

state land may be exchanged on an equal value basis for the nonriparian tax-forfeited land in Itasca state park.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment.

Presented to the governor May 30, 1991

Became law without the governor's signature June 4, 1991

[Revisor's Note: While the governor attempted to veto this chapter, the Ramsey County District Court found the attempted veto to be invalid.]

CHAPTER 308—H.F.No. 202

An act relating to public employees; providing for a leave of absence from public office or to employment without pay for certain elected officials; defining the term "employee" for the purpose of the public employees labor relations act; amending Minnesota Statutes 1990, sections 3.088, subdivision 1; and 179A.03, subdivision 14.

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

Section 1. Minnesota Statutes 1990, section 3.088, subdivision 1, is amended to read:

Subdivision 1. **LEAVE OF ABSENCE WITHOUT PAY.** Subject to this section, any appointed officer or employee of a political subdivision, municipal corporation, or school district of the state or an institution of learning maintained by the state who serves as a legislator ~~during a session~~ or is elected to a full-time city or county office in Minnesota is entitled to a leave of absence from the public office or to employment without pay ~~during any part or all of the service~~ when on the business of the office, with right of reinstatement as provided in this section.

Sec. 2. Minnesota Statutes 1990, section 179A.03, subdivision 14, is amended to read:

Subd. 14. **PUBLIC EMPLOYEE.** "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part-time employees whose service does not exceed the lesser of 14 hours

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

per week or 35 percent of the normal work week in the employee's appropriate unit;

(f) employees whose positions are basically temporary or seasonal in character and: (1) are not for more than 67 working days in any calendar year; or (2) are not for more than 100 working days in any calendar year and the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment;

(g) employees providing services for not more than two consecutive quarters to the state university board or the community college board under the terms of a professional or technical services contract as defined in section 16B.17, subdivision 1;

(h) employees of charitable hospitals as defined by section 179.35, subdivision 3;

(i) full-time undergraduate students employed by the school which they attend under a work-study program or in connection with the receipt of financial aid, irrespective of number of hours of service per week;

(j) an individual who is employed for less than 300 hours in a fiscal year as an instructor in an adult vocational education program;

(k) an individual hired by a school district, the community college board, or the state university board, to teach one course for up to four credits for one quarter in a year.

The following individuals are public employees regardless of the exclusions of clauses (e) and (f):

(1) An employee hired by a school district, the community college board, or the state university board, except at the university established in section 136.017 or for community services or community education instruction offered on a non-credit basis: ~~(+) (i)~~ to replace an absent teacher or faculty member who is a public employee, where the replacement employee is employed more than 30 working days as a replacement for that teacher or faculty member; or ~~(2) (ii)~~ to take a teaching position created due to increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons; and

(2) An employee hired for a position under clause (f)(1) if that same position has already been filled under clause (f)(1) in the same calendar year and the cumulative number of days worked in that same position by all employees exceeds 67 calendar days in that year. For the purpose of this paragraph, "same position" includes a substantially equivalent position if it is not the same position solely due to a change in the classification or title of the position.

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Presented to the governor May 30, 1991

Became law without the governor's signature June 4, 1991

CHAPTER 309—H.F.No. 958

An act relating to agriculture; classifying certain private data collected for aquaculture permits; providing for development of aquaculture; imposing a two percent excise tax on sales of aquaculture production equipment; amending Minnesota Statutes 1990, sections 17.49; 18B.26, subdivision 1; 25.33, subdivision 5; 97A.025; 297A.01, by adding a subdivision; 297A.02, subdivision 2; and 500.24, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 13 and 17; repealing Minnesota Statutes 1990, section 17.492.

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

Section 1. [13.645] AQUACULTURE PERMIT DATA.

The following data collected and maintained by an agency issuing aquaculture permits under sections 4 to 10 are classified as private or nonpublic: the names and addresses of customers provided in the permit application.

Sec. 2. [17.108] TROPHIC STATE LABELING.

Subdivision 1. CERTIFICATION OF TROPHIC STATE. The commissioner, in consultation with the commissioners of the pollution control agency and natural resources, shall annually certify the trophic state of the waters used for aquatic farming. Aquatic farming waters maintained in a trophic state equal or better than:

(1) 25 percent of the lakes in this state over 100 acres shall be certified as "pristine waters";

(2) 50 percent of the lakes in this state over 100 acres shall be certified as "pure, clean, or fresh waters"; and

(3) 75 percent of the lakes in this state over 100 acres shall be certified as "natural waters."

Subd. 2. USE OF TERMS. A person may only use the terms "natural," "pure," "clean," "fresh," or "pristine" in describing waters used for aquaculture on labeling, advertising, or other material if the waters from which the products were raised are certified accordingly under subdivision 1. The terms may be used in conjunction with other Minnesota grown labeling.

Sec. 3. [17.46] SHORT TITLE.

Sections 4 to 16 may be cited as the aquaculture development act.

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