

a spouse must be included in the plan of care and must be scheduled by the home health agency, and may be covered for up to 24 hours per week. In no case shall the authorization of these services provided by the spouse exceed 50 percent of the total approved nursing hours or eight hours per day, whichever is less. Nothing in this subdivision precludes the spouse's obligation of assuming the nonreimbursed family responsibilities of emergency backup caregiver and primary caregiver. The waiver interdisciplinary team shall recommend to the commissioner whether the provision of private duty nursing care by a spouse is appropriate. In no case shall a spouse be paid to provide private duty nursing care if the spouse fails to pass a criminal background check according to section 245A.04, or if it has been determined by the home health agency or the waiver case manager that the private duty nursing care provided by the spouse is unsafe. This subdivision is effective upon the date of federal approval.

Presented to the governor May 10, 1999

Signed by the governor May 13, 1999, 1:21 p.m.

#### CHAPTER 157—S.F.No. 1449

*An act relating to natural resources; renaming a state park; adding to and deleting from state parks; authorizing a land exchange in a state park; transferring land from a state wayside to a state park and abolishing a state wayside; authorizing a private sale of surplus land in Rock county; renaming the visitors' center at Gooseberry Falls state park; amending Minnesota Statutes 1998, section 85.012, subdivision 19; proposing coding for new law in Minnesota Statutes, chapter 85; repealing Minnesota Statutes 1998, section 85.013, subdivision 8.*

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

Section 1. Minnesota Statutes 1998, section 85.012, subdivision 19, is amended to read:

Subd. 19. Forestville Mystery Cave state park, Fillmore county.

#### Sec. 2. ADDITIONS TO STATE PARKS.

Subdivision 1. [85.012] [Subd. 2.] BANNING STATE PARK, PINE COUNTY. The following area is added to Banning state park, all in Section 15, Township 42 North, Range 20 West, Pine county: That part of the Northeast Quarter of the Northwest Quarter of Section 15 lying easterly of the following described line: Commencing at the northeast corner of the intersection of Division Street and Palisade Avenue in the recorded plat of Sandstone, Pine county, Minnesota; thence southerly along the east line of said Palisade Avenue 868 feet, more or less, to the south line of said Northeast Quarter of the Northwest Quarter; thence easterly along said south line 360 feet to the point of beginning; thence northwesterly to a point 160 feet easterly along the easterly extension of the north line of said Division Street from the point of commencement; thence northerly parallel with the northerly extension of the east line of said Palisade Avenue to the north line of said Northeast Quarter of the Northwest Quarter and there terminating.

Subd. 2. [85.012] [Subd. 10.] CAMDEN STATE PARK, LYON COUNTY. The following areas are added to Camden state park, all in Township 110 North, Range 42 West, Lyon county:

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(1) the East Half of Section 6;

(2) the Northeast Quarter of Section 7;

(3) that part of the Southwest Quarter of the Southwest Quarter except the South 345 feet of the East 1065 feet of Section 8 lying outside of the existing statutory boundary;

(4) that part of the Northwest Quarter of the Northwest Quarter of Section 17 described as follows: Beginning at the northwest corner of the North Half of the Northwest Quarter of Section 17; thence South on and along the west section line 870.66 feet; thence East and perpendicular with the west section line a distance of 40 feet; thence North and parallel with the west section line a distance of 420.66 feet; thence in a northeasterly direction to a point on the north section line of said Section 17, that is 255 feet east of the northwest corner of said Section 17; thence West on and along the section line to the point of beginning; and

(5) that part of the Northeast Quarter of the Northeast Quarter of Section 18 lying northerly of County Road 59.

Subd. 3. [85.012] [Subd. 12.] **CASCADE RIVER STATE PARK, COOK COUNTY.** The following area is added to Cascade River state park, all in Section 34, Township 61 North, Range 1 West, Cook county: That part of Government Lot 2, Section 34, which lies northwesterly of a line run parallel with and distant 100 feet northwesterly of the following described line: Beginning at a point on the westerly line of Section 25, Township 61 North, Range 1 West, distant 2373.0 feet south of the northwest corner thereof; thence run in a southwesterly direction at an angle of 66 degrees 46 minutes 00 seconds from said westerly line (measured from south to west) for a distance of 1323.1 feet; thence deflect to the right on a 01 degree 00 minute 00 second curve (delta angle 10 degrees 21 minutes 00 seconds) for a distance of 1035.0 feet; thence on tangent to said curve for a distance of 2099.7 feet; thence deflect to the left on a 01 degree 00 minute 00 second curve (delta angle 07 degrees 49 minutes 00 seconds) for a distance of 781.7 feet; thence on tangent to said curve for a distance of 3421.4 feet; thence deflect to the left on a 03 degree 30 minute 00 second curve (delta angle 64 degrees 23 minutes 00 seconds) for a distance of 1839.5 feet; thence on tangent to said curve for a distance of 582.6 feet; thence deflect to the right on a 05 degree 00 minute 00 second curve (delta angle 72 degrees 29 minutes 00 seconds) for a distance of 1449.7 feet; thence on tangent to said curve for a distance of 100 feet and there terminating.

Subd. 4. [85.012] [Subd. 13.] **CHARLES A. LINDBERGH STATE PARK, MORRISON COUNTY.** The following areas are added to Charles A. Lindbergh state park, all in Morrison county:

(1) Lots 1 through 8 in Block 39 of the Subdivision of Searles Addition to the city of Little Falls;

(2) all that part of Government Lot 5, Section 19, Township 129 North, Range 29 West, described as follows: Commencing at the southwest corner of said Section 19; thence North 4 degrees 55 minutes East along the west side of Searles City Acre Lots 649.7 feet to the northwest corner of Lot 8 of said Searles City Acre Lots, which point shall henceforth be known as the point of beginning; thence North 89 degrees 32 minutes East 957.0 feet along the north line of said Lot 8 to the west right-of-way line of Eleventh Street Southwest; thence North 14 degrees 42 minutes East 154.5 feet along the west

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right-of-way line of Eleventh Street Southwest; thence South 89 degrees 32 minutes West 983.35 feet to the west line of said Government Lot 5; thence South 4 degrees 55 minutes West 150 feet along said west line of Government Lot 5 to the point of beginning, less the East 300 feet as measured at a right angle from said west right-of-way line of Eleventh Street Southwest;

(3) Lots 7 and 8 of Searles City Acre Lots to the city of Little Falls less the East 300 feet as measured at a right angle from the west right-of-way line of Eleventh Street Southwest in the city of Little Falls;

(4) the West 450 feet of Lots 5 and 6 of Searles City Acre Lots to the city of Little Falls;

(5) the West 200 feet of Lot 4 of Searles City Acre Lots to the city of Little Falls;

(6) Lot 3 of Searles City Acre Lots to the city of Little Falls;

(7) that part of Lot 2 of Searles City Acre Lots to the city of Little Falls lying easterly of Lindbergh Drive, except that part thereof which is northerly of a line drawn from a point on the easterly right-of-way line of Lindbergh Drive, which is 84-1/2 feet northerly measured along said easterly right-of-way line from the intersection of the south line of said Lot 2 and the said easterly right-of-way line to a point on the bank of the Mississippi River which is 82 feet North of the southeasterly corner of Lot 2;

(8) Lots 1 and 2 of Park Outlots to Little Falls and Lot 13 of Lindbergh's Outlots to Little Falls;

(9) the West Half of the Northeast Quarter of the Southeast Quarter, the South 13-1/3 acres of the Northwest Quarter of the Southeast Quarter and East 13-1/3 acres of the North 26-2/3 acres of the Northwest Quarter of the Southeast quarter, Section 24, Township 129 North, Range 30 West; and

(10) Government Lot 6, Section 19, Township 40 North, Range 32 West.

**Subd. 5. [85.012] [Subd. 19.] FORESTVILLE MYSTERY CAVE STATE PARK, FILLMORE COUNTY.** The following areas are added to Forestville Mystery Cave state park, as renamed under section 1, all in Section 19, Township 102 North, Range 12 West, Fillmore county:

(1) the Northeast Quarter of the Southeast Quarter of the Southeast Quarter, except the North Half of the East 16 acres of the Southeast Quarter of the Southeast Quarter of said Section 19;

(2) the Northwest Quarter of the Southeast Quarter of the Southeast Quarter;

(3) the Southwest Quarter of the Southeast Quarter of the Southeast Quarter, except the East 1 acre; and

(4) that part of the West Half of the Southeast Quarter described as follows: Commencing at a point 60 rods South of the northeast corner of said West Half of the Southeast Quarter; thence West 34 rods; thence South 75-5/7 rods; thence East 34 rods; thence North 75-5/7 rods to the place of beginning.

**Subd. 6. [85.012] [Subd. 25.] GOOSEBERRY FALLS STATE PARK, LAKE COUNTY; JOE ALEXANDER VISITORS' CENTER.** The visitors' center at Gooseberry Falls state park is renamed the Joe Alexander Visitors' Center.

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Subd. 7. [85.012] [Subd. 31.] JUDGE C. R. MAGNEY STATE PARK, COOK COUNTY. The following areas are added to Judge C. R. Magney state park, all in Section 21, Township 62 North, Range 3 East, Cook county:

- (1) the North Half of the Northeast Quarter;
- (2) the Northeast Quarter of the Northwest Quarter; and
- (3) the Southeast Quarter of the Northeast Quarter.

Subd. 8. [85.012] [Subd. 34.] LAKE BRONSON STATE PARK, KITTSON COUNTY. The following areas are added to Lake Bronson state park, all in Township 161 North, Range 46 West, Kittson county:

- (1) all of Section 28;
- (2) the Northeast Quarter of the Southwest Quarter of Section 27;
- (3) the East Half of the Northwest Quarter of Section 27 except the area described as follows: Beginning at a point on the north line of the said East Half of the Northwest Quarter that is 2640.00 feet East of the northwest corner of said Section 27; thence South and parallel to the west line of said Section 27 a distance of 200 feet; thence West and parallel to the north section line 300 feet; thence North and parallel to the said West line of Section 27 a distance of 200 feet to the north section line thereof; thence East along said section line a distance of 300 feet to the point of beginning.

Subd. 9. [85.012] [Subd. 49a.] ST. CROIX WILD RIVER STATE PARK, CHISAGO COUNTY. The following area is added to St. Croix Wild River state park: That part of Government Lot 7, Section 31, Township 36 North, Range 19 West, Chisago county, lying outside the existing statutory boundary, excepting therefrom the East 460 feet.

Subd. 10. [85.012] [Subd. 52.] SCENIC STATE PARK, ITASCA COUNTY. The following area is added to Scenic state park: Government Lot 7, Section 7, Township 60 North, Range 25 West, Itasca county, except that part described as follows: Commencing at a point on the water's edge of Lake Elizabeth (also known as Marie Lake) 165 feet East of the west line of said Lot 7; thence North 165 feet; thence West 165 feet to the west line of Lot 7; thence North 200 feet on the west line to a point which is the point of beginning of the tract to be excepted; thence East 300 feet; thence South to the water's edge of Lake Elizabeth; thence West along the shoreline to the west boundary of Lot 7; thence North along the west boundary to the point of beginning.

Subd. 11. [85.012] [Subd. 55.] TEMPERANCE RIVER STATE PARK, COOK COUNTY. (a) The following areas are added to Temperance River state park, all in Township 59 North, Range 4 West, Cook county:

- (1) all of Section 19 except the East Half of the Northeast Quarter;
- (2) the North Half of the Northwest Quarter, the Southeast Quarter, and the Southeast Quarter of the Southwest Quarter of Section 20;
- (3) the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the North Half of the Southwest Quarter, and that part of the Northwest Quarter of the Southeast Quarter lying north of trunk highway No. 61 of Section 29;

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(4) all of Section 30; and

(5) the Northwest Quarter, the Northwest Quarter of the Northeast Quarter, and the West Half of the Northeast Quarter of the Northeast Quarter of Section 31.

(b) The commissioner of natural resources shall administer the area described in paragraph (a) according to Minnesota Statutes, section 86A.05, subdivision 2, but in addition to other activities authorized in Temperance River state park, shall allow public hunting.

**Subd. 12. [85.012] [Subd. 59.] WHITEWATER STATE PARK, WINONA COUNTY.** The following areas are added to Whitewater state park, all in Township 107 North, Range 10 West, Winona county:

(1) all that part of the Southwest Quarter of the Southwest Quarter of Section 21, lying northerly and westerly of the following described lines: Commencing at the southwest corner of said Section 21; thence North 00 degrees 15 minutes West 655.00 feet on and along the west line thereof to the point of beginning; thence North 89 degrees 45 minutes East 150.00 feet; thence South 67 degrees 54 minutes East 147.62 feet; thence North 24 degrees 24 minutes East 408.14 feet; thence North 22 degrees 44 minutes West 218.50 feet; thence North 82 degrees 24 minutes West 196.90 feet; thence North 04 degrees 48 minutes West 114.13 feet to a point on the north line thereof and there terminating;

(2) all that part of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 21 lying northerly and easterly of the following described lines: Commencing at the south quarter corner of said Section 21; thence North 00 degrees 17 minutes West 1741.15 feet on and along the north-south quarter line said Section 21 to the point of beginning; thence North 90 degrees 00 minutes West 364.36 feet; thence North 06 degrees 19 minutes West 346.98 feet; thence North 90 degrees 00 minutes West 112.14 feet; thence North 00 degrees 53 minutes West 414.40 feet; thence North 88 degrees 34 minutes West 442.32 feet; thence North 03 degrees 15 minutes West 625.35 feet; thence North 83 degrees 28 minutes West 320.05 feet to a point on the west line of said Southeast Quarter of the Northwest Quarter and there terminating;

(3) all that part of the West Half of the Northwest Quarter of Section 28 lying south and west of the following described line: Commencing at the northeast corner of Section 29; thence North 90 degrees 00 minutes West 386.0 feet along the north line of Section 29 to the point of beginning; thence South 11 degrees 37 minutes West 178.3 feet; thence South 06 degrees 01 minute East 139.7 feet; thence South 63 degrees 15 minutes East 310.0 feet; thence South 45 degrees 56 minutes East 198.8 feet; thence North 86 degrees 54 minutes West 769.5 feet; thence South 35 degrees 32 minutes West 153.9 feet; thence South 13 degrees 24 minutes East 186.1 feet; thence South 89 degrees 11 minutes West 214.4 feet; thence South 05 degrees 45 minutes East 255.0 feet; thence South 39 degrees 21 minutes East 76.4 feet; thence South 05 degrees 40 minutes West 310.2 feet; thence South 73 degrees 15 minutes East 169.4 feet; thence South 53 degrees 51 minutes East 96.4 feet; thence South 89 degrees 02 minutes East 261.1 feet; thence North 73 degrees 37 minutes East 196.6 feet; thence North 10 degrees 55 minutes East 278.3 feet; thence South 63 degrees 36 minutes East 139.8 feet; thence South 00 degrees 43 minutes East 500.4 feet; thence South 77 degrees 09 minutes West 169.8 feet; thence South 59 degrees 03 minutes West 283.5 feet; thence South 34 degrees 11 minutes West 154.7 feet; thence South 44 degrees 20 minutes East 191.3 feet; thence South 81 degrees 50 minutes East

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826.8 feet; thence North 20 degrees 40 minutes East 266.0 feet; thence North 04 degrees 27 minutes West 258.6 feet; thence South 68 degrees 23 minutes East 336.4 feet; thence South 09 degrees 53 minutes West 246.1 feet; thence South 13 degrees 13 minutes East 178.0 feet; thence South 61 degrees 21 minutes East 160.1 feet; thence North 81 degrees 38 minutes East 222.8 feet; thence South 00 degrees 19 minutes East 173.3 feet, more or less to a point on the east-west quarter line of Section 28 and there terminating; and

(4) the Northwest Quarter of the Northeast Quarter of Section 32.

Subd. 13. [85.012] [Subd. 60.] WILLIAM O'BRIEN STATE PARK, WASHINGTON COUNTY. The following areas are added to William O'Brien state park, all in Washington county:

(1) that part of the South Half of the Northeast Quarter lying East of Oxboro Avenue, Section 26, Township 32 North, Range 20 West;

(2) the East Half of the Northeast Quarter; the Northeast Quarter of the Southeast Quarter, and all that part of the Southeast Quarter of the Southeast Quarter lying North of the so-called Chisago City and Marine Mills Road (now Old Marine Trail), Section 35, Township 32 North, Range 20 West;

(3) all that part of the Southwest Quarter of the Southwest Quarter of Section 36, Township 32 North, Range 20 West, which lies north of the centerline of the Chisago City and Marine Mills Road; excepting therefrom all that part thereof which lies easterly of the following described line, to-wit: Commencing at the northeast corner of said Southwest Quarter of the Southwest Quarter; thence West along the north line of said Southwest Quarter of the Southwest Quarter on an assumed bearing of North 89 degrees 48 minutes 54 seconds West 1007.3 feet to the point of beginning of the line to be described; thence South 10 degrees 17 minutes 37 seconds West 311.63 feet, more or less, to its intersection with the traveled centerline of the Chisago City and Marine Mills Road (now Old Marine Trail), which is the end of the line to be described;

(4) the West Half of the Southeast Quarter of the Northeast Quarter, Section 1, Township 31 North, Range 20 West;

(5) that part of the Northwest Quarter of the Southeast Quarter lying easterly of the westerly right-of-way line of the Soo Line Railroad, Section 1, Township 31 North, Range 20 West;

(6) that part of Cedar Street in Rose's Addition to the Village of Marine, according to the plat on file and of record in the office of the county recorder, lying northerly of county state-aid highway No. 4; and

(7) that part of Lots 7 and 8, Block 10, Revision of Vasa, according to the plat thereof on file and of record in the office of the county recorder in and for Washington county, which lies northeasterly of a line run parallel with and distant 75 feet northeasterly of the following described line: Beginning at a point on the east and west quarter line of Section 30, Township 32 North, Range 19 West, distant 2681 feet east of the west quarter corner thereof; thence run northwesterly at an angle of 85 degrees 27 minutes 00 seconds from said east and west quarter line (measured from west to north) for a distance for 466.1 feet; thence deflect to the left on a 04 degree 00 minutes 00 seconds curve, delta angle 48 degrees 10 minutes 00 seconds, for a distance of 600 feet and there terminating.

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**Sec. 3. EXCHANGE OF LAND IN LAKE BRONSON STATE PARK.**

**[85.012] [Subd. 34.] LAKE BRONSON STATE PARK, KITTSON COUNTY.** Notwithstanding Minnesota Statutes, section 94.342, subdivision 4, the commissioner of natural resources may exchange, subject to the approval of the land exchange board as required by the Minnesota Constitution, article XI, section 10, the state-owned Lot 11 of Block 7 for the privately-owned Lot 5 of Block 5 in Lakeside Subdivision according to the plat thereof, all in Section 33, Township 161 North, Range 46 West.

**Sec. 4. TRANSFER OF LAND FROM CROSS RIVER STATE WAYSIDE TO TEMPERANCE RIVER STATE PARK AND WAYSIDE ABOLISHMENT.**

**Subdivision 1. [85.012] [Subd. 55.] TEMPERANCE RIVER STATE PARK, COOK COUNTY.** (a) The lands described within Cross River state wayside are transferred to Temperance River state park.

(b) The commissioner of natural resources shall administer the area transferred under paragraph (a) according to Minnesota Statutes, section 86A.05, subdivision 2, but in addition to other activities authorized in Temperance River state park, shall allow public hunting.

**Subd. 2. [85.013] [Subd. 8.] CROSS RIVER STATE WAYSIDE, COOK COUNTY.** The Cross River state wayside is abolished and its lands transferred according to subdivision 1.

**Sec. 5. DELETION FROM BLUE MOUNDS STATE PARK.**

**[85.012] [Subd. 8.] BLUE MOUNDS STATE PARK, ROCK COUNTY.** The following area is deleted from Blue Mounds state park: That part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 103 North, Range 45 West, lying south and east of county state-aid highway No. 8, Rock county.

**Sec. 6. PRIVATE SALE OF SURPLUS LAND, ROCK COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner of natural resources may sell by private sale to the adjacent landowner the surplus land described in paragraph (c). If the adjacent landowner declines to purchase the land, the commissioner may sell the land by public sale according to Minnesota Statutes, sections 94.10 to 94.16.

(b) The conveyance must be in a form approved by the attorney general for consideration no less than the appraised value of the land.

(c) The land to be conveyed is located in Rock county, consists of four acres, more or less, and is described as: That part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 103 North, Range 45 West, lying southeasterly of county state-aid highway (CSAH) No. 8 and southwesterly of the following described line:

Commencing at a point 707.7 feet east of the southwest corner of said Section 25; thence East 646.3 feet; thence North 1296.0 feet; thence West 833.0 feet; thence turning an angle of 135 degrees 11 minutes to the left for a distance of 600.0 feet to the intersection of the center line of the public highway, hereinafter called CSAH No. 8; thence turning an angle of 87 degrees 49 minutes to the right along the center line of CSAH No. 8 for a distance of 615.0 feet to the point of beginning of the line to be described; thence turning

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an angle of 75 degrees 00 minutes to the left for a distance of 505.7 feet to the point of commencement and there terminating.

(d) The land described in paragraph (c) is deleted from the Blue Mounds state park under section 5. The commissioner has determined that the land is no longer needed for any natural resource purpose and that the state's land management interests would best be served if the land was returned to private ownership.

**Sec. 7. REPEALER.**

Minnesota Statutes 1998, section 85.013, subdivision 8, is repealed.

Presented to the governor May 10, 1999

Signed by the governor May 13, 1999, 1:23 p.m.

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**CHAPTER 158—S.F.No. 1541**

*An act relating to the environment; modifying and making permanent the environmental improvement pilot program; amending Minnesota Statutes 1998, sections 114C.20; 114C.21, subdivisions 1, 4, and by adding subdivisions; 114C.22; 114C.24, subdivisions 2, 3, 4, and 5; 114C.25; 114C.26; 114C.27; and 114C.28; repealing Minnesota Statutes 1998, sections 114C.21, subdivisions 9 and 11; 114C.29; 114C.30; and 114C.31.*

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

Section 1. Minnesota Statutes 1998, section 114C.20, is amended to read:

**114C.20 ENVIRONMENTAL IMPROVEMENT PILOT PROGRAM ESTABLISHED.**

An environmental improvement pilot program is established to promote voluntary compliance with environmental requirements.

Sec. 2. Minnesota Statutes 1998, section 114C.21, subdivision 1, is amended to read:

Subdivision 1. **APPLICABILITY.** As used in sections 114C.20 to 114C.31 114C.28, the terms defined in this section have the meanings given.

Sec. 3. Minnesota Statutes 1998, section 114C.21, is amended by adding a subdivision to read:

Subd. 2a. **ENVIRONMENTAL MANAGEMENT SYSTEM.** “Environmental management system” means a documented, systematic procedure or practice that reflects the regulated entity’s due diligence in preventing, detecting, and correcting violations of environmental requirements. Due diligence encompasses the regulated entity’s systematic efforts, appropriate to the size and nature of its business, to prevent, detect, and correct violations of environmental requirements and must be consistent with any criteria used by the United States Environmental Protection Agency to define due diligence in federal audit policies or regulations.

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