

that date or for a tenant whose lease is renewed or modified on or after that date. Section 8 is effective the day after final enactment.

Presented to the governor March 15, 1996

Signed by the governor March 18, 1996, 9:52 a.m.

CHAPTER 329—H.F.No. 2380

An act relating to motor vehicles; specifying percentages of the motorcycle safety fund that may be spent on administration and motorcycle safety instruction; amending Minnesota Statutes 1995 Supplement, section 126.115, subdivision 3.

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

Section 1. Minnesota Statutes 1995 Supplement, section 126.115, subdivision 3, is amended to read:

Subd. 3. **APPROPRIATION.** (a) All funds in the motorcycle safety fund created by section 171.06, subdivision 2a, are hereby annually appropriated to the commissioner of public safety to carry out the purposes of subdivisions 1 and 2. The commissioner of public safety may make grants from the fund to the commissioner of children, families, and learning at such times and in such amounts as the commissioner deems necessary to carry out the purposes of subdivisions 1 and 2.

(b) Of the money appropriated under paragraph (a):

(1) In each of fiscal years 1997, 1998, and 1999, not more than \$25,000, and in subsequent years not more than five percent of the funds so appropriated, shall be expended to defray the administrative costs of carrying out the purposes of subdivisions 1 and 2, and.

(2) In each of fiscal years 1997, 1998, and 1999, not more than 65 percent, and in subsequent years not more than 60 percent of the money so appropriated, shall be expended for the combined purpose of training and coordinating the activities of motorcycle safety instructors and making reimbursements to schools and other approved organizations.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective July 1, 1996.

Presented to the governor March 15, 1996

Signed by the governor March 18, 1996, 9:56 a.m.

CHAPTER 330—H.F.No. 2116

An act relating to agriculture; changing provisions of plant pests, fertilizer, and lime; changing licensing requirements for aquatic pest control applicators; amending Minnesota Statutes 1994,

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sections 18.52, subdivisions 2 and 5; 18.53; 18B.32; 18B.33, subdivision 1; 18B.34, subdivision 1; 18C.005, subdivisions 6, 13, 20, 22, 33, 34, and by adding a subdivision; 18C.115, subdivision 2; 18C.215, subdivisions 1 and 2; 18C.415, subdivision 1; 18C.531, subdivision 8, and by adding a subdivision; 18C.545, subdivision 2; and 18E.03, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 18B; repealing Minnesota Statutes 1994, section 18C.531, subdivision 26.

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

Section 1. Minnesota Statutes 1994, section 18.52, subdivision 2, is amended to read:

Subd. 2. **EXPIRATION.** Said certificate shall expire annually on ~~November 15~~ of each year December 31.

Sec. 2. Minnesota Statutes 1994, section 18.52, subdivision 5, is amended to read:

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

Dealers:

(1) Gross sales up to \$5,000	at a location \$70 per location
(2) Gross sales over \$5,000 up to \$10,000	at a location \$100 per location
(3) Gross sales over \$10,000 up to \$25,000	at a location \$200 per location
(4) Gross sales over \$25,000 up to \$75,000	at a location \$300 per location
(5) Gross sales over \$75,000 up to \$100,000	at a location \$400 per location
(6) Gross sales over \$100,000 up to \$250,000	at a location \$500 per location
(7) Gross sales over \$250,000	at a location \$600 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. 3. Minnesota Statutes 1994, 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 green-

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house certificate. The fee is \$50 for each greenhouse operator. The certificate expires on November 15 December 31 next following the date of issue.

Sec. 4. [18B.315] AQUATIC PEST CONTROL LICENSE.

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

- (1) for hire without an aquatic pest control license; and
- (2) as a sole proprietorship, company, partnership, or corporation unless the person is or employs a licensed master in aquatic pest control operations.

(b) An aquatic 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 law enforcement officer. The license identification card must contain information required by the commissioner.

Subd. 2. **LICENSES.** (a) An aquatic pest control license:

- (1) expires on December 31 of the year for which the license is issued;
- (2) is not transferable; and
- (3) must be prominently displayed to the public in the aquatic pest controller's place of business.

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

Subd. 3. **APPLICATION.** (a) A person must apply to the commissioner for an aquatic pest control license on forms and in a manner required by the commissioner. The 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 aquatic 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 an aquatic 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 aquatic pest control. To demonstrate the qualifications and become licensed as a master under the aquatic pest control license, a person must:

- (1) pass a closed-book test administered by the commissioner;
- (2) have direct experience as a licensed journeyman under an aquatic pest control license for at least two years by this state or a state with equivalent certification requirements, or have at least 1,600 hours of qualifying experience in the previous four years as determined by the commissioner; and
- (3) show practical knowledge and field experience under clause (2) in the actual selection and application of pesticides under varying conditions.

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

New language is indicated by underline, deletions by strikeout.

(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 an aquatic pest control license.

Subd. 4. **RENEWAL.** (a) An aquatic 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.

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

Subd. 5. **FINANCIAL RESPONSIBILITY.** (a) An aquatic 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 shall 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 this section must be accompanied by proof of satisfaction of judgments previously rendered.

Subd. 6. **FEES.** (a) An applicant for an aquatic 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 aquatic pest control license.

(b) An application received after expiration of the aquatic pest control license is subject to a penalty 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.

New language is indicated by underline, deletions by strikeout.

Sec. 5. Minnesota Statutes 1994, section 18B.32, is amended to read:

18B.32 STRUCTURAL OR AQUATIC PEST CONTROL LICENSE.

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

(1) for hire without a structural pest control license or, for an aquatic pest control application, an aquatic 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 or, for an aquatic pest control application, a commercial aquatic applicator.

(b) A structural or aquatic 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.

(c) Notwithstanding the licensing requirements of this subdivision, a person may control the following nuisance or economically damaging wild animals, by trapping, without a structural pest control license:

(1) fur-bearing animals, as defined in section 97A.015, with a valid trapping license or special permit from the commissioner of natural resources; and

(2) skunks, woodchucks, gophers, porcupines, coyotes, moles, and weasels.

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

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

(2) is not transferable; and

(3) must be prominently displayed to the public in the structural or aquatic pest controller's place of business.

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

Subd. 3. **APPLICATION.** (a) A person must apply to the commissioner for a structural or aquatic pest control license on forms and in the manner required by the commissioner. The 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 or aquatic 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 or, for aquatic pest control applications, as a commercial aquatic applicator 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 or aquatic pest control. To demonstrate the qualifications and become licensed as a master under a structural pest control license or, for aquatic pest control applications, as a commercial aquatic applicator, a person must:

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

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

(2) have direct experience as a licensed journeyman under a structural pest control license ~~or, for aquatic pest control applications, by direct experience as a certified aquatic applicator under a commercial aquatic applicator~~ 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 ~~or, for aquatic pest control applications, have at least 1,600 hours of qualifying experience in the previous four years as determined by the commissioner;~~ and

(3) show practical knowledge and field experience under clause (2) 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 ~~or, for aquatic pest control applications, as a certified aquatic applicator~~ 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 ~~or, for aquatic pest control applications, under a commercial aquatic applicator.~~

(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.

(e) The licensing requirements of paragraph (b) for commercial aquatic applicators are satisfied if a person:

(1) ~~has at least two years direct experience with an aquatic category endorsement on a commercial applicator license;~~

(2) ~~can show practical knowledge and field experience in the actual selection and application of aquatic pesticides under varying conditions; and~~

(3) ~~applies for a license as a commercial aquatic applicator before August 1, 1994.~~

Subd. 4. **RENEWAL.** (a) A structural ~~or aquatic~~ 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.

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

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

Subd. 5. **FINANCIAL RESPONSIBILITY.** (a) A structural ~~or aquatic~~ 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 ~~or aquatic 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 ~~or aquatic~~ pest control license.

(b) An application received after expiration of the structural pest control license ~~or aquatic 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. 6. Minnesota Statutes 1994, section 18B.33, subdivision 1, is amended to read:

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

(b) A person with a commercial applicator license may not apply pesticides on or into surface waters without a ~~commercial~~ an aquatic pest control license under section 18B.32, except a ~~commercial~~ an aquatic pest control license is not required for licensed commercial applicators applying pesticides for the purposes of:

- (1) pest control on cultivated wild rice;
- (2) mosquito and black fly control operations;

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- (3) pest control on rights-of-way;
- (4) aerial pest control operations for emergent vegetation control;
- (5) aerial application of piscicides; and
- (6) pest control for silvicultural operations.

(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.

Sec. 7. Minnesota Statutes 1994, section 18B.34, subdivision 1, is amended to read:

Subdivision 1. **REQUIREMENT.** (a) Except for a licensed commercial applicator, certified private applicator, a licensed aquatic pest control applicator, or licensed 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 licensed noncommercial applicator may not apply pesticides into or on surface waters without a certified aquatic pest control license, except a certified aquatic pest control license is not required for licensed noncommercial applicators applying pesticides for the purposes of:

- (1) mosquito and black fly control operations;
- (2) pest control on rights-of-way;
- (3) pest control operations for purple loosestrife control;
- (4) application of piscicides; and
- (5) pest control for silvicultural operations.

(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.

Sec. 8. Minnesota Statutes 1994, section 18C.005, subdivision 6, is amended to read:

Subd. 6. **COMPOST.** "~~Compost~~" is a material derived primarily or entirely from biological decomposition of vegetative organic matter or animal manure that does not have inorganic fertilizer added other than to promote decomposition biologically stable material derived from the composting process.

Sec. 9. Minnesota Statutes 1994, section 18C.005, is amended by adding a subdivision to read:

Subd. 6a. **COMPOSTING.** "Composting" is the biological decomposition of organic matter. It is accomplished by mixing and piling in such a way as to promote aerobic or anaerobic decay or both. The process inhibits pathogens, viable weed seeds, and odors.

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Sec. 10. Minnesota Statutes 1994, section 18C.005, subdivision 13, is amended to read:

Subd. 13. **GRADE.** "Grade" means the percentage of total nitrogen (N), available phosphate (P₂O₅), and soluble potash (K₂O) stated in whole numbers in the same terms, order, and percentages as in the guaranteed analysis except the grade of custom blends and their raw materials, bone meals, manures, and similar raw materials may be stated in fractional units, and specialty fertilizers may be stated in fractional units of less than one percent of total nitrogen, available phosphate, and soluble potash.

Sec. 11. Minnesota Statutes 1994, section 18C.005, subdivision 20, is amended to read:

Subd. 20. **MOBILE MECHANICAL UNIT.** "Mobile mechanical unit" means a portable machine or apparatus used to ~~blend, mix, or~~ manufacture fertilizers.

Sec. 12. Minnesota Statutes 1994, section 18C.005, subdivision 22, is amended to read:

Subd. 22. **ORGANIC FERTILIZER.** "Organic fertilizer" in reference to fertilizer nutrients refers only to naturally occurring substances generally recognized as the hydrogen compounds of carbon and their derivatives or synthetic products of similar composition with a water insoluble nitrogen content of at least 60 percent of the guaranteed total nitrogen means a material containing carbon and one or more elements other than hydrogen and oxygen essential for plant growth.

Sec. 13. Minnesota Statutes 1994, section 18C.005, subdivision 33, is amended to read:

Subd. 33. **SOIL AMENDMENT.** "Soil amendment" means a substance intended to improve the structural, physical, or biological characteristics of the soil or modify organic matter at or near the soil surface, except fertilizers, agricultural liming materials, pesticides, and other materials exempted by the commissioner's rules.

Sec. 14. Minnesota Statutes 1994, section 18C.005, subdivision 34, is amended to read:

Subd. 34. **SPECIALTY FERTILIZER.** "Specialty fertilizer" means a fertilizer labeled and distributed for, but not limited to, the following uses: commercial gardening, greenhouses, nurseries, sod farms, home gardens, house plants, lawn fertilizer that is not custom applied, shrubs, golf courses, municipal parks, and cemeteries, and research or experimental uses.

Sec. 15. Minnesota Statutes 1994, section 18C.115, subdivision 2, is amended to read:

Subd. 2. **ADOPTION OF NATIONAL STANDARDS.** Applicable national standards contained in the ~~1993~~ 1996 official publication, number 46 49, of the Association of American Plant Food Control Officials including the rules and regulations, statements of uniform interpretation and policy, and the official fertilizer terms and definitions, and not otherwise adopted by the commissioner, may be adopted as fertilizer rules of this state.

Sec. 16. Minnesota Statutes 1994, section 18C.215, subdivision 1, is amended to read:

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Subdivision 1. **LABEL CONTENTS PACKAGED FERTILIZERS.** (a) A person may not sell or distribute specialty fertilizer in bags or other containers in this state unless a label is placed on or affixed to the bag or container stating in a clear, legible, and conspicuous form the following information:

(1) the net weight;

(2) the brand and grade, except (i) the grade is not required if primary nutrients are not claimed, and (ii) the grade on the label is optional if the fertilizer is used only for agricultural purposes and the guaranteed analysis statement is shown in the complete form as in section 18C.211;

(3) the guaranteed analysis;

(4) the name and address of the guarantor;

(5) directions for use; and

(6) a derivatives statement.

(b) A person may not sell or distribute fertilizer for agricultural purposes in bags or other containers in this state unless a label is placed on or affixed to the bag or container stating in a clear, legible, and conspicuous form the information listed in paragraph (a), clauses (1) to (4), except:

(1) the grade is not required if primary nutrients are not claims; and

(2) the grade on the label is optional if the fertilizer is used only for agricultural purposes and the guaranteed analysis statement is shown in the complete form as in section 18C.211.

(c) The labeled information must appear:

(1) on the face front or display back side of the container in a conspicuous form;

(2) on the upper one-third of the side of the container;

(3) on the upper end of the container; or

(4) printed on tags a tag affixed conspicuously to the upper end of the container.

Sec. 17. Minnesota Statutes 1994, section 18C.215, subdivision 2, is amended to read:

Subd. 2. **BLENDED, MIXED, BULK, AND MIXED CUSTOM APPLIED FERTILIZER.** (a) A distributor who blends or mixes fertilizer to a customer's order without a guaranteed analysis of the final mixture or distributes fertilizer in bulk, must furnish each purchaser with an invoice or delivery ticket in written or printed form showing:

(1) the net weight, name and address of the guarantor, and guaranteed analysis of each of the materials used in the mixture.

(b) Records and the name and address of the guarantor; or

(2) the net weight and guaranteed analysis of the final mixture and the name and address of the guarantor.

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(b) A person may not custom apply specialty fertilizer in this state unless a label, invoice, or delivery ticket is given to each purchaser stating in a clear, legible, and conspicuous form the following information:

(1) the net weight, which may be listed as the total net weight applied or the net weight applied per unit treated;

(2) the guaranteed analysis;

(3) the name and address of the guarantor;

(4) the number of units treated in square feet, acres, or another unit of measure; and

(5) a derivative statement;

(c) Copies of invoices or delivery tickets must be kept for five years after the sale, delivery, or application.

Sec. 18. Minnesota Statutes 1994, section 18C.415, subdivision 1, is amended to read:

Subdivision 1. **LICENSE REQUIRED.** (a) A person may not sell or distribute bulk fertilizers for use on agricultural lands, custom apply fertilizers, or manufacture, blend, or otherwise manipulate fertilizers without obtaining a license from the commissioner from each fixed location where the person does business within the state and one license for all fixed locations that are located outside of the state.

(b) A distributor may not manipulate fertilizer by means of a mobile mechanical unit without a license from the commissioner for each mobile mechanical unit. For the purposes of this section, fertilizer application equipment owned or operated by a person licensed under paragraph (a) is not considered a mobile mechanical unit.

Sec. 19. Minnesota Statutes 1994, section 18C.531, is amended by adding a subdivision to read:

Subd. 5a. **CALCIUM CARBONATE EQUIVALENT; CCE.** "Calcium carbonate equivalent" or "CCE" means the acid neutralizing capacity of an agricultural liming material expressed as a weight percentage of pure calcium carbonate. CCE is often referred to as the "chemical purity" of an agricultural liming material.

Sec. 20. Minnesota Statutes 1994, section 18C.531, subdivision 8, is amended to read:

Subd. 8. **ENP.** "ENP" means effective neutralizing power and is an expression of the neutralizing value of liming material based on the ~~TNP~~ calcium carbonate equivalent and fineness which is expressed as a dry weight percentage.

Sec. 21. Minnesota Statutes 1994, section 18C.545, subdivision 2, is amended to read:

Subd. 2. **BAGGED AND BULK SHIPMENT LABEL.** If agricultural liming material is transported or sold in bags or bulk, an invoice or delivery ticket in written or printed form as required by subdivision 1 must accompany each delivery and be supplied to each purchaser at the time of delivery.

Sec. 22. Minnesota Statutes 1994, section 18E.03, subdivision 4, is amended to read:

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Subd. 4. **FEE.** (a) The response and reimbursement fee consists of the surcharges and any adjustments made by the commissioner in this subdivision and shall be collected by the commissioner. The amount of the response and reimbursement fee shall be determined and imposed annually by the commissioner as required to satisfy the requirements in subdivision 3. The commissioner shall adjust the amount of the surcharges imposed in proportion to the amount of the surcharges listed in this subdivision.

(b) The commissioner shall impose a surcharge on pesticides registered under chapter 18B to be collected as a surcharge on the registration application fee under section 18B.26, subdivision 3, that is equal to 0.1 percent of sales of the pesticide in the state and sales of pesticides for use in the state during the previous calendar year, except the surcharge may not be imposed on pesticides that are sanitizers or disinfectants as determined by the commissioner. The registrant shall determine when and which pesticides are sold or used in this state. The registrant shall secure sufficient sales information of pesticides distributed into this state from distributors and dealers, regardless of distributor location, to make a determination. Sales of pesticides in this state and sales of pesticides for use in this state by out-of-state distributors are not exempt and must be included in the registrant's annual report, as required under section 18B.26, subdivision 3, paragraph (c), and fees shall be paid by the registrant based upon those reported sales. Sales of pesticides in the state for use outside of the state are exempt from the surcharge in this paragraph if the registrant properly documents the sale location and the distributors.

(c) The commissioner shall impose a ten cents per ton surcharge on the inspection fee under section 18C.425, subdivision 6, for fertilizers, soil amendments, and plant amendments.

(d) The commissioner shall impose a surcharge on the license application of persons licensed under chapters 18B and 18C consisting of:

(1) a \$75 surcharge for each site where pesticides are stored or distributed, to be imposed as a surcharge on pesticide dealer application fees under section 18B.31, subdivision 5;

(2) a \$75 surcharge for each site where a fertilizer, plant amendment, or soil amendment is distributed, to be imposed on persons licensed under sections 18C.415 and 18C.425;

(3) a \$50 surcharge to be imposed on a structural pest control applicator license application under section 18B.32, subdivision 6, for business license applications only;

(4) a \$20 surcharge to be imposed on commercial applicator license application fees under section 18B.33, subdivision 7; and

(5) a \$20 surcharge to be imposed on noncommercial applicator license application fees under section 18B.34, subdivision 5, except a surcharge may not be imposed on a noncommercial applicator that is a state agency, political subdivision of the state, the federal government, or an agency of the federal government; and

(6) a \$20 surcharge to be imposed on aquatic pest control licenses under section 18B.315.

(e) A \$1,000 fee shall be imposed on each site where pesticides are stored and sold for use outside of the state unless:

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(1) the distributor properly documents that it has less than \$2,000,000 per year in wholesale value of pesticides stored and transferred through the site; or

(2) the registrant pays the surcharge under paragraph (b) and the registration fee under section 18B.26, subdivision 3, for all of the pesticides stored at the site and sold for use outside of the state.

(f) Paragraphs (c) to (e) apply to sales, licenses issued, applications received for licenses, and inspection fees imposed on or after July 1, 1990.

Sec. 23. REPEALER.

Minnesota Statutes 1994, section 18C.531, subdivision 26, is repealed.

Sec. 24. EFFECTIVE DATE.

Section 18 is effective retroactive to December 30, 1995.

Presented to the governor March 15, 1996

Signed by the governor March 18, 1996, 9:59 a.m.

CHAPTER 331—H.F.No. 2526

An act relating to crime; making it a crime to obtain cellular telephone service through cellular counterfeiting; requiring forfeiture of cloning paraphernalia used to create cloned cellular telephones; prescribing penalties; amending Minnesota Statutes 1994, section 609.5316, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Section 1. Minnesota Statutes 1994, section 609.5316, subdivision 3, is amended to read:

Subd. 3. WEAPONS, TELEPHONE CLONING PARAPHERNALIA, AND BULLET-RESISTANT VESTS. Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime or for any offense of this chapter or chapter 624. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Telephone cloning paraphernalia used in a violation of section 609.894 are contraband and must be summarily forfeited to the appropriate agency upon a conviction. Notwithstanding this subdivision, weapons used and, bullet-resistant vests worn or possessed, and telephone cloning paraphernalia may be forfeited without a conviction under sections 609.531 to 609.5315.

Sec. 2. [609.894] CELLULAR TELEPHONE COUNTERFEITING; CRIMES DEFINED.

Subdivision 1. DEFINITIONS. The definitions in this subdivision apply to this section.

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