

CHAPTER 501—S.F.No. 2286

An act relating to environment; amending certain statutes administered by the environmental quality board; prohibiting delegation of responsibilities; authorizing certain enforcement actions; prohibiting construction of certain projects; requiring project proposers to pay costs of environmental impact statements; appropriating money; amending Minnesota Statutes 1986, sections 116C.04, by adding a subdivision; 116D.04, by adding subdivisions; and 116D.045, subdivisions 1, 2, 3, and 4; Minnesota Statutes 1987 Supplement, section 116C.03, subdivision 2; repealing Minnesota Statutes 1986, section 116D.045, subdivision 5.

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

Section 1. Minnesota Statutes 1987 Supplement, section 116C.03, subdivision 2, is amended to read:

Subd. 2. The members of the board are the director of the state planning agency, the director of public service, 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 must have knowledge of and be conversant in water management issues in the state. Notwithstanding the provisions of section 15.06 subdivision 6, members of the board may not delegate their powers and responsibilities as board members to any other person.

Sec. 2. Minnesota Statutes 1986, section 116C.04, is amended by adding a subdivision to read:

Subd. 10. The board may enter into and enforce stipulation agreements made to enforce statutes and rules administered by the board.

Sec. 3. Minnesota Statutes 1986, section 116D.04, is amended by adding a subdivision to read:

Subd. 2b. If an environmental assessment worksheet or an environmental impact statement is required for a governmental action under subdivision 2a, a project may not be started and a final governmental decision may not be made to grant a permit, approve a project, or begin a project, until:

- (1) a petition for an environmental assessment worksheet is dismissed;
- (2) a negative declaration has been issued on the need for an environmental impact statement;
- (3) the environmental impact statement has been determined adequate; or
- (4) a variance has been granted from making an environmental impact statement by the environmental quality board.

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

Sec. 4. Minnesota Statutes 1986, section 116D.04, is amended by adding a subdivision to read:

Subd. 13. This section may be enforced by injunction, action to compel performance, or other appropriate action in the district court of the county where the violation takes place. Upon the request of the board or the chair of the board, the attorney general may bring an action under this subdivision.

Sec. 5. Minnesota Statutes 1986, section 116D.045, subdivision 1, is amended to read:

Subdivision 1. The board shall, ~~no later than January 1, 1977,~~ by rule adopt procedures to assess the proposer of a specific action, ~~when the proposer is a private person,~~ for reasonable costs of preparing and distributing an environmental impact statement on that action required pursuant to section 116D.04. Such costs shall be determined by the responsible agency governmental unit pursuant to the rules promulgated by the board ~~in accordance with subdivision 5 and shall be assessed for projects for which an environmental impact statement preparation notice has been issued after February 15, 1977.~~

Sec. 6. Minnesota Statutes 1986, section 116D.045, subdivision 2, is amended to read:

Subd. 2. In the event of a disagreement between the proposer of the action and the responsible agency governmental unit over the cost of an environmental impact statement, the responsible agency governmental unit shall consult with the board, which may modify the cost or determine that the cost assessed by the responsible agency governmental unit is reasonable.

Sec. 7. Minnesota Statutes 1986, section 116D.045, subdivision 3, is amended to read:

Subd. 3. The responsible governmental unit shall assess the project proposer for reasonable costs in preparing and distributing the environmental impact statement and the proposer shall pay the assessed cost to the board responsible governmental unit. All money received pursuant to this subdivision shall be deposited in the general fund. Money received under this subdivision by a responsible governmental unit that is not a state agency may be retained by the unit for the same purposes.

Sec. 8. Minnesota Statutes 1986, section 116D.045, subdivision 4, is amended to read:

Subd. 4. No ~~agency or~~ responsible governmental subdivision unit shall commence ~~with~~ the preparation of an environmental impact statement until at least one-half of the assessed cost of the environmental impact statement is paid pursuant to subdivision 3. Other laws notwithstanding, no state agency may issue any permits for the construction or operation of a project for which an environmental impact statement is prepared until the assessed cost for the environmental impact statement has been paid in full.

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

Sec. 9. REPEALER.

Minnesota Statutes 1986, section 116D.045, subdivision 5, is repealed.

Approved April 12, 1988

CHAPTER 502—S.F.No. 2384

An act relating to trade practices; providing for payment to farm implement retailer by successor in interest of the manufacturer, wholesaler, or distributor who repurchases stock and inventory; amending Minnesota Statutes 1986, sections 325E.05; and 325E.06, subdivisions 1, 4, and 5, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1986, section 325E.05, is amended to read:

325E.05 AGRICULTURAL IMPLEMENT DEALERSHIPS; RETURN OF STOCK.

If a franchised agricultural machinery or implement dealership is discontinued for economic reasons, the firm, company, ~~or person,~~ or successor in interest issuing the franchise to the dealer shall purchase all listed parts in the dealer's stock purchased originally from firm, company, or person issuing franchise at a price agreeable to the franchised dealer and such firm, company, ~~or person,~~ or successor in interest.

Sec. 2. Minnesota Statutes 1986, section 325E.06, subdivision 1, is amended to read:

Subdivision 1. **OBLIGATION TO REPURCHASE.** Whenever any person, firm, or corporation engaged in the business of selling and retailing farm implements and repair parts for farm implements enters into a written contract, sales agreement or security agreement whereby the retailer agrees with any wholesaler, manufacturer, or distributor of farm implements, machinery, attachments or repair parts to maintain a stock of parts or complete or whole machines, or attachments, and thereafter the written contract, sales agreement or security agreement is terminated, canceled or discontinued, then the wholesaler, manufacturer, or distributor shall pay to the retailer or credit to the retailer's account, if the retailer has outstanding any sums owing the wholesaler, manufacturer, or distributor, unless the retailer should desire and has a contractual right to keep such merchandise, a sum equal to 100 percent of the net cost of all unused complete farm implements, machinery and attachments in new condition which have been purchased by the retailer from the wholesaler, manufacturer or distributor within the 24 months immediately preceding notification by either party of intent to cancel or discontinue the contract, including transportation charges

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