

(n) All court bailiffs.

The classified service shall include all other positions now existing and hereinafter created in the service of the county or any board or commission, agency, or offices of such county.

Sec. 2. TOWN OF BREITUNG; CONVEYANCE OF REAL PROPERTY.

Notwithstanding any law to the contrary, the town board of the town of Breitung in St. Louis county may convey a plat of land containing the Soudan community store described as Lot 1, Block 5, plat of Soudan, to the Soudan store board for a nominal consideration or whatever consideration that may be mutually determined by the Breitung town board and the Soudan store board.

Sec. 3. EFFECTIVE DATE.

Pursuant to Minnesota Statutes, section 645.023, subdivision 1, section 2 is effective without local approval on the day following final enactment.

Presented to the governor May 19, 1997

Signed by the governor May 20, 1997, 10:40 a.m.

CHAPTER 189—S.F.No. 780

An act relating to the environment; modifying requirements for mercury testing in incinerator emissions; amending Minnesota Statutes 1996, section 116.85, subdivision 1.

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

Section 1. Minnesota Statutes 1996, section 116.85, subdivision 1, is amended to read:

Subdivision 1. **EMISSION MONITORS.** Notwithstanding any other law to the contrary, an incinerator permit that contains emission limits for dioxin, cadmium, chromium, lead, or mercury must, as a condition of the permit, require the installation of an air emission monitoring system approved by the commissioner. The monitoring system must provide continuous measurements to ensure optimum combustion efficiency for the purpose of ensuring optimum dioxin destruction. The system shall also be capable of providing a permanent record of monitored emissions that will be available upon request to the commissioner and the general public. The commissioner shall provide periodic inspection of the monitoring system to determine its continued accuracy.

Subd. 1a. **MERCURY TESTING** ~~The facility must~~ (a) Notwithstanding any other law to the contrary, a facility holding an incinerator permit that contains emission limits for mercury must, as a condition of the permit, conduct periodic stack testing for mercury as described by this subdivision. Hospital waste incinerators having a design capacity of less than three million BTUs per hour may use mercury segregation practices as an alternative to stack testing if allowed by applicable federal requirements, with the approval of the commissioner.

(b) A facility shall conduct stack testing for mercury at intervals not to exceed 90 days three months. An incinerator facility burning greater than 30 percent by weight of

New language is indicated by underline, deletions by strikeout.

refuse-derived fuel facilities must conduct periodic stack testing for mercury at intervals not to exceed ~~15~~ 12 months unless a previous test showed a permit exceedance after which the agency may require quarterly testing until permit requirements are satisfied. With the approval of the commissioner, an incinerator facility may use methods other than stack testing for determining mercury in air emissions.

(c) After demonstrating that mercury emissions have been below 50 percent of the facility's permitted mercury limit for three consecutive years, as tested under the conditions of paragraph (b), an incinerator facility may choose to conduct stack testing once every three years or according to applicable federal requirements, whichever is more stringent. The facility shall notify the commissioner of its alternative mercury testing schedule, and the commissioner shall include operating conditions in the facility's permit that ensure that the facility will continue to emit mercury emissions less than 50 percent of the applicable standard.

(d) If a test conducted under the provisions of paragraph (c) shows mercury emissions greater than 50 percent of the facility's permitted mercury limit, the facility shall conduct annual mercury stack sampling until emissions are below 50 percent of the facility's permitted mercury limit. Once the facility demonstrates that mercury emissions are again below 50 percent of the facility's permitted mercury limit, the facility may resume testing every three years or according to federal requirements, whichever is more stringent, upon notifying the commissioner.

(e) In amending, modifying, or reissuing a facility's air emissions permit which contains a provision that restricts mercury emissions from the facility the commissioner shall, at a minimum, continue that permit restriction at the same level unless the applicant demonstrates that no good cause exists to do so.

Presented to the governor May 19, 1997

Signed by the governor May 20, 1997, 10:42 a.m.

CHAPTER 190—S.F.No. 1023

An act relating to taxation; authorizing a fee on motor vehicle rentals to compensate for the cost of the registration of the vehicle; proposing coding for new law in Minnesota Statutes, chapter 168.

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

Section 1. **[168.019] FEE IMPOSED.**

Subdivision 1. FEE IMPOSED; DESIGNATION. A fee of three percent of the charge for the rental of a vehicle subject to the tax imposed by section 297A.135 is imposed for the purpose of reimbursing lessors for the cost of registering vehicles under this chapter. The fee may be designated on the statement of charges presented by the lessor to the customer as "a fee imposed by the state of Minnesota for the registration of rental cars."

New language is indicated by underline, deletions by strikeout.