ 1,638,800)

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

The amounts shown in the program totals are reduced by \$87,500 the first year and \$87,500 the second year from the general fund. Reductions must be made from appropriations that will not reduce revenue to the general fund.

Subd. 2. Administration and Related Services	\$ 4,048,200	\$ 4,046,900
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Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Summary by Fund

General	\$ 52,500	\$ 52,500
Trunk Highway	\$ 3,905,700	\$ 3,904,400
Highway User	\$ 90,000	\$ 90,000

Subd. 3. Emergency Services

\$ 886,300	\$ 887,000
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\$341,700 the first year and \$342,000 the second year are for nuclear plant preparedness. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 4. Criminal Apprehension

\$ 11,145,900	\$ 11,239,400
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Summary by Fund

General	\$ 10,221,300	\$ 10,313,200
Trunk Highway	\$ 924,600	\$ 926,200

\$223,300 the first year and \$223,300 the second year are 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.

\$171,000 the first year and \$171,000 the second year are 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.

The commissioner of public safety may charge tuition to cover the cost of continuing education courses provided by the bureau of criminal apprehension when money available to the commissioner for this purpose is not adequate to pay these costs. The tuition fees collected by the commissioner are annually appropriated to the commissioner.

Subd. 5. Fire Safety

\$ 1,801,800	\$ 1,798,800
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Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 6. State Patrol

\$ 34,456,000 \$ 34,375,600

This appropriation is from the trunk highway fund.

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

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

During the biennium ending June 30, 1989, and notwithstanding any law to the contrary, the commissioner shall authorize the appointing authority to permit the donation of up to eight hours of accumulated vacation time in each year by each employee who is a member of law enforcement unit number 1 to the employee's union representative for the purpose of carrying out the duties of office.

Subd. 7. Capitol Security

\$ 1,285,500 \$ 1,271,000

Subd. 8. Driver and Vehicle Licensing

\$ 26,163,100 \$ 26,231,600

Summary by Fund

General	\$ 4,303,600	\$ 4,309,300
Trunk Highway	\$ 13,230,900	\$ 13,250,200
Highway User	\$ 8,628,600	\$ 8,672,100

\$471,400 the first year and \$471,400 the second year are for alcohol assessment reimbursements to counties.

Subd. 9. Liquor Control

\$ 694,800 \$ 684,400

Subd. 10. Ancillary Services

\$ 1,494,000 \$ 1,543,600

For 1987 - \$900,000

Summary by Fund

General	\$ 994,000	\$ 993,600
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Changes or additions are indicated by underline, deletions by ~~strikeout~~.

For 1987 - \$900,000		
Special Revenue	\$ 500,000	\$ 550,000

\$900,000 for fiscal year 1987 is for the crime victims reparation board and is added to the appropriation in Laws 1985, First Special Session chapter 10, section 4, subdivision 10.

\$1,797,200 the first year and \$1,846,900 the second year are for the crime victims reparations board, of which \$1,297,200 the first year and \$1,296,900 the second year are from the general fund and \$500,000 the first year and \$550,000 the second year are from the crime victim and witness account in the special revenue fund. Any unencumbered balance remaining the first year does not cancel but is available for the second year of the biennium.

Notwithstanding any other law to the contrary, the crime victims reparations board shall, to the extent possible, distribute the appropriation in equal monthly increments for fiscal year 1988 and fiscal year 1989. In no case shall the total awards exceed the appropriation made in this subdivision.

\$115,000 the first year and \$115,000 the second year is for hazardous substance notification and response. One of the two positions in this activity is in the unclassified service.

\$51,800 the first year and \$51,700 the second year are 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

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a fund. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 12. Reimbursements

(a) \$753,500 for the first year and \$755,200 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, 1988, and January 1, 1989, 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) \$326,000 for the first year and \$327,300 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, 1988, and January 1, 1989, 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 highway user fund purposes in the administration and related services program.

(c) \$520,900 for the first year and \$556,300 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, 1988, and January 1, 1989, 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.

Sec. 6. BOARD OF PEACE
OFFICER STANDARDS AND
TRAINING

General Operations and Management	3,300,000	3,600,000
Approved Complement - 9		

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

These appropriations are from the peace officers training account in the special revenue fund.

Notwithstanding any other law to the contrary, any presently duly elected sheriff must be licensed by the board as a peace officer as defined in Minnesota Statutes, section 626.84, subdivision 1, paragraph (c), provided that the sheriff must complete all current board requirements by June 30, 1989. Failure to complete board requirements by June 30, 1989, shall result in revocation of any license granted, with the office of sheriff being declared vacant. An election must be held to fill the vacancy in the office of sheriff as provided by law.

Sec. 7. AGRICULTURE

Subdivision 1. Total

Appropriation	1988	1989	9,735,900	9,768,500
Approved Complement -	451.8	455.8		
General -	177.8	177.8		
Special/Revolving -	255.7	259.7		
Federal -	18.3	18.3		
Summary by Fund				
General	\$ 9,548,100	\$ 9,580,700		
Special Revenue	\$ 187,800	\$ 187,800		

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

The amounts shown in the program totals are reduced by \$190,000 the first year and \$190,000 the second year from the general fund. Reductions must be made from appropriations that will not reduce revenue to the general fund.

Subd. 2. Protection Service

\$ 3,580,000 \$ 3,563,600

Of this amount \$40,000 the first year and \$40,000 the second year are to increase the detection and management

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

of oak wilt in the state's shade trees. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

Subd. 3. Family Farm Security

\$ 2,384,000 \$ 2,383,400

\$1,800,000 the first year and \$1,800,000 the second year are 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. No new loans may be approved in fiscal year 1988 or 1989. The participant's interest in a family farm loan guarantee executed before the effective date of this act may be assigned to a new participant.

\$288,900 the first year and \$288,900 the second year are for farm crisis assistance.

Subd. 4. Administrative Support and Grants

\$ 3,961,900 \$ 4,011,500

Summary by Fund

General	\$ 3,774,100	\$ 3,823,700
Special Revenue	\$ 187,800	\$ 187,800

\$30,900 the first year and \$30,900 the second year are for payment of claims relating to livestock damaged by endangered animal species. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

\$187,800 the first year and \$187,800 the second year are from the commodities research and promotion account in the special revenue fund.

\$102,500 the first year and \$102,500 the second year are for the seaway port authority of Duluth.

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

Subd. 5. Transfers

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 must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 8. BOARD OF WATER AND SOIL RESOURCES

3,789,500 3,787,300

Approved Complement - 19

\$10,000 the first year and \$10,000 the second year is for the International Water Coalition.

\$814,200 the first year and \$814,200 the second year are for general purpose grants-in-aid to soil and water conservation districts.

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

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

\$1,501,000 the first year and \$1,501,000 the second year are for grants to soil and water conservation districts for cost-sharing contracts for erosion control and water quality management.

The appropriations in this section for the southern Minnesota river basin study area 2 and for grants to soil and water districts for cost-sharing contracts for ero-

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sion control and water quality management are available until expended.

\$158,700 the first year and \$158,700 the second year are 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 must not exceed 50 percent of total project costs or 50 percent of the local share if federal money is used. Priority must be given to projects designed to solve lakeshore, stream bank, and roadside erosion and to projects eligible for federal matching money.

\$12,400 the first year and \$12,400 the second year are for grants to soil and water conservation districts for review and comment on water permits.

Sec. 9. BOARD OF ANIMAL HEALTH

1,595,100 1,585,300

Approved Complement - 36

This appropriation includes \$24,900 the first year and \$24,900 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 must not be paid.

Sec. 10. COMMERCE

Subdivision 1. Total

Appropriation 9,833,600 9,571,000

Approved Complement - 239

General - 236

Special Revenue - 3

Summary by Fund

General	\$ 9,572,400	\$ 9,309,700
For 1987 - \$189,200		
Special Revenue	\$ 261,200	\$ 261,300

The amounts that may be spent from

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

this appropriation for each program are specified in the following subdivisions.

Subd. 2. Financial Examinations

\$ 3,990,100 \$ 3,969,300
For 1987 - \$189,200

This appropriation is for bank examinations and is added to the appropriation in Laws 1985, First Special Session chapter 10, section 7, subdivision 2.

Subd. 3. Registration and Analysis

\$ 1,716,500 \$ 1,696,700

Subd. 4. Administrative Services

\$ 1,627,100 \$ 1,627,800

Subd. 5. Enforcement and Licensing

\$ 2,434,100 \$ 2,277,200

Summary by Fund

General	\$ 2,172,900	\$ 2,015,900
Special Revenue	\$ 261,200	\$ 261,300

\$261,200 the first year and \$261,300 the second year are 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.

Subd. 6. Farm Loan Interest Buy-Down

\$ 62,000

Subd. 7. Legislative Coordinating Commission

\$ 3,800

This appropriation is transferred to the legislative coordinating commission for the legislative study commission on government and business competition.

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

Subd. 8. Transfers

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

Sec. 11. NON-HEALTH-RELATED BOARDS

Subdivision 1. Total for this section	890,900	891,200
Subd. 2. Board of Abstractors	3,900	3,900
Subd. 3. Board of Accountancy	344,600	340,800
Approved Complement - 5		
Subd. 4. Board of Architecture, Engineering, Land Surveying, and Landscape Architecture	351,500	357,700
Approved Complement - 6		
Subd. 5. Board of Barber Examiners	137,000	134,900
Approved Complement - 3		
Subd. 6. Board of Boxing	53,900	53,900
Approved Complement - 1.5		
Subd. 7. Board of Electricity		
Approved Complement - 18		
Sec. 12. PUBLIC UTILITIES COMMISSION	1,878,100	1,760,400
Approved Complement - 35		

\$139,000 the first year and \$33,000 the second year are for office automation. Any unencumbered balance remaining

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in the first year does not cancel but is available for the second year.

Notwithstanding Minnesota Statutes, section 216B.243, subdivision 6, for any certificate of need application for expansion of the storage capacity for spent nuclear fuel rods, the commission and department shall assess actual amounts billed by the office of administrative hearings and up to \$300,000 of reasonable costs of the commission and department pursuant to Minnesota Statutes, section 216B.62, subdivision 6, during the biennium, subject to the limitations of Minnesota Statutes, section 216B.62, subdivision 2.

Sec. 13. PUBLIC SERVICE

Subdivision 1. Total

Appropriation		6,272,700	6,260,100
	1988	1989	
Approved Complement -	149.1	132.3	
General -	125.9	125.3	
Special Revenue -	6.8	5.5	
Federal -	17.0	1.5	
	Summary by Fund		
General	\$ 6,211,300	\$ 6,198,800	
Special Revenue	\$ 61,400	\$ 61,300	

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

Subd. 2. Utility Regulation

\$ 1,777,200 \$ 1,773,000

Subd. 3. Weights and Measures

\$ 1,881,100 \$ 1,876,400

Subd. 4. Administrative Services

\$ 608,300 \$ 608,600

Subd. 5. Energy

\$ 2,026,100 \$ 2,022,100

Summary by Fund

General	\$ 1,944,700	\$ 1,940,800
Special Revenue	\$ 61,400	\$ 61,300

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

Subd. 6. Transfers

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

Sec. 14. RACING COMMISSION	883,900	888,800
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Approved Complement - 10

General - 8

Special Revenue - 2

Sec. 15. CHARITABLE GAMBLING CONTROL BOARD	661,500	641,600
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Approved Complement - 15

One auditor position included in the complement must be reviewed for its continuation beyond the biennium ending June 30, 1989.

Sec. 16. ETHICAL PRACTICES BOARD	219,700	219,900
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Approved Complement - 5

Sec. 17. MINNESOTA MUNICIPAL BOARD	235,700	235,400
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Approved Complement - 4

Sec. 18. MINNESOTA-WISCONSIN BOUNDARY AREA COMMISSION	99,500	99,200
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\$17,000 the first year and \$17,000 the second year is available only if matched by funds from the state of Wisconsin. The additional position is available only for the biennium ending June 30, 1989.

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

Sec. 19. UNIFORM LAWS		
COMMISSION	13,600	13,600
Sec. 20. VOYAGEURS		
NATIONAL PARK CITIZENS		
COMMITTEE	70,000	70,000

Notwithstanding any law to the contrary, the citizens council on Voyageurs National Park is extended until June 30, 1989.

Sec. 21. MINNESOTA HISTORICAL SOCIETY

Subdivision 1. Total

Appropriation	9,682,300	9,751,100
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Minnesota Historical

Society Operations	8,682,200	8,694,200
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Any unencumbered balance remaining at the end of the first year must 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 is eligible for a salary supplement in the same manner as state agencies. The commissioner of finance will determine the amount of the salary supplement based on available funds. Employees of the Minnesota historical society will be paid in accordance with the appropriate pay plan.

Subd. 3. Repair and Replacement	349,000	299,000
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\$100,000 the first year is for the restoration and preservation of murals, stencils, sculptures, statues, paintings, built-in

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exhibit areas, and objects of art or historical artifacts in the public areas of the state capitol, including the governor's anteroom, reception room, and private office.

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

Subd. 4. Historic Grant-In-Aid	286,100	286,100
(a) Historic Preservation		
\$ 259,600		\$ 259,600

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.

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

(b) Archaeology

\$ 26,500 \$ 26,500

Subd. 5. Fiscal Agent	262,100	212,100
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(a) Sibley House Association

\$ 58,000 \$ 58,000

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 other law, the Sibley

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House association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

(b) Minnesota Humanities Commission

\$ 47,100 \$ 47,100

(c) Minnesota International Center

\$ 38,000 \$ 38,000

(d) Minnesota Military Museum

\$ 30,000

(e) Minnesota Air National Guard Museum

\$ 20,000

(f) Government Learning Center

\$ 69,000 \$ 69,000

This appropriation is for Project 120.

(g) Balances Forward

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

Subd. 6. State History Center	102,900	259,700
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This appropriation is available only if legislation is enacted providing funding for construction of a new state history center.

Sec. 22. BOARD OF THE ARTS

Subdivision 1. Total

Appropriation			3,016,200	3,044,000
	1988	1989		
Approved Complement -	14	15		
General -	11	12		
Federal -	3	3		

\$953,100 the first year and \$955,800 the second year are for the support of regional arts councils throughout the state.

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

Subd. 5. Balances Forward

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

Sec. 23. MINNESOTA HORTICULTURAL SOCIETY	67,200	67,200
Sec. 24. MINNESOTA ACADEMY OF SCIENCE	28,100	28,100
Sec. 25. SCIENCE MUSEUM OF MINNESOTA	514,900	521,200
Sec. 26. MINNESOTA SAFETY COUNCIL	50,700	50,700
This appropriation is from the trunk highway fund.		
Sec. 27. VETERANS OF FOREIGN WARS	30,000	30,000
For carrying out the provisions of Laws 1945, chapter 455.		
Sec. 28. GENERAL CONTINGENT ACCOUNTS	325,000	325,000
The appropriations in this section may only be spent with the approval of the governor after consultation with the legislative advisory 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.		
Summary by Fund		
Trunk Highway Fund		
\$ 200,000		\$ 200,000
Highway User Tax Distribution Fund		
\$ 125,000		\$ 125,000
Sec. 29. TORT CLAIMS	600,000	600,000

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

To be spent 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. 30. MASTER LEASE.

During the biennium ending June 30, 1989, for agencies to whom appropriations are made in this act, the master lease, as authorized in Minnesota Statutes, section 16A.85, may only be used to finance large equipment with a capital value of more than \$100,000 and a useful life of more than ten years, and for equipment already purchased under an existing lease-purchase agreement. The commissioner of finance must consult with the chairs of the senate finance committee and house appropriations committee before entering into a lease-purchase of equipment by a state agency in this act. This requirement does not apply to purchases by the commissioner of administration made with money from an internal services fund.

Sec. 31. EXPORT FINANCE AUTHORITY WORKING CAPITAL ACCOUNT.

The balance in the export finance authority working capital account shall be maintained at \$1,000,000.

Sec. 32. EMERGENCY RESPONSE COMMISSION.

The governor may designate the hazardous substance notification advisory committee to serve as and perform the functions of the state emergency response commission provided for under title III of the Superfund Amendments and Reauthorization Act of 1986. The governor may also appoint representatives of state agencies to serve on the state emergency response commission.

Sec. 33. MEMBERSHIP; COMPLEMENT OF BOARD OF WATER AND SOIL RESOURCES.

Subdivision 1. TRANSITION MEMBERSHIP. In addition to the members specified in section 103, the initial board of water and soil resources shall have, through December 31, 1989, four temporary members who are soil and water conservation district supervisors appointed by the governor.

Subd. 2. TRANSFER OF EMPLOYEES. All classified and unclassified state positions and employees of the state soil and water conservation board and the water resources board are transferred to the board of water and soil resources in accordance with section 15.039, subdivision 7. The commissioner of employee relations shall place the unclassified position of the executive director of the

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water resources board and the classified position of the executive director of the soil and water conservation board in the proper job classification in the classified service without examination.

Sec. 34. INSTRUCTION TO REVISOR.

The revisor of statutes shall change the words "state soil and water conservation board," "water resources board," "water policy board" or other language intended to refer to those boards, wherever they appear in Minnesota Statutes to "board of water and soil resources" or other appropriate language to refer to the board of water and soil resources created in section 105.

Sec. 35. TRANSPORTATION FINANCE STUDY COMMISSION.

Subdivision 1. MEMBERSHIP. A transportation finance study commission is created consisting of five members of the house of representatives appointed by the speaker of the house and five members of the senate appointed by the senate subcommittee on committees. The commission shall select from its membership a chair or co-chairs and other officers it deems necessary.

Subd. 2. STUDIES. The commission shall study:

(1) present and future highway and transit needs, including state highways, county highways, city streets, town roads, and metropolitan and nonmetropolitan transit service;

(2) the adequacy of existing revenue sources to meet these needs;

(3) methods of raising additional revenue to meet these needs;

(4) alternatives to raising revenue as a method of dealing with highway and transit needs; and

(5) alternative methods of distributing present and future revenues among various levels of government.

Subd. 3. REPORT. The commission shall report to the legislature on its findings and recommendations not later than February 15, 1988, and shall cease to function after that date.

Subd. 4. COMPENSATION. Members of the commission must be compensated in the same manner as for other legislative meetings.

Sec. 36. SURCHARGE AMOUNT ALLOCATED.

Twenty-five cents of the amount collected on the surcharge for a certified copy of a birth certificate under Minnesota Statutes, section 144.226, subdivision 3, is appropriated from the children's trust fund established under Minnesota Statutes, section 299A.22 to the commissioner of public safety to be administered by the children's trust fund for the biennium ending June 30, 1989, for the purpose of implementing and administering the professional con-

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sultation telephone line and service, notwithstanding Minnesota Statutes, section 299A.25, subdivision 1, to the contrary.

Sec. 37. MONEY CREDITED TO HIGHWAY FUND, TRANSIT FUND, AND GENERAL FUND.

All money received under the provisions of Minnesota Statutes, chapter 171 after June 30, 1987, and before July 1, 1989, shall be paid into the state treasury with 60-2/3 percent credited to the trunk highway fund, 33-1/3 percent credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board, and six percent credited to the general fund, except as provided in Minnesota Statutes, section 171.29, subdivision 2.

Sec. 38. Minnesota Statutes 1986, 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 to cover the cost of nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. An assessment of \$75,000 \$137,500 per plant shall be paid to the commissioner of public safety on July 1 of each year.

Sec. 39. Minnesota Statutes 1986, section 17A.04, subdivision 5, is amended to read:

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

- (a) ~~\$150~~ \$300 for each livestock market agency and public stockyard license, penalty ~~\$38~~ \$75;
- (b) ~~\$50~~ \$100 for each livestock dealer license, penalty ~~\$13~~ \$25;
- (c) ~~\$30~~ \$50 for each agent of a livestock dealer license, penalty ~~\$10~~ \$15;
- (d) ~~\$50~~ \$100 for each meat packing company license, penalty ~~\$13~~ \$25;
- (e) ~~\$30~~ \$50 for each agent of a meat packing company license, penalty ~~\$10~~ \$15.

Sec. 40. Minnesota Statutes 1986, section 18.51, subdivision 2, is amended to read:

Subd. 2. **FEES; PENALTY.** A nursery operator shall pay an annual fee before the commissioner shall issue a certificate of inspection. This fee shall be based on the area of all of the operator's nurseries as follows:

Nurseries:

- (1) 1/2 acre or less ~~\$30~~ \$40 per nursery operator

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

- (2) Over 1/2 acre to and including 2 acres ~~\$50~~ \$60 per nursery operator
- (3) Over 2 acres to and including 10 acres ~~\$100~~ \$125 per nursery operator
- (4) Over 10 acres to and including 50 acres ~~\$300~~ \$360 per nursery operator
- (5) Over 50 acres ~~\$600~~ \$725 per nursery operator

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. 41. Minnesota Statutes 1986, section 18.52, subdivision 5, is amended to read:

Subd. 5. **FEES; PENALTY.** A dealer shall pay an annual fee based on the dealer's gross sales during the preceding certificate year. A dealer operating for the first year will pay the minimum fee.

Dealers:

- | | |
|--|---|
| (1) Gross sales up to \$1,000 | at a location
\$30 <u>\$40</u> per location |
| (2) Gross sales over \$1,000 and up to \$5,000 | at a location
\$40 <u>\$50</u> per location |
| (3) Gross sales over \$5,000 up to \$10,000 | at a location
\$70 <u>\$85</u> per location |
| (4) Gross sales over \$10,000 up to \$25,000 | at a location
\$100 <u>\$125</u> per location |
| (5) Gross sales over \$25,000 up to \$75,000 | at a location
\$150 <u>\$175</u> per location |
| (6) Gross sales over \$75,000 up to \$100,000 | at a location
\$220 <u>\$260</u> per location |
| (7) Gross sales over \$100,000 | at a location
\$330 <u>\$400</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. 42. Minnesota Statutes 1986, section 18.53, is amended to read:

18.53 GREENHOUSE CERTIFICATION.

The commissioner 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 ~~\$30~~ \$50 for each greenhouse operator. The certificate expires on November 15 next following the date of issue.

Sec. 43. **[18B.01] DEFINITIONS.**

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

Subdivision 1. APPLICABILITY. The definitions in this section apply to this chapter.

Subd. 2. APPROVED AGENCY. "Approved agency" means a state agency, other than the department of agriculture, or an agency of a county, municipality, or other political subdivision that has signed a joint powers agreement under section 471.59 with the commissioner.

Subd. 3. BENEFICIAL INSECTS. "Beneficial insects" means insects that are: (1) effective pollinators of plants; (2) parasites or predators of pests; or (3) otherwise beneficial.

Subd. 4. BULK PESTICIDE. "Bulk pesticide" means a pesticide that is held in an individual container, with a pesticide content of 56 United States gallons or more, or 100 pounds or greater net dry weight.

Subd. 5. COMMERCIAL APPLICATOR. "Commercial applicator" means a person who has a commercial applicator license.

Subd. 6. COMMISSIONER. "Commissioner" means the commissioner of agriculture or an agent authorized by the commissioner.

Subd. 7. DEVICE. "Device" means an instrument or contrivance, other than a firearm, that is intended or used to destroy, repel, or mitigate a pest, a form of plant or animal life other than humans, or a bacterium, virus, or other microorganism on or in living animals, including humans. A device does not include equipment used for the application of pesticides if the equipment is sold separately from the instrument or contrivance.

Subd. 8. DISTRIBUTE. "Distribute" means offer for sale, sell, barter, ship, deliver for shipment, receive and deliver, and offer to deliver pesticides in this state.

Subd. 9. ENVIRONMENT. "Environment" means surface water, ground water, air, land, plants, humans, and animals and their interrelationships.

Subd. 10. FIFRA. "FIFRA" means the Federal Insecticide, Fungicide, Rodenticide Act, United States Code, title 7, sections 136 to 136y, and regulations under Code of Federal Regulations, title 40, subchapter E, parts 150 to 180.

Subd. 11. HAZARDOUS WASTE. "Hazardous waste" means any substance identified or listed as hazardous waste in the rules adopted under section 116.07, subdivision 4.

Subd. 12. INCIDENT. "Incident" means a flood, fire, tornado, transportation accident, storage container rupture, portable container rupture, leak, spill, or other event that releases or threatens to release a pesticide accidentally or otherwise, and may cause unreasonable adverse effects on the environment. "Incident" does not include the lawful use or intentional release of a pesticide in accordance with its approved labeling.

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

Subd. 13. LABEL. "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or their containers or wrappers.

Subd. 14. LABELING. "Labeling" means all labels and other written, printed, or graphic matter:

(1) accompanying the pesticide or device;

(2) referred to by the label or literature accompanying the pesticide or device; or

(3) that relates or refers to the pesticide or to induce the sale of the pesticide or device.

"Labeling" does not include current official publications of the United States Environmental Protection Agency, United States Department of Agriculture, United States Department of Interior, United States Department of Health, Education and Welfare, state agricultural experiment stations, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

Subd. 15. NONCOMMERCIAL APPLICATOR. "Noncommercial applicator" means a person with a noncommercial applicator license.

Subd. 16. PERSON. "Person" means an individual, firm, corporation, partnership, association, trust, joint stock company, unincorporated organization, the state, a state agency, or political subdivision.

Subd. 17. PEST. "Pest" means an insect, rodent, nematode, fungus, weed, terrestrial or aquatic plant, animal life, virus, bacteria, or other organism designated by rule as a pest, except a virus, bacteria, or other microorganism on or in living humans or other living animals.

Subd. 18. PESTICIDE. "Pesticide" means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Subd. 19. PESTICIDE DEALER. "Pesticide dealer" means a person with a pesticide dealer license.

Subd. 20. PLANT REGULATOR. "Plant regulator" means a substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or rate of maturation of a plant, or to otherwise alter the behavior of ornamental or crop plants or the produce of the plants. Plant regulator does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

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

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

Subd. 22. REGISTRANT. "Registrant" means a person that has registered a pesticide under this chapter.

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

Subd. 24. RESTRICTED USE PESTICIDE. "Restricted use pesticide" means a pesticide formulation designated as a restricted use pesticide under FIFRA or by the commissioner under this chapter.

Subd. 25. RINSATE. "Rinsate" means a dilute mixture of a pesticide or pesticides with water, solvents, oils, commercial rinsing agents, or other substances, that is produced by or results from the cleaning of pesticide application equipment or pesticide containers.

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

Subd. 27. SITE. "Site" means all land and water areas, including air space, and all plants, animals, structures, buildings, contrivances, and machinery whether fixed or mobile, including anything used for transportation.

Subd. 28. STRUCTURAL PEST. "Structural pest" means a pest, other than a plant, in, on, under, or near a structure.

Subd. 29. STRUCTURAL PEST CONTROL. "Structural pest control" means the control of any structural pest through the use of a device, a procedure, or application of pesticides in or around a building or other structures, including trucks, boxcars, ships, aircraft, docks, and fumigation vaults, and the business activity related to use of a device, a procedure, or application of a pesticide.

Subd. 30. STRUCTURAL PEST CONTROL APPLICATOR. "Structural pest control applicator" means a person with a structural pest control license.

Subd. 31. UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT. "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

Subd. 32. WILDLIFE. "Wildlife" means all living things that are not human, domesticated, or pests.

Sec. 44. [18B.02] PREEMPTION OF OTHER LAW.

Except as specifically provided in this chapter, the provisions of this chapter preempt ordinances by local governments that prohibit or regulate any matter

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relating to the registration, labeling, distribution, sale, handling, use, application, or disposal of pesticides. It is not the intent of this section to preempt local responsibilities for zoning, fire codes, or hazardous waste disposal.

Sec. 45. [18B.03] POWERS AND DUTIES OF COMMISSIONER.

Subdivision 1. ADMINISTRATION BY COMMISSIONER. The commissioner shall administer, implement, and enforce this chapter and the department of agriculture is the lead state agency for the regulation of pesticides.

Subd. 2. DELEGATION OF DUTIES. The functions vested in the commissioner by this chapter may be delegated to designated employees or agents of the department of agriculture.

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

Sec. 46. [18B.04] PESTICIDE IMPACT ON WATER QUALITY.

The commissioner shall:

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

(2) develop best management practices involving pesticide distribution, storage, handling, use, and disposal; and

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

Sec. 47. [18B.05] PESTICIDE REGULATORY ACCOUNT.

Subdivision 1. ESTABLISHMENT. A pesticide regulatory account is established in the state treasury. Fees and penalties except penalties collected under section 65, subdivision 4, collected under this chapter must be deposited in the state treasury and credited to the pesticide regulatory account.

Subd. 2. ANNUAL APPROPRIATION. Money in the account, including amount of interest attributable to money in the account and any money appropriated for the purposes of this chapter, is annually appropriated to the commissioner for the administration and enforcement of this chapter.

Sec. 48. [18B.06] RULES.

Subdivision 1. AUTHORITY. The commissioner shall adopt rules to implement and enforce this chapter including procedures addressing local control of pesticide regulation. Rules adopted under this chapter are part of this chapter and a violation of the rules is a violation of a provision of this chapter.

Subd. 2. CONFORMITY WITH FIFRA. Rules adopted under this chapter:

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

- (1) may not allow pesticide use that is prohibited by FIFRA; or
- (2) relating to private applicators of restricted use pesticides and special local needs registrations, may not be inconsistent with the requirements of FIFRA.

Subd. 3. PESTICIDE USE, HANDLING, AND DISPOSAL. The commissioner shall adopt rules, including emergency rules, to govern the distribution, use, storage, handling, and disposal of pesticides, rinsates, and pesticide containers.

Sec. 49. [18B.07] PESTICIDE USE, APPLICATION, AND EQUIPMENT CLEANING.

Subdivision 1. PESTICIDE USE. Pesticides must be applied in accordance with the product label or labeling and in a manner that will not cause unreasonable adverse effects on the environment within limits prescribed by this chapter and FIFRA.

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

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

(b) A person may not direct a pesticide on property beyond the boundaries of the target site. A person may not apply a pesticide resulting in damage to adjacent property.

(c) A person may not directly apply a pesticide on a human by overspray or target site spray.

(d) A person may not apply a pesticide in a manner so as to expose a worker in an immediately adjacent, open field.

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

(b) Fields being treated with pesticides through irrigation systems must be posted throughout the period of pesticide treatment.

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

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

Subd. 5. USE OF PUBLIC WATER SUPPLIES FOR FILLING EQUIPMENT. A person may not fill pesticide application equipment directly from a public water supply, as defined in section 144.382, unless the outlet from the public water supply is equipped with a backflow prevention device that complies with the Minnesota Plumbing Code under Minnesota Rules, parts 4715.2000 to 4715.2280.

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

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

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

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

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

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

Subd. 8. PESTICIDE, RINSATE, AND CONTAINER DISPOSAL. A person may only dispose of pesticide, rinsate, and pesticide containers in accordance with this chapter and FIFRA. The manner of disposal must not cause unreasonable adverse effects on the environment.

Sec. 50. [18B.08] CHEMIGATION.

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

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

Subd. 2. PESTICIDE. A pesticide used under a chemigation permit must be suitable and labeled for application through an irrigation system.

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

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

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

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

Subd. 4. APPLICATION FEE. A person initially applying for a chemigation permit must pay a nonrefundable application fee of \$50 for each well that is to be used in applying the pesticides by irrigation.

Subd. 5. RULES. The commissioner shall, by rule, develop specific requirements for implementation of a program to regulate application of pesticides by irrigation.

Sec. 51. [18B.09] PESTICIDE APPLICATION IN CITIES.

Subdivision 1. APPLICABILITY. This section applies only to statutory and home rule charter cities that enact ordinances as provided in this section.

Subd. 2. AUTHORITY. Statutory and home rule charter cities may enact an ordinance containing the pesticide application warning information contained in subdivision 3, including their own licensing, penalty, and enforcement provisions. Statutory and home rule charter cities may not enact an ordinance that contains more restrictive pesticide application warning information than is contained in subdivision 3.

Subd. 3. WARNING SIGNS FOR PESTICIDE APPLICATION. (a) All commercial or noncommercial applicators who apply pesticides to turf areas must post or affix warning signs on the property where the pesticides are applied.

(b) Warning signs must project at least 18 inches above the top of the grass line. The warning signs must be of a material that is rain-resistant for at least a 48-hour period and must remain in place up to 48 hours from the time of initial application.

(c) The following information must be printed on the warning sign in contrasting colors and capitalized letters measuring at least one-half inch, or in another format approved by the commissioner. The sign must provide the following information:

(1) the name of the business organization, entity, or person applying the pesticide; and

(2) the following language: "This area chemically treated. Keep children and pets off until ...(date of safe entry)..." or a universally accepted symbol and

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text approved by the commissioner that is recognized as having the same meaning or intent as specified in this paragraph. The warning sign may include the name of the pesticide used.

(d) The warning sign must be posted on a lawn or yard between two feet and five feet from the sidewalk or street. For parks, golf courses, athletic fields, playgrounds, or other similar recreational property, the warning signs must be posted immediately adjacent to areas within the property where pesticides have been applied and at or near the entrances to the property.

Sec. 52. [18B.10] ACTION TO PREVENT GROUND WATER CONTAMINATION.

The commissioner may, by rule, special order, or delegation through written regulatory agreement with officials of other approved agencies, take action necessary to prevent the contamination of ground water resulting from leaching of pesticides through the soil, from the backsiphoning or back-flowing of pesticides through water wells, or from the direct flowage of pesticides to ground water.

Sec. 53. [18B.11] SALE AND USE OF TCDD.

A person may not sell, offer for sale, or use a pesticide containing in excess of 0.1 parts per million of 2,3,7, 8-tetrachlorodibenzo-para-dioxin (TCDD).

Sec. 54. [18B.12] SALE AND DISTRIBUTION OF ADULTERATED PESTICIDES.

A person may not offer for sale or distribute a pesticide that is determined by the commissioner to be adulterated, including a pesticide that has:

- (1) a strength or purity that does not meet the standard of quality expressed on its label;
- (2) a constituent entirely or partially substituted; or
- (3) an important or necessary constituent entirely or partially removed.

Sec. 55. [18B.13] SALE AND DISTRIBUTION OF MISBRANDED PESTICIDES AND DEVICES.

A person may not offer for sale or distribute a pesticide or device determined by the commissioner to be misbranded, including a pesticide or device that:

- (1) is an imitation of or is offered for sale under the name of another pesticide or device; or
- (2) does not comply with the labeling requirements under this chapter or FIFRA.

Sec. 56. [18B.14] PESTICIDE STORAGE.

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

Subdivision 1. DISPLAY AND STORAGE. (a) A person may store or display pesticides and their containers only in the original container and separated from food, feed, seed, livestock remedies, drugs, plants, and other products or materials stored, displayed, or offered for sale in a manner that prevents contamination which would cause injury or damage to the other products or materials.

(b) A person may not allow open pesticide containers to be displayed for sale under any circumstances.

Subd. 2. BULK PESTICIDE STORAGE. (a) A person storing pesticides in containers of a rated capacity of 500 gallons or more must obtain a pesticide storage permit from the commissioner.

(b) Applications must be on forms provided by the commissioner containing information established by rule. The initial application for a permit must be accompanied by a nonrefundable application fee of \$100 for each location where the pesticides are stored.

(c) The commissioner shall by rule develop and implement a program to regulate bulk pesticides. The rules must include installation of secondary containment devices, storage site security, safeguards, notification of storage site locations, criteria for permit approval, a schedule for compliance, and other appropriate requirements necessary to minimize potential adverse effects on the environment. The rules must conform with existing rules of the pollution control agency.

Sec. 57. [18B.15] PESTICIDE RELEASE INCIDENTS.

Subdivision 1. DUTIES OF RESPONSIBLE PARTY. (a) A responsible party involved in an incident must immediately report the incident to the department of agriculture and provide information as requested by the commissioner. The responsible party must pay for the costs and immediately take all action necessary to minimize or abate the release and to recover pesticides involved in the incident.

(b) The responsible party must submit a written report of the incident to the commissioner containing the information requested by the commissioner within the time specified by the commissioner.

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

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

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

Sec. 58. **[18B.16] EMPLOYER LIABILITY FOR EMPLOYEES.**

Structural pest control applicators, commercial applicators, noncommercial applicants and pesticides dealers are criminally liable for violations of this chapter by their employees and agents.

Sec. 59. **[18B.17] COOPERATIVE INSPECTION AND ENFORCEMENT AGREEMENTS.**

Subdivision 1. COOPERATIVE AGREEMENTS. The commissioner may enter into cooperative agreements with federal and state agencies for training, certification, inspection, and enforcement programs and may make reports to the United States Environmental Protection Agency and other federal agencies as required or requested. The commissioner may adopt and enforce federal standards, regulations, or orders relating to pesticide regulation when determined to be in the best interest of citizens of the state.

Subd. 2. TRAINING AGREEMENTS. For purposes of training only, the commissioner may enter into agreements with qualified public or private organizations that wish to offer training programs.

Sec. 60. **[18B.18] INSPECTION.**

Subdivision 1. ACCESS AND ENTRY. (a) The commissioner, and the commissioner's agents, upon issuance of a notice of inspection, must be granted access at reasonable times to (1) sites where a restricted use pesticide is used; (2) where a person manufactures, formulates, distributes, uses, disposes of, stores, or transports a pesticide in violation of provisions of this chapter; and (3) to all sites affected, or possibly affected, by the use of a pesticide, rinsate, pesticide container, or device in violation of a provision of this chapter.

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

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

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

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

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

(5) sampling of pesticides;

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

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

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(8) other purposes necessary to implement this chapter.

Subd. 2. NOTICE OF INSPECTION SAMPLES AND ANALYSES. Before leaving the premises inspected, the commissioner shall provide the owner, operator, or agent in charge with a receipt describing any samples obtained. If an analysis is made of the samples, a copy of the results of the analysis must be furnished to the owner, operator, or agent in charge.

Sec. 61. [18B.19] PRIVATE REQUEST FOR INSPECTION OF VIOLATION.

Subdivision 1. STATEMENT OF VIOLATION. A person that suspects a provision of this chapter has been violated may file a written inspection request with the commissioner. The written request must contain:

- (1) the person's name and address;
- (2) the name of the person for whom the application was done;
- (3) the name of the applicator;
- (4) the date of the application;
- (5) a description of the suspected violation; and
- (6) other information the commissioner may require.

Subd. 2. INSPECTION FOR SUSPECTED VIOLATION. If the request for inspection is filed within 60 days after the pesticide was applied or damage has occurred, the commissioner shall investigate to determine if provisions of this chapter have been violated. The commissioner may discontinue the investigation after determining provisions of this chapter have not been violated.

Subd. 3. INSPECTION FILE DISCLOSURE. Copies of completed inspection files are available to the person making the inspection request, the applicator, or their agents, upon written request.

Sec. 62. [18B.20] ENFORCEMENT.

Subdivision 1. ENFORCEMENT REQUIRED. (a) The commissioner shall enforce this chapter.

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

Subd. 2. CRIMINAL ACTIONS. For a criminal action, the county attorney where a violation occurred is responsible for prosecuting a violation of a provision of this chapter. If the county attorney refuses to prosecute, the attorney general may prosecute.

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

Subd. 3. CIVIL ACTIONS. Civil judicial enforcement actions may be brought by the attorney general in the name of the state on behalf of the commissioner. A county attorney may bring a civil judicial enforcement action upon the request of the commissioner and the attorney general.

Subd. 4. INJUNCTION. The commissioner may apply to a court with jurisdiction for a temporary or permanent injunction to prevent, restrain, or enjoin violations of provisions of this chapter.

Subd. 5. AGENT FOR SERVICE OF PROCESS. All nonresident commercial and structural pest control applicator licensees licensed as individuals must appoint the commissioner as the agent upon whom all legal process may be served and service upon the commissioner is deemed to be service on the licensee.

Subd. 6. SUBPOENAS. The commissioner may issue subpoenas to compel the attendance of witnesses or submission of books, documents, and records affecting the authority or privilege granted by a license, registration, certification, or permit issued under this chapter.

Sec. 63. [18B.21] ADMINISTRATIVE ACTION.

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

Subd. 2. REVOCATION AND SUSPENSION. The commissioner may, after written notice and hearing, revoke, suspend, or refuse to renew a registration, permit, license, or certification if a person violates a provision of this chapter.

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

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

Sec. 64. [18B.22] DAMAGES AGAINST STATE FOR ADMINISTRATIVE ACTION WITHOUT CAUSE.

If the commissioner did not have probable cause for an administrative action, including the issuance of a stop-sale, use, or removal order, a court may allow recovery for damages caused by the administrative action.

Sec. 65. [18B.23] CIVIL PENALTIES.

Subdivision 1. GENERAL PENALTY. Except as provided in subdivisions 2 and 5, a person who violates a provision of this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner is subject to a civil penalty of up to \$10,000 per day of violation as determined by the court.

Subd. 2. DISPOSAL THAT BECOMES HAZARDOUS WASTE. A person who violates a provision of this chapter or a special order, standard, stipulation, agreement, or schedule of compliance of the commissioner that relates to disposal of pesticides so that they become hazardous waste, is subject to a civil penalty of up to \$25,000 per day of violation as determined by the court.

Subd. 3. CLEANUP COSTS. A person who violates a provision of this chapter is liable for and must pay to the state a sum that will compensate the state for the reasonable value of cleanup and other expenses directly resulting from the illegal use, storage, handling, or disposal of pesticides, whether accidental or otherwise.

Subd. 4. WILDLIFE AND OTHER DAMAGES. (a) A person who violates a provision of this chapter is liable for and must pay to the state a sum to constitute just compensation for the loss or destruction of wildlife, fish, or other aquatic life, and for actual damages to the state caused by the illegal use, storage, handling, or disposal of pesticides.

(b) The amounts paid as compensation for loss of or destruction to wildlife, fish, or other aquatic life must be deposited into the state treasury and credited to the game and fish fund.

Subd. 5. DIRECTLY SPRAYING HUMANS. A person who directly applies pesticides on a human by target site spraying in an open field is subject to a civil penalty up to \$5,000 as determined by the court.

Subd. 6. DEFENSE TO CIVIL REMEDIES AND DAMAGES. As a defense to a civil penalty or claim for damages under subdivisions 1 to 4, the defendant may prove that the violation was caused solely by an act of God, an act of war, or an act or failure to act that constitutes sabotage or vandalism, or any combination of these defenses.

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Subd. 7. ACTIONS TO COMPEL PERFORMANCE. In an action to compel performance of an order of the commissioner to enforce a provision of this chapter, the court may require a defendant adjudged responsible to perform the acts within the person's power that are reasonably necessary to accomplish the purposes of the order.

Subd. 8. RECOVERY OF PENALTIES BY CIVIL ACTION. The civil penalties and payments provided for in this section may be recovered by a civil action brought by the county attorney or the attorney general in the name of the state.

Subd. 9. RECOVERY OF LITIGATION COSTS AND EXPENSES. In an action brought by the attorney general or a county attorney in the name of the state under this chapter for civil penalties, injunctive relief, or in an action to compel compliance, if the state finally prevails, the state, in addition to other penalties provided in this chapter, must be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses including attorney fees incurred by the state or county attorney. In determining the amount of these litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

Sec. 66. [18B.24] UNSATISFIED JUDGMENTS.

(a) An applicant for a commercial, noncommercial, or structural pest control license and a commercial, noncommercial, or structural pest control applicator may not allow a final judgment against the applicant or applicator for damages arising from a violation of a provision of this chapter to remain unsatisfied for a period of more than 30 days.

(b) Failure to satisfy within 30 days a final judgment resulting from these pest control activities will result in automatic suspension of the applicator license.

Sec. 67. [18B.25] CRIMINAL PENALTIES.

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

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

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

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

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Sec. 68. [18B.26] PESTICIDE REGISTRATION.

Subdivision 1. REQUIREMENT. A person may not use or distribute a pesticide in this state unless it is registered with the commissioner. Pesticide registrations expire on December 31 of each year and may be renewed on or before that date for the following calendar year. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as an ingredient in the formulation of a pesticide that is registered under this chapter.

Subd. 2. APPLICATION. (a) A person must file an application for registration with the commissioner. The application must include:

(1) the name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant;

(2) the brand name of the pesticide;

(3) other necessary information required by the registration application form;

(4) a true and complete copy of the labeling accompanying the pesticide as provided for in FIFRA; and

(5) current material safety data sheets for each pesticide.

(b) As part of the application, the commissioner may require the submission of any relevant information including the complete formula of a pesticide, including the active and inert ingredients.

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

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

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

Subd. 4. EFFECT OF REGISTRATION AFTER RENEWAL APPLICATION. If a registration is in effect on December 31 and a renewal application has been made and the application fee paid, the registration continues in full force and effect until the commissioner notifies the applicant that the registration is denied or canceled, or the renewed registration expires.

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

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(2) the brand name of the pesticide;

(3) other necessary information required by the registration application form;

(4) a true and complete copy of the labeling accompanying the pesticide as provided for in FIFRA; and

(5) current material safety data sheets for each pesticide.

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

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

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

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

Sec. 69. [18B.27] PESTICIDE REGISTRATION FOR SPECIAL LOCAL NEEDS.

Subdivision 1. APPLICATION. (a) A person must file an application for a special local need application with the commissioner. The application must meet the requirements of section 68, subdivision 2, and the commissioner may require other relevant information.

(b) The commissioner may require a full description of tests and test results upon which claims are based for:

- (1) a pesticide use that is not registered under section 68 or FIFRA; or
- (2) a pesticide on which restrictions are being considered.

(c) The applicant may request in writing privacy of information submitted as provided in section 80.

Subd. 2. APPLICATION REVIEW. (a) After reviewing the application accompanied by the application fee, the commissioner shall, subject to the terms and conditions of the authorization by the administrator of the United States Environmental Protection Agency to register pesticides to meet special local needs, register pesticides if the commissioner determines that:

(1) the pesticide's composition warrants the proposed claims for the pesticide;

(2) the pesticide's label and other material required to be submitted comply with this chapter;

(3) the pesticide will perform its intended function without unreasonable adverse effect on the environment;

(4) the pesticide will not generally cause unreasonable adverse effects on the environment when used in accordance with label directions; and

(5) a special local need for the pesticide exists.

(b) The commissioner may revoke or modify a special local need registra-

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tion if the commissioner determines that the terms or conditions of the registration do not comply with paragraph (a).

Subd. 3. APPLICATION FEE. An application fee for a special local need registration must be accompanied by a nonrefundable fee of \$125.

Sec. 70. [18B.28] EXPERIMENTAL USE PESTICIDE PRODUCT REGISTRATION.

Subdivision 1. REQUIREMENT. A person may not use or distribute an experimental use pesticide product in the state until it is registered with the commissioner. Experimental use pesticide product registrations expire on December 31 of each year and may be renewed on or before that date.

Subd. 2. APPLICATION REVIEW AND REGISTRATION. (a) After reviewing the application accompanied by the application fee, the commissioner may issue an experimental use pesticide product registration if the commissioner determines that the applicant needs the registration to accumulate information necessary to register a pesticide under section 68. The commissioner may prescribe terms, conditions, and a limited period of time for the experimental use product registration. After an experimental use pesticide product registration is issued, the commissioner may revoke or modify the registration at any time if the commissioner finds that its terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.

(b) The commissioner may deny issuance of an experimental use pesticide product registration permit if the commissioner determines that issuance of a registration is not warranted or that the use to be made of the pesticide under the proposed terms and conditions may cause unreasonable adverse effects on the environment.

Subd. 3. APPLICATION. A person must file an application for experimental use pesticide product registration with the commissioner. An application to register an experimental use pesticide product must include:

- (1) the name and address of the applicant;
- (2) a federal environmental protection agency approval document;
- (3) the purpose or objectives of the experimental use product;
- (4) an accepted experimental use pesticide product label;
- (5) the name, address, and telephone number of cooperators or participants in this state;
- (6) the amount of material to be shipped or used in this state; and
- (7) other information requested by the commissioner.

Subd. 4. APPLICATION FEE. (a) An application for registration of an experimental use pesticide product must be accompanied by a nonrefundable application fee of \$125.

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(b) An additional fee of \$200 must be paid by the applicant for each pesticide distributed or used in the state before an initial experimental use pesticide product registration was issued for the pesticide.

Sec. 71. [18B.29] RECIPROCAL LICENSING AND CERTIFICATION AGREEMENTS.

The commissioner may waive all or part of the examination requirements provided for in sections 71 to 77 on a reciprocal basis with any other jurisdiction which has substantially the same requirements. Licenses or certificates issued under sections 71 to 77 may be suspended or revoked upon suspension or revocation of the license or certificate of another jurisdiction supporting the issuance of a Minnesota license or certificate and in the same manner as other licenses and certificates.

Sec. 72. [18B.30] PESTICIDE USE LICENSE REQUIREMENT.

A person may not use or supervise the use of a restricted use pesticide without a license or certification required under sections 71 to 77 and the use may only be done under conditions prescribed by the commissioner.

Sec. 73. [18B.31] PESTICIDE DEALER LICENSE.

Subdivision 1. REQUIREMENT. (a) Except as provided in paragraph (b), a person may not distribute or possess restricted use pesticides or bulk pesticides with an intent to distribute them to an ultimate user without a pesticide dealer license.

(b) The pesticide dealer license requirement does not apply to:

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

(2) a federal, state, county, or municipal agency using restricted use pesticides for its own programs;

(3) a licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in the pharmacist's, physician's, dentist's, or veterinarian's practice; or

(4) a distributor or wholesaler shipping restricted use pesticides to commercial applicators who are the ultimate users.

(c) A licensed pesticide dealer may sell restricted use pesticides only to an applicator licensed or certified by the commissioner, unless a sale is allowed by rule.

Subd. 2. RESPONSIBILITY. A pesticide dealer is responsible for the acts of a person who assists the dealer in the solicitation and sale of restricted use pesticides.

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Subd. 3. LICENSE. A pesticide dealer license:

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

(2) is not transferable to another person.

Subd. 4. APPLICATION. (a) A person must apply to the commissioner for a pesticide dealer license on the forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible to sell bulk pesticides or restricted use pesticides.

(b) The commissioner may require an additional demonstration of dealer qualification if the dealer has had a license suspended or revoked, or has otherwise had a history of violations of this chapter.

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

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

Sec. 74. [18B.32] STRUCTURAL PEST CONTROL LICENSE.

Subdivision 1. REQUIREMENT. (a) A person may not engage in structural pest control applications:

(1) for hire without a structural pest control license; and

(2) as a sole proprietorship, company, partnership, or corporation unless the person is or employs a licensed master in structural pest control operations.

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

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

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

(2) is not transferable.

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

Subd. 3. APPLICATION. (a) A person must apply to the commissioner for a structural pest control license to be licensed as a master, journeyman, or fumigator on forms and in the manner required by the commissioner. The

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commissioner shall require the applicant to pass a written, closed-book, monitored examination or oral examination, or both, and may also require a practical demonstration regarding structural pest control. The commissioner shall establish the examination procedure, including the phases and contents of the examination.

(b) The commissioner may license a person as a master under a structural pest control license if the person has the necessary qualifications through knowledge and experience to properly plan, determine, and supervise the selection and application of pesticides in structural pest control. To demonstrate the qualifications and become licensed as a master, a person must:

(1) pass closed-book testing administered by the commissioner; and

(2) by direct experience as a licensed journeyman under a structural pest control license for at least two years by this state or a state with equivalent certification requirements or as a full-time licensed master in another state with equivalent certification requirements, show practical knowledge and field experience in the actual selection and application of pesticides under varying conditions.

(c) The commissioner may license a person as a journeyman under a structural pest control license if the person:

(1) has the necessary qualifications in the practical selection and application of pesticides;

(2) has passed a closed-book examination given by the commissioner; and

(3) is engaged as an employee of or is working under the direction of a person licensed as a master under a structural pest control license.

(d) The commissioner may license a person as a fumigator under a structural pest control license if the person:

(1) has knowledge of the practical selection and application of fumigants;

(2) has passed a closed-book examination given by the commissioner; and

(3) is licensed by the commissioner as a master or journeyman under a structural pest control license.

Subd. 4. RENEWAL. (a) A structural pest control applicator license may be renewed on or before the expiration of an existing license subject to reexamination, attendance at workshops approved by the commissioner, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competency and ability to use pesticides safely and properly. The commissioner may require an additional demonstration of applicator qualification if the applicator has had a license suspended or revoked or has otherwise had a history of violations of this chapter.

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(b) If a person fails to renew a structural pest control license within three months of its expiration, the person must obtain a structural pest control license subject to the requirements, procedures, and fees required for an initial license.

Subd. 5. FINANCIAL RESPONSIBILITY. (a) A structural pest control license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by:

(1) proof of net assets equal to or greater than \$50,000; or

(2) a performance bond or insurance of a kind and in an amount determined by the commissioner.

(b) The bond or insurance must cover a period of time at least equal to the term of the applicant's license. The commissioner must immediately suspend the license of a person who fails to maintain the required bond or insurance. The performance bond or insurance policy must contain a provision requiring the insurance or bonding company to notify the commissioner by ten days before the effective date of cancellation, termination, or any other change of the bond or insurance. If there is recovery against the bond or insurance, additional coverage must be secured to maintain financial responsibility equal to the original amount required.

(c) An employee of a licensed person is not required to maintain an insurance policy or bond during the time the employer is maintaining the required insurance or bond.

(d) Applications for reinstatement of a license suspended under the provisions of this section must be accompanied by proof of satisfaction of judgments previously rendered.

Subd. 6. FEES. (a) An applicant for a structural pest control license for a business must pay a nonrefundable application fee of \$100. An employee of a licensed business must pay a nonrefundable application fee of \$50 for an individual structural pest control license.

(b) An application received after expiration of the structural pest control license is subject to a penalty fee of 50 percent of the application fee.

(c) An applicant that meets renewal requirements by reexamination instead of attending workshops must pay the equivalent workshop fee for the reexamination as determined by the commissioner.

Sec. 75. [18B.33] COMMERCIAL APPLICATOR LICENSE.

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

(b) A person with a commercial applicator license may not apply pesticides

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on or into surface waters without an aquatic category endorsement on a commercial applicator license.

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

Subd. 2. RESPONSIBILITY. A person required to be licensed under this section who performs pesticide applications for hire or who employs a licensed applicator to perform pesticide application for pro rata compensation is responsible for proper application of the pesticide or device.

Subd. 3. LICENSE. A commercial applicator license:

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

(2) is not transferable to another person.

Subd. 4. APPLICATION. (a) A person must apply to the commissioner for a commercial applicator license on forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible for the commercial applicator license.

(b) Aerial applicators must also fulfill applicable requirements in chapter 360.

(c) An applicant that desires an aquatic category endorsement must pass an examination prepared by the commissioner of natural resources and administered by the department of agriculture.

Subd. 5. RENEWAL APPLICATION. (a) A person must apply to the commissioner to renew a commercial applicator license. The commissioner may renew a commercial applicator license accompanied by the application fee, subject to reexamination, attendance at workshops approved by the commissioner, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competence and ability to use pesticides safely and properly. The applicant may renew a commercial applicator license within 12 months after expiration of the license without having to meet initial testing requirements. The commissioner may require additional demonstration of applicator qualification if a person has had a license suspended or revoked or has had a history of violations of this chapter.

(b) An applicant that meets renewal requirements by reexamination instead of attending workshops must pay the equivalent workshop fee for the reexamination as determined by the commissioner.

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

Subd. 6. FINANCIAL RESPONSIBILITY. (a) A commercial applicator license may not be issued unless the applicant furnishes proof of financial responsibility. The financial responsibility may be demonstrated by: (1) proof of net assets equal to or greater than \$50,000; or (2) by a performance bond or insurance of the kind and in an amount determined by the commissioner.

(b) The bond or insurance must cover a period of time at least equal to the term of the applicant's license. The commissioner must immediately suspend the license of a person who fails to maintain the required bond or insurance. The performance bond or insurance policy must contain a provision requiring the insurance or bonding company to notify the commissioner by ten days before the effective date of cancellation, termination, or any other change of the bond or insurance. If there is recovery against the bond or insurance, additional coverage must be secured to maintain financial responsibility equal to the original amount required.

(c) An employee of a licensed person is not required to maintain an insurance policy or bond during the time the employer is maintaining the required insurance or bond.

(d) Applications for reinstatement of a license suspended under the provisions of this section must be accompanied by proof of satisfaction of judgments previously rendered.

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

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

Sec. 76. [18B.34] NONCOMMERCIAL APPLICATOR LICENSE.

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

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

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

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Subd. 2. LICENSE. A noncommercial applicator license:

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

(2) is not transferable.

Subd. 3. APPLICATION. A person must apply to the commissioner for a noncommercial applicator license on forms and in the manner required by the commissioner. The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible to acquire a noncommercial applicator license. An applicant desiring to apply pesticides into or on surface waters must pass an examination prepared by the department of natural resources and administered by the commissioner.

Subd. 4. RENEWAL. (a) A person must apply to the commissioner to renew a noncommercial applicator license. The commissioner may renew a license subject to reexamination, attendance at workshops approved by the commissioner, or other requirements imposed by the commissioner to provide the applicator with information regarding changing technology and to help assure a continuing level of competence and ability to use pesticides safely and properly. The commissioner may require an additional demonstration of applicator qualification if the applicator has had a license suspended or revoked or has otherwise had a history of violations of this chapter.

(b) An applicant that meets renewal requirements by reexamination instead of attending workshops must pay the equivalent workshop fee for the reexamination as determined by the commissioner.

(c) An applicant has 12 months to renew the license after expiration without having to meet initial testing requirements.

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

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

Sec. 77. [18B.35] APPLICATION CATEGORIES WITHIN APPLICATOR LICENSES.

Subdivision 1. ESTABLISHMENT. (a) The commissioner may establish categories of structural pest control, commercial applicator, and noncommercial

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applicator licenses for administering and enforcing this chapter. The categories may include pest control operators and ornamental, agricultural, aquatic, forest, and right-of-way pesticide applicators. Separate subclassifications of categories may be specified as to ground, aerial, or manual methods to apply pesticides or to the use of pesticides to control insects, plant diseases, rodents, or weeds.

(b) Each category is subject to separate testing procedures and requirements.

Subd. 2. NO ADDITIONAL FEE. A person may not be required to pay an additional fee for a category or subclassification of a category of a license.

Sec. 78. [18B.36] PRIVATE APPLICATOR CERTIFICATION.

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

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

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

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

Subd. 2. CERTIFICATION. (a) The commissioner shall prescribe certification requirements and provide training to certify persons as private applicators and provide information relating to changing technology to help ensure a continuing level of competency and ability to use pesticides properly and safely. The training may be done through cooperation with other government agencies.

(b) A person must apply to the commissioner for certification as a private applicator. After completing the certification requirements, an applicant must be certified as a private applicator to use restricted use pesticides. The certification is for a period of five years from the applicant's nearest birthday.

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

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

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

Sec. 79. [18B.37] RECORDS, REPORTS, PLANS, AND INSPECTIONS.

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

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

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

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

- (1) date of the pesticide use;
- (2) time the pesticide application was completed;
- (3) pesticide and dosage used;
- (4) number of units treated;
- (5) temperature, wind speed, and wind direction;
- (6) location of the site where the pesticide was applied;
- (7) name and address of the customer;
- (8) name, license number, address, and signature of applicator; and
- (9) any other information required by the commissioner.

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

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

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

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

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

- (1) date of structural pest control application;
- (2) target pest;
- (3) name of the pesticide used;

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(4) for fumigation, the temperature and exposure time;

(5) name and address of the customer;

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

(7) any other information required by the commissioner.

(b) Invoices containing the required information may constitute the record.

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

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

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

Subd. 5. INSPECTION OF RECORDS. The commissioner may enter a commercial, noncommercial, or structural pest control applicator's business and inspect the records required in this section at any reasonable time and may make copies of the records. Unless required for enforcement of this chapter, the information in the records in this section is private or nonpublic.

Sec. 80. [18B.38] PROTECTION OF TRADE SECRETS.

Subdivision 1. REQUIREMENTS. In submitting data required by this chapter, the applicant may:

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

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

Subd. 2. INFORMATION REVEALED. After consideration of the applicant's request submitted under subdivision 1, the commissioner shall not make any information public that in the commissioner's judgment contains or relates to trade secrets or to commercial or financial information obtained from an applicant. When necessary, information relating to formulas of products may be revealed to any state or federal agency consulted with similar protection of

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trade secret authority and may be revealed at a public hearing or in findings of facts issued by the commissioner.

Subd. 3. NOTIFICATION. If the commissioner proposes to release information that the applicant or registrant believes to be protected from disclosure under subdivision 2, the commissioner shall notify the applicant or registrant by certified mail. The commissioner shall not make the information available for inspection until 30 days after receipt of the notice by the applicant or registrant. During this period the applicant or registrant may institute an action in an appropriate court for a declaratory judgment as to whether the information is subject to protection under this section.

Sec. 81. [18B.39] EXISTING RULES.

Rules of the commissioner of agriculture in effect on the effective date of this act relating to the distribution, use, storage, handling, and disposal of pesticides, rinsates, and pesticide containers remain in effect until they are superseded by new rules. The commissioner may adopt emergency rules to implement this act until December 31, 1987.

Sec. 82. PESTICIDE CONTAINER DEPOSIT REPORT.

The commissioner of agriculture in consultation with the director of the pollution control agency shall develop a program for pesticide container deposit and return of triple rinsed pesticide containers. The commissioner shall prepare a report on a proposed program and legislative recommendations and submit the report to the house of representatives and senate committees on agriculture by January 15, 1988.

Sec. 83. Minnesota Statutes 1986, section 27.041, subdivision 2, is amended to read:

Subd. 2. **LICENSES.** The license, or a certified copy of the license, must be kept posted in the office of the licensee at each place within the state where the licensee 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 is automatically 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		Dollar Volume of Business
	Late Renewal		
\$ 30	\$10		\$10,000 or less per month
\$ 60	\$15		Over \$10,000 to \$50,000 per month
\$180 <u>\$300</u>	\$45 <u>\$75</u>		Over \$50,000 to \$100,000 per month
\$240 <u>\$400</u>	\$60 <u>\$100</u>		Over \$100,000 per month

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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. A licensee who sells, disposes of, or discontinues the licensee's business during the lifetime of a license 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.

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

Sec. 84. Minnesota Statutes 1986, section 27.07, is amended by adding a subdivision to read:

Subd. 6. COOPERATIVE AGREEMENTS; FEES; ACCOUNT. The commissioner may collect fees as provided for in cooperative agreements between the commissioner and the United States Department of Agriculture for the inspection of fresh fruits, vegetables, and other products. The fees must be deposited in the state treasury and credited to a fruit and vegetables inspection account. The money in the account, including interest earned, is appropriated to the commissioner to carry out the cooperative agreements.

Sec. 85. Minnesota Statutes 1986, section 28A.08, is amended to read:

28A.08 LICENSE FEES; PENALTIES.

The fees for licenses and the penalties for late renewal 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.

Type of food handler	License Fee	Penalty
1. Retail food handler		
(a) Having gross sales of less than \$50,000 for the immediately previous license or fiscal year	\$ 25 <u>\$ 40</u>	\$10
(b) Having \$50,000 to \$250,000 gross sales for the immediately previous license or fiscal year	\$ 50 <u>\$ 75</u>	\$13 <u>\$ 25</u>
(c) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$100 <u>\$125</u>	\$25 <u>\$ 50</u>
(d) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$200 <u>\$250</u>	\$50 <u>\$ 75</u>
2. Wholesale food handler	\$100	\$25

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(a) <u>Having gross sales of less than \$250,000 for the immediately previous license or fiscal year</u>	<u>\$100</u>	<u>\$ 25</u>
(b) <u>Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$150</u>	<u>\$ 38</u>
(c) <u>Having over \$1,000,000 gross sales for the immediately previous license or fiscal year</u>	<u>\$200</u>	<u>\$ 50</u>
3. Food broker	\$ 50 <u>\$ 75</u>	\$13 <u>\$ 25</u>
4. Wholesale food processor or manufacturer		
(a) Having gross sales of less than \$250,000 for the immediately previous license or fiscal year	\$150 <u>\$200</u>	\$38 <u>\$ 50</u>
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$200 <u>\$275</u>	\$50 <u>\$ 75</u>
(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$250 <u>\$350</u>	\$63 <u>\$100</u>
5. Wholesale food processor of meat or poultry products under supervision of the U.S. Department of Agriculture		
(a) Having gross sales of less than \$250,000 for the immediately previous license of fiscal year	\$ 75 <u>\$100</u>	\$19 <u>\$ 25</u>
(b) Having \$250,000 to \$1,000,000 gross sales for the immediately previous license or fiscal year	\$ 90 <u>\$150</u>	\$23 <u>\$ 50</u>
(c) Having over \$1,000,000 gross sales for the immediately previous license or fiscal year	\$105 <u>\$175</u>	\$27 <u>\$ 50</u>
6. Wholesale food manufacturer having the permission of the commissioner to use the name Minnesota farmstead cheese	\$ 30	\$10

Sec. 86. Minnesota Statutes 1986, 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 ~~\$25~~ \$50 and each renewal thereof shall be ~~\$10~~ \$25 and shall be paid to the commissioner before any license or renewal

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thereof is issued. If a license renewal is not applied for on or before January 1 of each year, a penalty of \$10 shall be imposed. A person who does not renew a 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 competency and qualification pursuant to section 32.073, before a license is issued. The commissioner may require any other person who renews a license to prove competency and qualification in the same manner. All license fees and penalties received by the commissioner shall be paid into the state treasury.

Sec. 87. Minnesota Statutes 1986, 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 the form and with the information 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, must be submitted to the department. Each application for registration must be accompanied by a fee of ~~\$150~~ \$200, which is the registration fee if a certificate of registration is granted. If the department of agriculture finds that the samples 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~~ \$50 if the registration is not renewed by January 1 of any year.

Sec. 88. Minnesota Statutes 1986, section 40.01, subdivision 4, is amended to read:

Subd. 4. ~~STATE BOARD OR STATE SOIL AND WATER CONSERVATION BOARD OF WATER AND SOIL RESOURCES.~~ "State board" or "state soil and water conservation board of water and soil resources" means the agency created in section ~~40.03~~ 103.

Sec. 89. Minnesota Statutes 1986, section 40.03, subdivision 4, is amended to read:

Subd. 4. **POWERS AND DUTIES.** In addition to the powers and duties hereinafter conferred upon the ~~state soil and water conservation board~~ by section 103, it shall have the following powers and duties:

(1) ~~Prepare and present to the commissioner of agriculture a budget to finance the activities of the state board and the districts and to administer any law appropriating funds to districts. The board shall Receive and disburse any grants made available to the state by the United States Department of Agriculture under the preferred program developed under United States Code, title 16, sections 2001 to 2009;~~

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(2) Offer any appropriate assistance to the supervisors of the districts in implementing any of their powers and programs. Any funds made available to a district for expenditures necessary for the operations of the district shall be a grant to the district to be used only for purposes authorized by the state board pursuant to law. The soil and water conservation district may designate the board of county commissioners to act as the agent of the district to receive and expend these funds at the direction and with the approval of the board of supervisors of the district. At least annually the state board shall audit, in a manner it prescribes, the expenditure of funds so granted;

(3) Keep the supervisors of each district informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among the districts;

(4) Coordinate the programs and activities of the districts with appropriate agencies by advice and consultation;

(5) Approve or disapprove the plans or programs of districts relating to the use of state funds administered by the state board;

(6) Secure the cooperation and assistance of the appropriate agencies in the work of the districts and to develop a program to advise and assist appropriate agencies in obtaining state and federal funds for erosion, sedimentation, flooding and agriculturally related pollution control programs;

(7) Develop and implement a comprehensive public information program concerning the districts' activities and programs, the problems and preventive practices of erosion, sedimentation, agriculturally related pollution, flood prevention, and the advantages of formation of districts in areas where their organization is desirable;

(8) Subdivide and consolidate districts without a hearing or a referendum so as to confine districts within county limits, provided that no district, when feasible and practicable, shall contain less than four full or fractional congressional townships;

(9) Assist in the implementation of a statewide program for inventorying and classification of the types of soils throughout the state as determined by the Minnesota cooperative soil survey;

(10) Identify research needs and cooperate with other public agencies in research concerning the nature and extent of erosion, sedimentation, flooding and agriculturally related pollution, the amounts and sources of sediment and pollutants delivered to the waters of the state, and long-term soil productivity;

(11) Develop programs to reduce or prevent soil erosion, sedimentation, flooding and agriculturally related pollution, including but not limited to structural and land-use management practices;

(12) Develop a system of priorities within the state to identify the erosion,

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flooding, sediment and agriculturally related pollution problem areas that are most severely in need of control systems; and

(13) Ensure compliance with statewide programs and policies established by the state board pursuant to this section and section 40.02 by advice, consultation, and approval of grant agreements with the districts.

Sec. 90. Minnesota Statutes 1986, section 40.035, subdivision 2, is amended to read:

Subd. 2. For the purpose of developing the program plan, the state board may request any existing pertinent information from any state agency pursuant to ~~section 40.03, subdivision 2~~; and may conduct any hearing it deems necessary.

Sec. 91. Minnesota Statutes 1986, section 40.21, subdivision 1, is amended to read:

Subdivision 1. **RULES AND MODEL ORDINANCE AS GUIDE.** The ~~commissioner~~ board of agriculture water and soil resources, in consultation with counties, soil and water conservation districts, and other appropriate agencies, shall adopt a model ordinance and rules that serve as a guide for local governments to carry out the provisions of Laws 1985, chapter 256, sections 12 to 22 and sections 40.20 to 40.26, and provide administrative procedures for the ~~state soil and water conservation board~~ for Laws 1985, chapter 256, sections 12 to 21 and sections 40.20 to 40.26.

Sec. 92. Minnesota Statutes 1986, section 40.21, subdivision 3, is amended to read:

Subd. 3. **PERIODIC REVIEW.** At least once every five years the ~~commissioner of agriculture~~ board shall review the rules and model ordinance in cooperation with counties, soil and water conservation districts, and appropriate agencies to ensure their continued applicability and relevance.

Sec. 93. Minnesota Statutes 1986, section 40.43, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT OF PROGRAM.** The commissioner of agriculture, in consultation with the commissioner of natural resources, shall establish and administer a conservation reserve program. The commissioner of agriculture shall contract with the board of water and soil resources to implement sections 40.40 to 40.44. Selection of land for the conservation reserve program must be based on its potential for fish and wildlife production, reducing erosion, and protecting water quality.

Sec. 94. Minnesota Statutes 1986, section 60A.14, subdivision 1, is amended to read:

Subdivision 1. **FEES OTHER THAN EXAMINATION FEES.** In addition

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to the fees and charges provided for examinations, the following fees must be paid to the commissioner for deposit in the general fund:

(a) by township mutual fire insurance companies:

(1) for filing certificate of incorporation \$25 and amendments thereto, \$10;

(2) for filing annual statements, \$15;

(3) for each annual certificate of authority, \$15;

(4) for filing bylaws \$25 and amendments thereto, \$10.

(b) by other domestic and foreign companies including fraternal and reciprocal exchanges:

(1) for filing certified copy of certificate of articles of incorporation, ~~\$50~~ \$100;

(2) for filing annual statement, ~~\$30~~ \$225;

(3) for filing certified copy of amendment to certificate or articles of incorporation, ~~\$50~~ \$100;

(4) for filing bylaws, ~~\$25~~ \$75 or amendments thereto, ~~\$10~~ \$75;

(5) for each company's certificate of authority, ~~\$40~~ \$575, annually.

(c) the following general fees apply:

(1) for each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, ~~\$5~~ \$15;

(2) for each copy of paper on file in the commissioner's office 50 cents per page, and \$2.50 for certifying the same;

(3) for license to procure insurance in unadmitted foreign companies, ~~\$40~~ \$575;

(4) for receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of commerce, as attorney for service of process upon any nonresident agent or insurance company, including reciprocal exchanges, \$15 plus the cost of effectuating service by certified mail, which amount must be paid by the party serving the notice and may be taxed as other costs in the action;

(5) for valuing the policies of life insurance companies, one cent per \$1,000 of insurance so valued. The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from the company's own actuary or from the commissioner of insurance of the state or territory in which the company is domiciled;

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(6) for receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(7) for issuing an initial license to an individual agent, \$20 per license, for issuing an initial agent's license to a partnership or corporation, \$50, and for issuing an amendment (variable annuity) to a license, \$20, and for renewal of amendment, \$20;

(8) for each appointment of an agent filed with the commissioner, a domestic insurer shall remit \$5 and all other insurers shall remit \$3;

(9) for renewing an individual agent's license, \$20 per year per license, and for renewing a license issued to a corporation or partnership, \$50 per year;

(10) for issuing and renewing a surplus lines agent's license, \$150;

(11) for issuing duplicate licenses, \$5;

(12) for issuing licensing histories, \$10;

(13) ~~for processing checks returned due to insufficient funds, \$15;~~

(14) for filing forms and rates, ~~\$10~~ \$50 per filing;

(14) for annual renewal of surplus lines insurer license, \$300.

The commissioner shall adopt rules to define filings that are subject to a fee.

Sec. 95. Minnesota Statutes 1986, section 60A.206, subdivision 2, is amended to read:

Subd. 2. **APPLICATION FOR RECOGNITION.** An insurer not otherwise licensed to engage in the business of insurance in Minnesota may apply for recognition as an eligible surplus lines insurer by filing an application in the form and with the information as reasonably required by the commissioner regarding the insurer's financial stability, reputation, integrity and operating plans, accompanied by a license fee of \$500. The commissioner may delegate to an association the power to process and make recommendations on applications for recognition as an eligible surplus lines insurer. Notwithstanding delegation by the commissioner, an applicant may file an application directly with the commissioner.

Sec. 96. Minnesota Statutes 1986, section 60A.23, subdivision 7, is amended to read:

Subd. 7. **LICENSES REQUIRED FOR EMPLOYERS MAKING DEDUCTIONS FROM WAGES FOR CERTAIN PURPOSES. (1) REQUIREMENTS.** No employer shall make deductions from the wages of employees for the purpose of furnishing them with life insurance, funeral benefits, medical or hospital care, accident, sickness or old age insurance or benefits, unless the employer first receives from the commissioner of commerce a license for the benefit plan the

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employer operates or proposes to operate. The license shall be granted only when the commissioner is satisfied that the benefits given are commensurate with the charges made and that the charges will keep the fund solvent. All licenses shall be for the period of one year. The commissioner may require a statement of the operation of the fund, on a form to be prescribed by the commissioner, before granting a renewal. The fee for a license is ~~\$25~~ \$250 and for filing the annual statement ~~\$10~~ \$40. Any fees received by the commissioner pursuant to this subdivision shall be paid into the general fund. Before granting a license the commissioner of commerce shall submit the proposed plan to the chair of the workers' compensation court of appeals in order that the chair may determine whether the benefits are in conjunction with the benefits under the workers' compensation act.

(2) **EXCEPTIONS.** The requirements of clause (1) shall not apply to deductions made from the employees' wages for group insurance issued by insurers authorized to transact business in this state nor to railroad companies engaged in interstate commerce.

(3) **PENALTY.** Any person, firm, corporation, or association that makes deductions from the wages of an employee in violation of clause (1) shall be guilty of a misdemeanor.

Sec. 97. Minnesota Statutes 1986, section 70A.14, subdivision 4, is amended to read:

Subd. 4. **DURATION.** Licenses issued pursuant to this section shall remain in effect until the licensee withdraws from the state or until the license is suspended or revoked. The fee for each license shall be ~~\$100~~ \$1,000, payable every three years.

Sec. 98. Minnesota Statutes 1986, section 83.23, subdivision 2, is amended to read:

Subd. 2. **NOTIFICATION.** Unless the method of offer or sale is adopted for the purpose of evasion of sections 83.20 to 83.42, 83.43 and 83.44, subdivided lands may be registered by notification provided that all of the following requirements have been met:

(a) the subdivision consists of not more than 100 separate lots, units, parcels, or interests;

(b) at least 20 days prior to any offer pursuant to this subdivision, the subdivider must supply the commissioner, on forms which the commissioner may by rule prescribe, at least the following information:

(1) the name and address of the subdivider and the form and date of its organization if other than an individual;

(2) the location and legal description of the subdivision and the total number of lots, parcels, units, or interests;

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(3) either a title opinion prepared and signed by an attorney licensed to practice law in the state wherein the subdivided land is situated; or a certificate of title insurance or its equivalent acceptable to the commissioner;

(4) a copy of each instrument which will be delivered to a purchaser to evidence the purchaser's interest in the subdivided lands and a copy of each contract or other agreement which a purchaser will be required to agree to or sign, together with the range of selling prices, rates, or rentals at which it is proposed to offer the lots, units, parcels, or interests in the subdivision, a list of fees the purchaser may be required to pay for amenities or membership in groups including, but not limited to, homeowners' associations, country clubs, golf courses, and other community organizations; and

(5) a copy of a signed and approved plat map or its equivalent;

(c) a filing fee of ~~\$100~~ \$150 has been paid;

(d) the subdivider is in compliance with the service of process provisions of section 83.39.

The commissioner may by rule or order withdraw or further condition registration by notification or increase or decrease the number of lots, units, parcels, or interests in subdivided lands permitted for registration by notification. If no stop order is in effect, no proceeding is pending, and no order has been issued under subdivision 4, a registration statement under this section automatically becomes effective at 5:00 in the afternoon on the 20th full business day after the filing of the registration statement or the last amendment, or at such earlier time as the commissioner by order determines.

The rulemaking authority in this subdivision does not include emergency rulemaking authority pursuant to chapter 14.

Sec. 99. Minnesota Statutes 1986, section 83.23, subdivision 3, is amended to read:

Subd. 3. **QUALIFICATION.** Subdivided lands may be registered by qualification provided all of the following requirements have been met:

(a) an application for registration has been filed with the commissioner in a format which the commissioner may by rule prescribe;

(b) the commissioner has been furnished a proposed public offering statement complying with section 83.24;

(c) a filing fee of ~~\$250~~ \$400 plus an additional registration fee of \$1 for each lot, unit, parcel, or interest included in the offering accompanies the application. The maximum combined filing and registration fees shall in no event be more than ~~\$2,500~~ \$3,500;

(d) the subdivider is in compliance with service of process provisions of section 83.39;

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(e) the commissioner has been furnished a financial statement of the subdivider's most recent fiscal year, audited by an independent certified public accountant; and, if the fiscal year of the subdivider is more than 90 days prior to the date of filing the application, a financial statement, which may be unaudited, as of a date within 90 days of the date of application.

Subdivisions in which all the improvements are complete and paid for by the developer, and for which clear title can be given the purchaser at the closing, are exempt from providing independently certified financial statements.

An application for registration under this section becomes effective when the commissioner so orders.

The rulemaking authority in this subdivision does not include emergency rulemaking authority pursuant to chapter 14.

Sec. 100. Minnesota Statutes 1986, section 83.30, subdivision 2, is amended to read:

Subd. 2. **FEE.** Every annual report filed pursuant to section 83.23, subdivision 2, shall be accompanied by a fee of ~~50~~ 75. Every annual report filed pursuant to section 83.23, subdivision 3, shall be accompanied by a fee of ~~100~~ 150.

Sec. 101. Minnesota Statutes 1986, section 105.73, is amended to read:

105.73 DEFINITIONS.

Unless the context clearly indicates a different meaning is intended, the following terms for the purposes of this chapter shall be given the meanings ascribed to them in this section.

Board — ~~Minnesota water resources~~ Board of water and soil resources.

Proceeding — Any procedure under any of the laws enumerated in section 105.74 however administrative discretion or duty thereunder may be invoked in any instance.

Agency — Any state officer, board, commission, bureau, division, or agency, other than a court, exercising duty or authority under any of the laws enumerated in section 105.74.

Court — The court means the district court or a judge thereof before whom the proceedings are pending.

Question of water policy — Where use, disposal, pollution, or conservation of water is a purpose, incident, or factor in a proceeding, the question or questions of state water law and policy involved, including either (a) determination of the governing policy of state law in the proceeding, resolving apparent inconsistencies between different statutes, (b) the proper application of that

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policy to facts in the proceeding when application is a matter of administrative discretion, or both (a) and (b).

Sec. 102. Minnesota Statutes 1986, section 110B.02, subdivision 2, is amended to read:

Subd. 2. **BOARD.** "Board" means the board of water and soil resources board.

Sec. 103. **[110B.35] BOARD OF WATER AND SOIL RESOURCES.**

Subdivision 1. MEMBERSHIP. The board of water and soil resources is composed of 12 voting members knowledgeable of water and soil problems and conditions within the state, and four ex officio nonvoting members.

Subd. 2. VOTING MEMBERS. (a) The voting members are:

- (1) three county commissioners;
- (2) three soil and water conservation district supervisors;
- (3) three watershed district or watershed management organization representatives; and
- (4) three citizens who are not employed by, or the appointed or elected official of, any governmental office, board, or agency.

•(b) Voting members must be distributed across the state with at least three members but not more than five members from the metropolitan area, as defined by section 473.121, subdivision 2; and one from each of the current soil and water conservation administrative regions.

(c) Voting members are appointed by the governor. In making the appointments, the governor may consider persons recommended by the association of Minnesota counties, the Minnesota association of soil and water conservation districts, and the Minnesota association of watershed districts. The list submitted by an association must contain at least three nominees for each position to be filled.

(d) The membership terms, compensation, removal of members and filling of vacancies on the board for voting members are as provided in section 15.0575.

Subd. 3. EX OFFICIO NONVOTING MEMBERS. The following agencies shall each provide one nonvoting member to the board:

- (1) department of agriculture;
- (2) department of health;
- (3) department of natural resources; and

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(4) pollution control agency.

Subd. 4. EMPLOYEES. The board may employ an executive director in the unclassified service and other permanent and temporary employees in accordance with chapter 43A. The board may prescribe the powers and duties of its officers and employees and may authorize its employees and members of the board to act on behalf of the board.

Subd. 5. OFFICERS; QUORUM; RECORDS; AUDIT. The governor shall appoint a chair from among the voting members of the board with the advice and consent of the senate. The board shall elect a vice-chair and any other officers that it considers necessary from its membership. A majority of the board is a quorum. The board may hold public hearings and adopt rules necessary to execute its duties.

Subd. 6. ADMINISTRATIVE SERVICES. The commissioner of administration shall provide and make available within the department of agriculture suitable and adequate office facilities and space for the board. The commissioner of agriculture shall provide and make available administrative services required by the board in the administration of its functions.

Subd. 7. POWERS AND DUTIES. In addition to the powers and duties prescribed elsewhere, the board has the following powers and duties:

(a) It shall coordinate the water and soil resources planning activities of counties, soil and water conservation districts, watershed districts, watershed management organizations, and any other local units of government through its various authorities for approval of local plans, administration of state grants, and by other means as may be appropriate.

(b) It shall facilitate communication and coordination among state agencies in cooperation with the environmental quality board, and between state and local units of government, in order to make the expertise and resources of state agencies involved in water and soil resources management available to the local units of government to the greatest extent possible.

(c) It shall coordinate state and local interests with respect to the study in southwestern Minnesota under United States Code, title 16, section 1009.

(d) It shall develop information and education programs designed to increase awareness of local water and soil resources problems and awareness of opportunities for local government involvement in preventing or solving them.

(e) It shall provide a forum for the discussion of local issues and opportunities relating to water and soil resources management.

(f) It shall adopt an annual budget and work program that integrate the various functions and responsibilities assigned to it by law.

(g) It shall report to the governor and the legislature by October 15 of each

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even-numbered year with an assessment of board programs and recommendations for any program changes and board membership changes necessary to improve state and local efforts in water and soil resources management.

Subd. 8. COMMITTEE FOR DISPUTE RESOLUTION. A committee of the board is established to hear and resolve disputes, appeals, and interventions under sections 105.72 to 105.79, 110B.25, 112.801, and 473.878, subdivision 7. The committee consists of the three citizen members specified in subdivision 1, paragraph (a), clause (4), and two additional members appointed by the board chair.

Sec. 104. Minnesota Statutes 1986, section 112.35, subdivision 4, is amended to read:

Subd. 4. "Board" means the Minnesota water resources board of water and soil resources established by section ~~105.71~~ 103.

Sec. 105. Minnesota Statutes 1986, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The board shall include as members the director of the state planning agency, the director of the pollution control agency, the commissioner of natural resources, the commissioner of agriculture, the commissioner of health, the commissioner of transportation, the chair of the board of water and soil resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members shall have knowledge of and be conversant in water management issues in the state.

Sec. 106. Minnesota Statutes 1986, section 138.65, is amended to read:

138.65 ADMISSION FEES.

The Minnesota historical society may establish and collect fees it deems reasonable for admission to the state owned historic sites under its control. These fees shall be deposited in the ~~general fund~~ state treasury and are appropriated to the Minnesota historical society for historic site operations.

Sec. 107. Minnesota Statutes 1986, section 138.91, is amended by adding a subdivision to read:

Subd. 3. HUMANITIES RESOURCE CENTER. The Minnesota humanities commission may establish a humanities resource center to ensure balance in public education and in the cultural life of the state. The humanities resource center may transport people and resources to small towns, rural communities, and urban settings to provide high quality educational and cultural programs to schools and community organizations throughout Minnesota.

Sec. 108. Minnesota Statutes 1986, section 144.226, subdivision 3, is amended to read:

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Subd. 3. **BIRTH CERTIFICATE COPY SURCHARGE.** In addition to any fee prescribed under subdivision 1, there shall be a surcharge of ~~\$2~~ \$3 for each certified copy of a birth certificate. The local or state registrar shall forward this amount to the commissioner of finance for deposit into the account for the children's trust fund for the prevention of child abuse established under section 299A.22. This surcharge shall not be charged under those circumstances in which no fee for a certified copy of a birth certificate is permitted under subdivision 1, paragraph (a). Upon certification by the commissioner of finance that the assets in that fund exceed \$20,000,000, this surcharge shall be discontinued.

Sec. 109. Minnesota Statutes 1986, section 296.17, subdivision 9a, is amended to read:

Subd. 9a. **MINNESOTA BASED INTERSTATE CARRIERS.** Notwithstanding the exemption contained in subdivision 9, as the commissioner of public safety enters into interstate fuel tax compacts which require base state licensing and filing and which eliminate filing in the nonresident compact states, the Minnesota based motor vehicles registered pursuant to section 168.187 will be required to license under the fuel tax compact in Minnesota.

The commissioner of public safety will have all the powers granted to the commissioner of revenue under this section, including the authority to collect and issue licenses, to collect the tax due, and issue any refunds. All license fees paid to the commissioner of public safety pursuant to subdivision 10 will be deposited in the general fund. The commissioner shall charge an annual fee of \$13 for applications for quarterly reporting of fuel tax under this subdivision.

Sec. 110. Minnesota Statutes 1986, section 171.02, subdivision 3, is amended to read:

Subd. 3. **MOTORIZED BICYCLES.** No motorized bicycle shall be operated on any public roadway by any person who does not possess a valid drivers license, unless the person has obtained a motorized bicycle operator's permit or motorized bicycle instruction permit from the commissioner of public safety. The operator's permit may be issued to any person who has attained the age of 15 years and who has passed the examination prescribed by the commissioner. The instruction permit may be issued to any person who has attained the age of 15 years and who has passed the written portion of the examination prescribed by the commissioner. The commissioner may promulgate rules prescribing the content of the examination and the information to be contained on the permits.

The fees for motorized bicycle operator's permits are as follows:

(a) Examination and operator's permit, valid for one year	\$4	<u>\$6</u>
(b) Duplicate	\$2	<u>\$3</u>
(c) Renewal permit before age 19 and valid until age 19	\$6	<u>\$9</u>
(d) Renewal permit after age 19 and valid for four years	\$10	<u>\$15</u>

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(e) Duplicate of any renewal permit	\$3	\$4.50
(f) Written examination and instruction permit, valid for 30 days	\$4	\$6

Sec. 111. Minnesota Statutes 1986, section 171.06, subdivision 2, is amended to read:

Subd. 2. **FEES.** (a) The fees for a license and Minnesota identification card are as follows:

Classified Driver License	C-\$10 B-\$15	C-\$15 B-\$22.50
	A-\$20	A-\$30
Classified Provisional D.L.	C-\$6 B-\$10	C-\$9 B-\$15
Instruction Permit	\$4	\$6
Duplicate Driver or Provisional License	\$3	\$4.50
Minnesota identification card, except as otherwise provided in section 171.07, subdivisions 3 and 3a	\$6	\$9

Sec. 112. Minnesota Statutes 1986, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. **GENERAL FUND SHARE.** (a) Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund. The amounts collected and received shall be credited to the highway user tax distribution fund and the transit assistance fund as provided in ~~subdivision 2~~ this subdivision, and transferred from the general fund on July 15 and January 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit fund. Five percent of the money must be deposited in the highway user tax distribution fund and the transit assistance fund for apportionment as provided in this section. Of the money deposited under this section, 75 percent must be credited to the highway user tax distribution fund for apportionment in the same manner and for the same purposes as other money in that fund. The remaining 25 percent of the money must be credited to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.

(b) The distributions under this subdivision to the highway user tax distribution fund must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. For the fiscal years ending June 30, 1988, and June 30, 1989, the commissioner of finance, before making the transfers required on July 15 and January 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the

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six-month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the highway user tax distribution fund by the amount of that estimate. The commissioner shall reduce the estimate for any six-month period by the amount by which the estimate for the previous six-month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six-month period. If at any time during a six-month period in those fiscal years the amount of reduction in the transfer to the highway user tax distribution fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the highway user tax distribution fund an additional amount sufficient to fund the appropriation for that period, but the additional amount so transferred to the general fund in a six-month period may not exceed the amount transferred to the highway user tax distribution fund for that six-month period.

Sec. 113. Minnesota Statutes 1986, section 299A.23, subdivision 3, is amended to read:

Subd. 3. **PLAN FOR DISBURSEMENT OF FUNDS.** By June 1, 1987, ~~and biennially thereafter,~~ the commissioner, assisted by the advisory council, shall develop a plan to disburse money from the trust fund. In developing the plan, the commissioner shall review prevention programs. The plan must ensure that all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money. Biennially thereafter the commissioner shall send the plan to the legislature and the governor by ~~June~~ January 1 of each odd-numbered year.

Sec. 114. Minnesota Statutes 1986, section 299A.26, is amended to read:

299A.26 ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.

The commissioner may accept federal money and gifts, donations, and bequests for the purposes of Laws 1986, chapter 423. Money so received and proceeds from the sale of promotional items, minus sales promotional costs, must be deposited in the trust fund and must be made available annually to the commissioner ~~for disbursement.~~

Sec. 115. Minnesota Statutes 1986, section 309.531, subdivision 1, is amended to read:

Subdivision 1. No person shall act as a professional fund raiser unless licensed by registered with the department attorney general. ~~Applications for a license shall~~ The registration statement must be in writing, under oath, in the form prescribed by the ~~department attorney general and shall~~ must be accompanied by an application fee of ~~\$25~~ \$200. Each ~~license shall be~~ registration is effective for a period of not more than 12 months from the date of issuance, and in any event ~~shall expire~~ expires on July 30 next following the date of issuance. The registration may be renewed for additional one-year periods on application and payment of the fee.

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Sec. 116. Minnesota Statutes 1986, section 326.241, subdivision 3, is amended to read:

Subd. 3. **FEES AND FINANCES; DISPOSITION.** All ~~license~~ fees collected under the provisions of sections 326.241 to 326.248 are to be credited to the ~~general fund.~~ The expenses of administering sections 326.241 to 326.248 shall be paid from appropriations made to the board of electricity a special account in the state treasury. Money in the account is appropriated to the board of electricity to administer and enforce sections 326.241 to 326.248, to pay indirect costs, to compensate contract electrical inspectors for inspections performed, and to make refunds.

Sec. 117. Minnesota Statutes 1986, section 326.244, subdivision 2, is amended to read:

Subd. 2. **PROCEDURE.** (a) At or before commencement of any installation required to be inspected by the board, the electrical contractor, installer, special electrician, or owner making the installation shall submit to the board a request for inspection, in a form prescribed by the board, together with the fees required for the installation.

(b) The fees required are a handling fee and an inspection fee. The handling fee shall be set by the board in an amount sufficient to pay the cost of printing and handling the form requesting an inspection. The inspection fee shall be set by the board in an amount sufficient to pay the actual costs of the inspection and the board's costs in administering the inspection. All fees shall be set pursuant to the procedure of sections 14.01 to 14.70.

(c) ~~All handling fees shall be deposited in the general fund. All inspection fees collected pursuant to this section shall be deposited by the board in a special revenue bookkeeping account of the treasury and are appropriated to the board for the purpose of compensating contract inspectors for inspections performed, for transfer to the general fund of the portion of the fee representing inspection administration costs, and for making refunds.~~

(~~d~~) If the inspector finds that the installation is not in compliance with accepted standards of construction for safety to life and property as required by section 326.243, the inspector shall by written order condemn the installation or noncomplying portion thereof, or order service to the installation disconnected, and shall send a copy of the order to the board. If the installation or the noncomplying part will seriously and proximately endanger human life and property, the order of the inspector, when approved by the inspector's superior, shall require immediate condemnation or disconnection. In all other cases, the order of the inspector shall permit a reasonable opportunity for the installation to be brought into compliance with accepted standards of construction for safety to life and property prior to the effective time established for condemnation or disconnection.

(~~e~~) (d) Copies of each condemnation or disconnection order shall be served

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personally or by mail upon the property owner, and the electrical contractor, installer, or special electrician making the installation, and other persons as the board by rule may direct. An aggrieved party may appeal any condemnation or disconnection order by filing with the board a notice of appeal within ten days after (1) service upon the aggrieved party of the condemnation or disconnection order, if this service is required, or (2) filing of the order with the board, whichever is later. The appeal shall proceed and the order of the inspector shall have the effect the order, by its terms, and the rules of the board provides. The board shall adopt rules providing procedures for the conduct of appeals, including provisions for the stay of enforcement of the order of the inspector pending such appeal when justified by the circumstances.

Sec. 118. Minnesota Statutes 1986, section 332.33, subdivision 3, is amended to read:

Subd. 3. Licenses granted by the commissioner of commerce under sections 332.31 to 332.45 shall expire on June 30. All renewals of licenses shall likewise expire on June 30. Each license shall plainly state the name and business address of the licensee, and shall be posted in a conspicuous place in the office where the business is transacted. The fee for each license is \$500 and renewal ~~shall be \$100~~ is \$400. A licensee who desires to carry on business in more than one place within the state shall procure a license for each place where the business is to be conducted.

Sec. 119. Minnesota Statutes 1986, section 332.33, subdivision 4, is amended to read:

Subd. 4. The commissioner may require such financial statements and references of all applicants for a license as the commissioner deems necessary; and may make or cause to be made an independent investigation concerning the applicant's reputation, integrity, competence, and net worth, at the expense of the applicant for such initial investigation, not to exceed ~~\$100~~ \$500, and for that purpose may require such deposit against the cost thereof as the commissioner deems adequate. Such investigation may cover all managerial personnel employed by or associated with the applicant.

Sec. 120. Minnesota Statutes 1986, section 473.39, subdivision 1a, is amended to read:

Subd. 1a. ~~AMOUNT; 1-394 FACILITIES AMOUNTS.~~ (a) The council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding \$8,500,000 \$17,000,000 ~~for expenditure~~ financial assistance to the commission, as prescribed in the implementation plan of the board and the capital program of the commission. ~~Of this~~

(b) The council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount; no more than not exceeding \$1,500,000 may be spent for land acquisition and capital improvements for park and ride lots and transit transfer stations planned for the interstate highway described in

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section 161.123, clause (2), commonly known as I-394. These facilities may be constructed and maintained by the metropolitan transit commission. The board shall require, as a condition of financial assistance to the commission, that the commission make facilities it constructs, acquires, or improves for I-394 with funds provided under this provision available to all transit providers on a nondiscriminatory basis, as the board defines these terms.

Sec. 121. Minnesota Statutes 1986, section 473.876, is amended by adding a subdivision to read:

Subd. 1a. BOARD. "Board," unless the context indicates otherwise, means the board of water and soil resources created in section 103.

Sec. 122. Minnesota Statutes 1986, section 473.877, subdivision 2, is amended to read:

Subd. 2. **REVIEW OF WATERSHED BOUNDARIES.** Before commencing planning under section 473.878, a watershed management organization established pursuant to section 471.59 and this section shall submit a map delineating the boundaries of the watershed to the ~~water resources~~ board of water and soil resources for review and comment on the conformance of the boundaries with the requirements of sections 473.875 to 473.883. The board shall have 60 days to comment.

Sec. 123. Minnesota Statutes 1986, section 473.8771, subdivision 1, is amended to read:

Subdivision 1. **BOUNDARY CHANGE.** The boundaries of a watershed district wholly within the metropolitan area may be changed pursuant to this subdivision or chapter 112. The governing board of a watershed management organization may petition the ~~water resources~~ board of water and soil resources for an order changing the boundaries of a watershed district wholly within the metropolitan area, either by adding new territory to the district or by transferring territory that is within the district to the jurisdiction of another watershed management organization. The petition must:

(a) describe with particularity the change in boundary requested, the territory affected, and the reasons for the change;

(b) show that the change is consistent with the purposes and requirements of sections 473.875 to 473.883; and

(c) identify any property subject to subdivision 3.

The petition must be accompanied by a written statement of concurrence in the petition from the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred. Upon the filing of a sufficient petition, the ~~water resources~~ board shall give notice of the filing of the petition by publication once each week for two successive weeks in a legal newspaper in

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each county affected and by mail to the county auditor of each county affected and to the chief official of each statutory or home rule charter city and township affected. The notice must describe the action proposed by the petition and invite written comments on the petition for consideration by the board. The notice must announce that any person who objects to the action proposed in the petition may submit a written request for hearing to the board within 20 days of the last publication of the notice of the filing of the petition and that if no timely request for hearing is received the board will make a decision on the petition pursuant to this subdivision without conducting the public hearing required under chapter 112. If no timely request for hearing is received the board shall make a decision on the petition without a hearing within 30 days after the last publication of the notice. If one or more timely requests for hearing are received the board shall hold a hearing on the petition and shall follow the procedures in chapter 112 regarding notice and conduct of hearings. After completing the procedures required by this subdivision, the board shall, by its findings and order, make the boundary change requested if the board determines that:

(a) (i) the governing body of each statutory or home rule charter city and town and each watershed management organization having jurisdiction over the territory proposed to be added or transferred concurs in the petition,

(b) (ii) the change is consistent with the purposes and requirements of sections 473.875 to 473.883, and

(c) (iii) the change can be accomplished in conformance with subdivision 3.

The board shall file a certified copy of the findings and order with the secretary of state. The order making the change must conform to subdivision 3. The order making the change may amend the order prescribing the distribution of managers of the district.

Sec. 124. Minnesota Statutes 1986, section 473.8771, subdivision 2, is amended to read:

Subd. 2. **TERMINATION.** A watershed district wholly within the metropolitan area may be terminated pursuant to this subdivision or chapter 112. Proceedings for termination under this subdivision must be initiated by a petition to the ~~water resources~~ board of water and soil resources filed jointly by the governing bodies of all statutory and home rule charter cities and towns having jurisdiction over territory within the watershed. Upon the filing of a sufficient petition, the board shall hold a hearing in accordance with the procedures prescribed in chapter 112, to take testimony on the determinations required to be made by the board. Following the hearing, the board shall, by its findings and order, terminate the district as requested if the board determines:

(a) that the local units of government having jurisdiction over territory within the watershed have formed a joint powers organization for the watershed pursuant to section 473.877,

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(b) that upon termination of the district the members of the joint powers organization, jointly or severally, are willing and able to assume ownership of the district's assets and the responsibility for managing and maintaining the district's projects as necessary to accomplish the purposes of sections 473.875 to 473.883 and to implement the watershed plan of the joint powers organization to be developed pursuant to section 473.878, and

(c) that the termination can be accomplished in conformance with subdivision 3.

The board shall file a certified copy of the findings and order with the secretary of state. The order terminating the district must transfer the assets of the district to the joint powers organization or its members. The order must conform to subdivision 3.

Sec. 125. Minnesota Statutes 1986, section 473.878, subdivision 7, is amended to read:

Subd. 7. **REVIEW BY STATE AGENCIES.** After completion of the review under subdivision 6, the plan shall be submitted to the commissioner of natural resources and the pollution control agency for review and comment on the consistency of the plan with state laws and rules relating to water and related land resources, and to the ~~water resources~~ board of water and soil resources for review under section 112.46. Except as otherwise provided in this subdivision, the ~~water resources~~ board of water and soil resources shall review the plan as provided in section 112.46. The board shall review the plan for conformance with the requirements of chapter 112 and sections 473.875 to 473.883. The board shall not prescribe a plan, but may disapprove all or parts of a plan which it determines is not in conformance with the requirements of chapter 112 and sections 473.875 to 473.883. If the capital improvement program is the subject of a dispute between counties, the ~~water resources~~ board of water and soil resources shall make a final decision on the issue. The decision shall be binding on the organization and the counties involved.

Sec. 126. Minnesota Statutes 1986, section 473.878, subdivision 8, is amended to read:

Subd. 8. **ADOPTION; IMPLEMENTATION.** The organization shall adopt and implement its plan within 120 days after compliance with the provisions of subdivision 7 and approval of the plan by the ~~water resources~~ board of water and soil resources. A watershed district may implement its approved plan and approved capital improvement program by resolution of the majority of the board of managers and without respect to the provisions of chapter 112 requiring the managers to wait upon petitions for projects, to submit projects for review by the ~~water resources~~ board of water and soil resources, and to limit the cost and purposes of projects.

Sec. 127. Minnesota Statutes 1986, section 611A.61, is amended by adding a subdivision to read:

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Subd. 3. DEPOSIT OF REVENUE TO FUND. The first \$18,000 collected under this section in each year of the biennium must be deposited into the general fund. Amounts in excess of \$18,000 must be deposited into the crime victim and witness account in the state treasury for the purposes established in section 609.101.

Sec. 128. [626.562] CHILD ABUSE PROFESSIONAL CONSULTATION TELEPHONE LINE.

Subdivision 1. ESTABLISHMENT OF TELEPHONE LINE. The commissioner of public safety shall contract for at least one statewide toll-free 24-hour telephone line for the purpose of providing consultative and training services for physicians, therapists, child protection workers, and other professionals involved in child protection. Services provided must include emergency and longer term consultation on individual child protection cases.

Subd. 2. CONTRACT AUTHORITY. The commissioner shall contract to establish the telephone service described in subdivision 1. The commissioner shall contract only with agencies that agree to match through cash or in-kind donations 30 percent of the contract amount. The commissioner shall require that these agencies submit periodic reports describing the manner in which they have performed services specified in this section.

Subd. 3. CHILD ABUSE REPORTING. A communication by telephone line established under this section by a person mandated to report abuse or neglect under section 626.556 does not satisfy the obligation to report under that section.

Sec. 129. Minnesota Statutes 1986, section 626.841, is amended to read:

626.841 BOARD; MEMBERS.

The board of peace officer standards and training shall be composed of the following ~~43~~ 15 members:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) Two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota state patrol association;

(~~e~~) (d) The superintendent of the Minnesota bureau of criminal apprehension or a designee;

(~~d~~) (e) Two members appointed by the governor experienced in law enforce-

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ment at a local, state or federal level who are not currently employed as peace officers;

(e) (f) Two members to be appointed by the governor from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2;

(f) (g) Two members appointed by the governor from among the general public.

A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 130. Minnesota Statutes 1986, section 626.846, is amended by adding a subdivision to read:

Subd. 6. A person seeking election or appointment to the office of sheriff after June 30, 1987, must be licensed or eligible to be licensed as a peace officer. The person shall submit proof of peace officer licensure or eligibility as part of the application for office.

Sec. 131. Minnesota Statutes 1986, section 626.852, is amended to read:

626.852 TUITION; SALARY AND EXPENSES.

~~No tuition shall be charged any peace officer or part-time peace officer for attending any training school herein provided for, and~~ Each officer when assigned to the bureau of criminal apprehension continuing education courses pursuant to rules of the board shall receive the officer's regular salary and shall be reimbursed by the governing body of the governmental unit or combination of governmental units from which elected or by which employed for the cost of meals, travel, and lodgings while in attendance at the bureau of criminal apprehension courses, not to exceed similar allowance for state employees.

Sec. 132. **REPEALER.**

Subdivision 1. Minnesota Statutes 1986, sections 18A.21; 18A.22; 18A.23; 18A.24; 18A.25; 18A.26; 18A.27; 18A.28; 18A.29; 18A.30; 18A.31; 18A.32; 18A.33; 18A.34; 18A.35; 18A.36; 18A.37; 18A.38; 18A.39; 18A.40; 18A.41; 18A.42; 18A.43; 18A.44; 18A.45; 18A.48; 297B.09, subdivision 2; and 626.849, are repealed.

Subd. 2. Minnesota Statutes 1986, sections 40.03, subdivisions 1, 1a, 2, and 3; 105.71; 116C.40, subdivision 3; and 116C.41, subdivision 2, are repealed effective October 1, 1987.

Sec. 133. **EFFECTIVE DATES.**

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Subdivision 1. Section 108 is effective the day following final enactment.

Subd. 2. Sections 33, 34, 88 to 93, 101 to 105, and 121 to 126 are effective October 1, 1987. Until the effective date of these sections, appropriations made to the board of water and soil resources must be allocated by the commissioner of finance to the separate agencies.

Approved June 2, 1987

CHAPTER 359—H.F.No. 234

An act relating to employment; establishing unpaid leave of absences for new parents; setting conditions on return from leave; creating a cause of action; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Section 1. [181.940] DEFINITIONS.

Subdivision 1. SCOPE. For the purposes of sections 1 to 5, the following terms have the meanings given to them in this section.

Subd. 2. EMPLOYEE. "Employee" means a person who performs services for hire for an employer, for an average of 20 or more hours per week, and includes all individuals employed at any site owned or operated by an employer. Employee does not include an independent contractor.

Subd. 3. EMPLOYER. "Employer" means a person or entity that employs 21 or more employees at at least one site and includes an individual, corporation, partnership, association, nonprofit organization, group of persons, state, county, town, city, school district, or other governmental subdivision.

Sec. 2. [181.941] PARENTING LEAVE.

Subdivision 1. SIX-WEEK LEAVE; BIRTH OR ADOPTION. An employer must grant an unpaid leave of absence to an employee who has been employed by the employer for at least 12 months and who is a natural or adoptive parent in conjunction with the birth or adoption of a child. The length of the leave shall be determined by the employee, but may not exceed six weeks, unless agreed to by the employer.

Subd. 2. START OF LEAVE. The leave shall begin at a time requested by the employee. The employer may adopt reasonable policies governing the timing of requests for unpaid leave. The leave may begin not more than six weeks after the birth or adoption.

Subd. 3. NO EMPLOYER RETRIBUTION. An employer shall not retali-

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