

owner may not be enforced by the commercial application company against any subsequent owner of the property.

Subd. 6. EXCLUSIONS. This section does not apply to:

(1) pesticide, fertilizer, or chemical applications for the purpose of producing agricultural commodities or any commodity for sale;

(2) pesticide applications around or near the foundation of a building for the purpose of structural or indoor pest control; or

(3) any single or isolated landscape application where the property owner or its agent verbally consents to the single or isolated application.

Subd. 7. PENALTIES AND REMEDIES. A person who violates this section is subject to the penalties and remedies, including a private right of action, as provided in section 8.31.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective January 1, 1991. Written landscape contracts entered into before this date remain in force according to their terms.

Presented to the governor April 19, 1989

Signed by the governor April 19, 1989, 8:55 p.m.

CHAPTER 43—H.F.No. 321

An act relating to consumer protection; regulating new motor vehicle sales; limiting a dealer's liability due to the manufacturer's failure to repair, refund, or replace nonconforming vehicles; amending Minnesota Statutes 1988, section 325F.665, by adding a subdivision.

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

Section 1. Minnesota Statutes 1988, section 325F.665, is amended by adding a subdivision to read:

Subd. 13. DEALER LIABILITY. Nothing in this section imposes liability on a dealer or creates an additional cause of action by a consumer against a dealer, except for written express warranties made by the dealer apart from the manufacturer's warranties. The manufacturer shall not charge back or require reimbursement by the dealer for any costs, including, but not limited to, any refunds or vehicle replacements, incurred by the manufacturer arising out of this section, unless there is evidence that the related repairs had not been carried out by the dealer in a timely manner or in a manner substantially consistent with the manufacturer's published instructions.

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

Presented to the governor April 19, 1989

Signed by the governor April 19, 1989, 8:58 p.m.

CHAPTER 44—S.F.No. 156

An act relating to gambling; authorizing the governor or the governor's representatives to negotiate a tribal-state compact pursuant to the Indian gaming regulatory act; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Section 1. [3.9221] INDIAN TRIBES; COMPACTS TO BE NEGOTIATED.

Subdivision 1. DEFINITION. For purposes of this section, "act" means the Indian gaming regulatory act, Public Law Number 100-497, and future amendments to it.

Subd. 2. NEGOTIATIONS AUTHORIZED. The governor or the governor's designated representatives shall, pursuant to section 11 of the act, negotiate in good faith a tribal-state compact regulating the conduct of class III gambling, as defined in section 4 of the act, on Indian lands of a tribe requesting negotiations. The agreement may include any provision authorized under section 11(d)(3)(C) of the act. The attorney general is the legal counsel for the governor or the governor's representatives in regard to negotiating a compact under this section.

Subd. 3. TIME LIMITS. (a) In the case of negotiations undertaken pursuant to a request for negotiations received before the effective date of this act, the authority granted under subdivision 2 to negotiate with an Indian tribe expires 180 days after the effective date of this act.

(b) In the case of negotiations undertaken pursuant to a request for negotiations received after the effective date of this act, the authority granted under subdivision 2 to negotiate with an Indian tribe expires 180 days after receipt of the request by the governor.

Subd. 4. TERMS OF COMPACT; RIGHTS OF PARTIES. A compact agreed to on behalf of the state under this section must contain:

(1) a provision recognizing the right of each party to the agreement, including the legislature by joint resolution, to request that the agreement be renegotiated or replaced by a new compact, and providing the terms under which either party, including the legislature, can request a renegotiation or the negotiation of a new compact; and

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