

Sec. 2. Minnesota Statutes 1990, section 471.371, subdivision 4, is amended to read:

Subd. 4. **DEFINITIONS.** As used in this section, "municipality" has the meaning given to it in section 471.345; "contract" includes not only construction work but also all necessary design services, including process and mechanical equipment, provisions for the start-up of the new facility, performance guarantee, and the other necessary and related items to make an operable plant; and ~~"treatment works" has the meaning given to it in section 212, title II, of the Federal Water Pollution Control Act Amendments of 1972~~ "facility" or "facilities" shall, in addition to the treatment facility, include collection and distribution systems.

Sec. 3. Minnesota Statutes 1990, section 471.371, subdivision 5, is amended to read:

Subd. 5. ~~**BID CONTRACT SECURITY AND INSURANCE.** Each design construct bid submitted shall include a bid bond, labor and materials bond and shall conform with appropriate executive orders related to requirements for the construction of wastewater treatment facilities under the construction grant program of the Federal Water Pollution Control Act and insurance as specified to provide for uniform and equitable bid review procedures~~ awarded contract:

(1) shall require a payment and performance bond for the construction portion of the contract;

(2) shall require the successful bidder to guarantee the performance of the facility to the level required by a permit for the operation of the facility, for 12 months after the date operation begins; and

(3) may allow construction progress payments by the municipality to the successful bidder.

Sec. 4. **REPEALER.**

Minnesota Statutes 1990, section 471.371, subdivisions 1 and 6, are repealed.

Presented to the governor May 23, 1991

Signed by the governor May 27, 1991, 10:06 p.m.

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#### CHAPTER 213—S.F.No. 971

*An act relating to agriculture; extending the ban on the use of biosynthetic bovine somatotropin by one year; amending Minnesota Statutes 1990, sections 151.01, subdivision 28; 151.15, subdivision 3; and 151.25; and Laws 1990, chapter 526, section 1.*

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

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

Section 1. Minnesota Statutes 1990, section 151.01, subdivision 28, is amended to read:

Subd. 28. **VETERINARY LEGEND DRUG.** "Veterinary legend drug" means biosynthetic bovine somatotropin (BST) until June 12, ~~1991~~ 1992, or a drug that is required by federal law to bear the following statement: "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."

Sec. 2. Minnesota Statutes 1990, section 151.15, subdivision 3, is amended to read:

Subd. 3. **UNLICENSED PERSONS; VETERINARY LEGEND DRUGS.** It shall be unlawful for any person other than a licensed veterinarian or pharmacist to compound or dispense veterinary legend drugs except as provided in this chapter. Until June 12, ~~1991~~ 1992, a veterinarian or veterinarian's assistant may use biosynthetic bovine somatotropin (BST) for medical or research purposes only. Biosynthetic bovine somatotropin (BST) may not be dispensed to, used by, or administered by a person who is not a licensed veterinarian or a veterinarian's assistant under the veterinarian's supervision.

Sec. 3. Minnesota Statutes 1990, section 151.25, is amended to read:

**151.25 REGISTRATION OF MANUFACTURERS; FEE; PROHIBITIONS.**

The board shall require and provide for the annual registration of every person engaged in manufacturing drugs, medicines, chemicals, or poisons for medicinal purposes, now or hereafter doing business with accounts in this state. Upon a payment of a fee as set by the board, the board shall issue a registration certificate in such form as it may prescribe to such manufacturer. Such registration certificate shall be displayed in a conspicuous place in such manufacturer's or wholesaler's place of business for which it is issued and expire on the date set by the board. It shall be unlawful for any person to manufacture drugs, medicines, chemicals, or poisons for medicinal purposes unless such a certificate has been issued to the person by the board. It shall be unlawful for any person engaged in the manufacture of drugs, medicines, chemicals, or poisons for medicinal purposes, or the person's agent, to sell legend drugs or biosynthetic bovine somatotropin (BST) until June 12, ~~1991~~ 1992, to other than a pharmacy, except as provided in this chapter.

Sec. 4. Laws 1990, chapter 526, section 1, is amended to read:

Section 1. **PURPOSE.**

The legislature finds that biosynthetic bovine somatotropin has not been fully researched to provide conclusive evidence about animal health effects. In the public interest, the legislature intends biosynthetic bovine somatotropin to

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be closely regulated and administered only in research or necessary medical circumstances for one year after the effective date of sections 2 and 4 of this act until June 12, 1992.

Sec. 5. EFFECTIVE DATE.

(a) Except as provided in paragraph (b), sections 1 to 4 are effective 30 days after the commissioner of agriculture publishes notice in the State Register that (1) the states of Minnesota and Wisconsin, or (2) states having 40 percent or more of milk production as determined by the United States Department of Agriculture statistics for the most recent available calendar year, including Minnesota, have adopted provisions that restrict general use of biosynthetic bovine somatotropin (BST) and remain in effect only so long as restrictions are effective in the state of Wisconsin or in states having 40 percent or more of milk production, including Minnesota. On the date that restrictions on the general use of biosynthetic bovine somatotropin are no longer in effect in the state of Wisconsin and in states having 40 percent or more of milk production, including Minnesota, sections 1 to 4 have no effect and biosynthetic bovine somatotropin may be sold for general use.

(b) Sections 1 to 4 are effective the day after final enactment and the commissioner of agriculture is not required to publish notice in the State Register if restrictions on the general use of biosynthetic bovine somatotropin are effective in the state of Wisconsin on that date.

Presented to the governor May 23, 1991

Became law without the governor's signature May 28, 1991

[Revisor's Note: While the governor attempted to veto this chapter, it was filed with the secretary of state with a letter from the secretary of the senate saying that the governor returned it to the senate after the three-day constitutional requirement.]

CHAPTER 214—S.F.No. 1064

*An act relating to waters; exempting certain proceedings by the board of water and soil resources from the administrative procedure act; changing administrative appeal procedures; authorizing appeals to the court of appeals; exempting the Minnesota housing finance agency from restrictions on transfers of marginal land and wetlands; limiting a prohibition on certain new water use permits to the metropolitan area; exempting tree and shrub planting from certain notification requirements; amending Minnesota Statutes 1990, sections 103B.345, subdivisions 2 and 4; 103D.105, subdivision 1; 103D.111; 103F.535, subdivision 1; 103G.271, subdivision 4a; and 216D.01, subdivision 5.*

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

Section 1. Minnesota Statutes 1990, section 103B.345, subdivision 2, is amended to read:

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