

Subd. 2. EMERGENCY WAIVER. The commissioner shall grant an emergency waiver from the provisions of this section if the need for the project is a result of fire, tornado, flood, storm damage, or other similar disaster, if adequate health care facilities are not available for the people who previously used the applicant facility, and if the request for an emergency waiver is limited in nature and scope only to those repairs necessitated by the natural disaster.

Subd. 3. ENFORCEMENT. The district court in Ramsey county has jurisdiction to enjoin an alleged violation of subdivision 1. At the request of the commissioner of health, the attorney general may bring an action to enjoin an alleged violation. The commissioner of health shall not issue a license for any portion of a hospital in violation of subdivision 1. No hospital in violation of subdivision 1 may apply for or receive public funds under chapters 245 to 256B, or from any other source.

Subd. 4. DEFINITIONS. Except as indicated in this subdivision, the terms used in this section have the meanings given them under Minnesota Statutes 1982, sections 145.832 to 145.845, and the rules adopted under those sections.

The term "hospital" has the meaning given it in section 144.50.

Sec. 2. REPEALER.

Laws 1984, chapter 654, article 5, section 57, as amended by Laws 1987, chapter 75, sections 1 and 2; Laws 1988, chapter 689, article 2, section 238; and Laws 1989, chapter 282, article 2, section 204, are repealed.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective July 1, 1990.

Presented to the governor April 24, 1990

Signed by the governor April 24, 1990, 10:00 p.m.

CHAPTER 501—S.F.No. 1725

An act relating to the environment; changing the fund balances required to impose the fee and the collection period of the fee; changing the terms for reimbursement of petroleum tank release costs by the petroleum tank release compensation board; providing certain tank facilities and refineries are ineligible for reimbursement; appropriating money reimbursed to state agencies; amending Minnesota Statutes 1988, sections 115C.02, by adding subdivisions; 115C.08, subdivision 2; Minnesota Statutes 1989 Supplement, sections 115C.08, subdivision 5; and 115C.09, subdivisions 1, 3, and by adding a subdivision.

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

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

Section 1. Minnesota Statutes 1988, section 115C.02, is amended by adding a subdivision to read:

Subd. 10a. PETROLEUM REFINERY. "Petroleum refinery" means a facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oil, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or reforming of unfinished petroleum derivatives. "Petroleum refinery" includes fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, fuel gas combustion devices, and indirect heating equipment associated with the refinery.

Sec. 2. Minnesota Statutes 1988, section 115C.02, is amended by adding a subdivision to read:

Subd. 15. TANK FACILITY. "Tank facility" means a contiguous area where tanks are located that are under the same ownership or control.

Sec. 3. Minnesota Statutes 1988, section 115C.08, subdivision 2, is amended to read:

Subd. 2. IMPOSITION OF FEE. The board shall notify the commissioner of revenue if the ~~unexpended unencumbered~~ balance of the fund falls below ~~\$1,000,000~~ \$2,000,000, and within 60 days after receiving notice from the board, the commissioner of revenue shall impose the fee established in subdivision 3 on the use of a tank for a ~~30-day period, within 60 days of receiving notice from the board~~ four calendar months, with payment to be submitted with each monthly distributor tax return.

Sec. 4. Minnesota Statutes 1989 Supplement, section 115C.08, subdivision 5, is amended to read:

Subd. 5. FUND TRANSFER. The board shall authorize the commissioner of finance to transfer to the harmful substance compensation fund the amount requested by the harmful substance compensation board under section 115B.26, subdivision 4. Transfer of the amount must be made at the earliest practical date after authorization by the board. If the ~~unexpended unencumbered~~ balance in the fund is less than ~~\$1,000,000~~ \$2,000,000 the transfer must be made at the earliest practical date after the ~~unexpended unencumbered~~ balance in the fund exceeds that amount.

Sec. 5. Minnesota Statutes 1989 Supplement, section 115C.09, subdivision 1, is amended to read:

Subdivision 1. REIMBURSABLE COSTS. (a) The board shall provide partial reimbursement to eligible responsible persons for reimbursable costs incurred after June 4, 1987.

(b) The following costs ~~shall be considered~~ are reimbursable for purposes of this section:

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

(1) corrective action costs incurred by the responsible person, except the costs related to the physical removal of a tank; and

(2) costs that the responsible person is legally obligated to pay as damages to third parties for bodily injury or property damage caused by a release if the responsible person's liability for the costs has been established by a court order or a consent decree.

(c) A cost for liability to a third party is ~~considered to be~~ incurred by the responsible person when an order or consent decree establishing the liability is entered. Except as provided in this paragraph, reimbursement may not be made for costs of liability to third parties until all eligible corrective action costs have been reimbursed. If a corrective action is expected to continue in operation for more than one year after it has been fully constructed or installed, the board may estimate the future expense of completing the corrective action and, after subtracting this estimate from the total reimbursement available under subdivision 3, reimburse the costs for liability to third parties. The total reimbursement may not exceed the limit set forth in subdivision 3.

Sec. 6. Minnesota Statutes 1989 Supplement, section 115C.09, subdivision 3, is amended to read:

Subd. 3. **REIMBURSEMENT.** (a) The board shall reimburse a responsible person who is eligible under subdivision 2 from the fund for 90 percent of the portion of the total reimbursable costs ~~less than \$250,000 or \$1,000,000, which ever is less.~~ Not more than \$250,000 \$1,000,000 may be reimbursed for costs associated with a single release, regardless of the number of persons eligible for reimbursement, and not more than \$2,000,000 may be reimbursed for costs associated with a single tank facility.

(b) A reimbursement may not be made from the fund under this subdivision until the board has determined that the costs for which reimbursement is requested were actually incurred and were reasonable.

(c) Money in the fund is appropriated to the board to make reimbursements under this section. A reimbursement to a state agency must be credited to the appropriation account or accounts from which the reimbursed costs were paid.

Sec. 7. Minnesota Statutes 1989 Supplement, section 115C.09, is amended by adding a subdivision to read:

Subd. 3c. RELEASE AT REFINERIES AND TANK FACILITIES NOT ELIGIBLE FOR REIMBURSEMENT. Notwithstanding other provisions of subdivisions 1 to 3b, a reimbursement may not be made under this section for costs associated with a release:

(1) from a tank located at a petroleum refinery; or

(2) from a tank facility, including a pipeline terminal, with more than 1,000,000 gallons of total petroleum storage capacity at the tank facility.

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

Sec. 8. EFFECTIVE DATE.

This act is effective the day following final enactment and section 5 applies to applications for reimbursement received by the board after that date.

Presented to the governor April 23, 1990

Signed by the governor April 23, 1990, 10:40 a.m.

CHAPTER 502—S.F.No. 1704

An act relating to natural resources; regulating aquaculture activities and programs; providing for the transportation of minnows by common carrier; regulating the commercial fishing of rough fish on the Lake of the Woods; authorizing conservation officers to seek issuance of and to serve search warrants; amending Minnesota Statutes 1988, sections 97A.155, by adding a subdivision; 97C.501, subdivision 1; and 97C.525, by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 17.49, subdivision 2, and by adding a subdivision; 626.05, subdivision 2; and 626.13; proposing coding for new law in Minnesota Statutes, chapter 97C.

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

Section 1. Minnesota Statutes 1989 Supplement, section 17.49, subdivision 2, is amended to read:

Subd. 2. **COORDINATION.** ~~Aquiculture~~ Aquaculture programs in the state must be coordinated through the commissioner of agriculture. The commissioner of agriculture shall direct the development of ~~aquiculture~~ aquaculture in the state. ~~Aquiculture~~ Aquaculture research, projects, and demonstrations must be reported to the commissioner before state appropriations for the research, projects, and demonstrations are encumbered. The commissioner shall maintain a data base of ~~aquiculture~~ aquaculture research, demonstrations, and other related information pertaining to ~~agriculture~~ aquaculture in the state.

Sec. 2. Minnesota Statutes 1989 Supplement, section 17.49, is amended by adding a subdivision to read:

Subd. 3. **REPORT.** The commissioner shall prepare an annual report on the amount of fish and aquaculture products consumed in the state, where the products were produced, the opportunities in the state for aquaculture development, and impediments to Minnesota development of aquaculture.

Sec. 3. Minnesota Statutes 1988, section 97A.155, is amended by adding a subdivision to read:

Subd. 3. **AQUACULTURE ALLOWED.** The commissioner shall not interpret commercial fishing in the settlement agreement in a manner that restricts aquaculture by the Leech Lake Band, or Leech Lake Band members, that is

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