

Subd. 3. LIMITATION. If the commissioner creates a debt service reserve account for the security of any series of bonds, the commissioner may not issue any additional bonds which are similarly secured if the amount of any of the debt service reserve accounts at the time of issuance does not equal or exceed the minimum amount, if any, required by the resolution creating that account, unless the commissioner deposits in each account at the time of issuance, from the proceeds of the bonds or otherwise, an amount which, together with the amount then in the account, will not be less than the minimum amount required.

Subd. 4. EXCESS MONEY. To the extent consistent with the orders and indentures securing outstanding bonds, the commissioner may, at the close of any fiscal year, transfer to any other account from any debt service reserve account, any excess in that account over the amount considered by the commissioner to be reasonably necessary for the purpose of the account.

Subd. 5. CONSTRUCTION. Nothing in this section may be construed to limit the right of the commissioner to create and establish by order or indenture other accounts or security in addition to debt service reserve accounts which are necessary or desirable in connection with any bonds.

Sec. 14. CONSTRUCTION.

Sections 1 to 14 are necessary for the welfare of the state of Minnesota and its inhabitants; therefore, they shall be liberally construed to effect their purpose.

Sec. 15. DETROIT LAKES; FACILITIES.

The commissioner of trade and economic development may assist the people of the city of Detroit Lakes to make economic use of agricultural-industrial facilities in the city. The commissioner may use all authority under existing law for this purpose. The commissioner may employ marketing analysts and other consultants as necessary.

Presented to the governor April 17, 1992

Signed by the governor April 29, 1992, 8:05 a.m.

CHAPTER 544—H.F.No. 2717

An act relating to water; requiring maintenance of a statewide nitrate data base; establishing a nitrate data advisory task force; modifying requirements relating to well disclosure certificates and sealing of wells; establishing a well sealing account; requiring a report on environmental consulting services; grant a waiver for water well requirements to dairy farmers; allowing an extension for well construction compliance; appropriating money; amending Minnesota Statutes 1990, sections 32.394, by adding subdivisions; 103I.115; 103I.301, subdi-

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vision 4; 103I.315; and 103I.341, subdivisions 1 and 5; Minnesota Statutes 1991 Supplement, sections 16B.92, by adding a subdivision; 103I.235; and 103I.301, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 103A and 103I.

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

Section 1. Minnesota Statutes 1991 Supplement, section 16B.92, is amended by adding a subdivision to read:

Subd. 1a. STATEWIDE NITRATE DATA BASE. The commissioner, through the center, shall maintain a statewide nitrate data base containing the data described in section 4.

Sec. 2. Minnesota Statutes 1990, section 32.394, is amended by adding a subdivision to read:

Subd. 11. WAIVER OF RULES; WATER WELL DISTANCE REQUIREMENT. A dairy farmer who wishes to be permitted to produce grade A milk may not be denied the grade A permit solely because of provisions in rules adopted by the commissioner of health requiring a minimum distance between a water well and a dairy barn. To be eligible for a grade A permit, the following conditions must be met:

(1) the water well must have been in place prior to January 1, 1974;

(2) the water well must comply with all rules of the commissioner of health other than the minimum distance requirement; and

(3) water from the well must be tested at least once every six months in compliance with guidelines established by the commissioner of agriculture.

Sec. 3. Minnesota Statutes 1990, section 32.394, is amended by adding a subdivision to read:

Subd. 12. WATER TESTING GUIDELINES. The commissioner of agriculture, in consultation with the commissioner of health, shall establish guidelines for the testing required under section 2, clause (3). The guidelines are not subject to chapter 14.

Sec. 4. [103A.403] STATEWIDE NITRATE DATA.

The environmental quality board shall ensure that all available data regarding the presence of nitrates in groundwater in the state that meet state standards recommended under section 13 are integrated into the Minnesota land management information center's statewide nitrate data base according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data or, if the data are not generated by an entity that receives or received state appropriations for monitoring or information management, by the environmental quality board.

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Sec. 5. Minnesota Statutes 1990, section 103I.115, is amended to read:

103I.115 COMPLIANCE WITH THIS CHAPTER REQUIRED.

(a) Except as provided in paragraph (b), a person may not construct, repair, or seal a well or boring, except as provided under the provisions of this chapter.

(b) Until June 30, 1994, this chapter does not apply to dewatering wells 45 feet or less in depth.

Sec. 6. Minnesota Statutes 1991 Supplement, section 103I.235, subdivision 1, is amended to read:

Subdivision 1. **DISCLOSURE OF WELLS TO BUYER.** (a) Before signing an agreement to sell or transfer real property, the seller must disclose in writing to the buyer information about the status and location of all known wells on the property, by delivering to the buyer either a statement by the seller that the seller does not know of any wells on the property, or a disclosure statement indicating the legal description and county, and a map drawn from available information showing the location of each well to the extent practicable. In the disclosure statement, the seller must indicate, for each well, whether the well is in use, not in use, or sealed.

(b) At the time of closing of the sale, the disclosure statement information, name and mailing address of the buyer, and the quartile, section, township, and range in which each well is located must be provided on a well disclosure certificate signed by the seller or a person authorized to act on behalf of the seller.

(c) A well disclosure certificate need not be provided if the seller does not know of any wells on the property and the deed or other instrument of conveyance contains the statement: "The Seller certifies that the Seller does not know of any wells on the described real property."

(d) If a deed is given pursuant to a contract for deed, the well disclosure certificate required by this subdivision shall be signed by the buyer or a person authorized to act on behalf of the buyer. If the buyer knows of no wells on the property, a well disclosure certificate is not required if the following statement appears on the deed followed by the signature of the grantee or, if there is more than one grantee, the signature of at least one of the grantees: "The Grantee certifies that the Grantee does not know of any wells on the described real property." The statement and signature of the grantee may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement by the grantee is not required for the deed to be recordable.

(e) This subdivision does not apply to the sale, exchange, or transfer of real property:

- (1) that consists solely of a sale or transfer of severed mineral interests; or
- (2) that consists of an individual condominium unit as described in chapters 515 and 515A.

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(f) For an area owned in common under chapter 515 or 515A the association or other responsible person must report to the commissioner by July 1, 1992, the location and status of all wells in the common area. The association or other responsible person must notify the commissioner within 30 days of any change in the reported status of wells.

(g) For real property sold by the state under section 92.67, the lessee at the time of the sale is responsible for compliance with this subdivision.

(h) If the seller fails to provide a required well disclosure certificate, the buyer, or a person authorized to act on behalf of the buyer, may sign a well disclosure certificate based on the information provided on the disclosure statement required by this section or based on other available information.

(i) A county recorder or registrar of titles may not record a deed or other instrument of conveyance dated after October 31, 1990, for which a certificate of value is required under section 272.115, or any deed or other instrument of conveyance dated after October 31, 1990, from a governmental body exempt from the payment of state deed tax, unless the deed or other instrument of conveyance contains the statement made in accordance with paragraph (c) or (d) or is accompanied by the well disclosure certificate containing all the information required by paragraph (b) or (d). The county recorder or registrar of titles must not accept a certificate unless it contains all the required information. The county recorder or registrar of titles shall note on each deed or other instrument of conveyance accompanied by a well disclosure certificate that the well disclosure certificate was received. The notation must include the statement "No wells on property" if the disclosure certificate states there are no wells on the property. The well disclosure certificate shall not be filed or recorded in the records maintained by the county recorder or registrar of titles. After noting "No wells on property" on the deed or other instrument of conveyance, the county recorder or registrar of titles shall destroy or return to the buyer the well disclosure certificate. The county recorder or registrar of titles shall collect from the buyer or the person seeking to record a deed or other instrument of conveyance, a fee of \$10 for receipt of a completed well disclosure certificate ~~for filing~~. By the tenth day of each month, the county recorder or registrar of titles shall transmit the well disclosure certificates to the commissioner of health. By the tenth day after the end of each calendar quarter, the county recorder or registrar of titles shall transmit to the commissioner of health \$7.50 of the fee for each well disclosure certificate received during the quarter. The commissioner shall maintain the well disclosure certificate for at least six years. The commissioner may store the certificate as an electronic image. A copy of that image shall be as valid as the original.

(j) No new well disclosure certificate is required ~~on property unless under this subdivision if the buyer or seller, or a person authorized to act on behalf of the buyer or seller, certifies on the deed or other instrument of conveyance that the status of numbers and number of wells on the property has have not changed from since~~ the last previously filed well disclosure certificate. The fol-

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lowing statement, if followed by the signature of the person making the statement, is sufficient to comply with the certification requirement of this paragraph: "I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate." The certification and signature may be on the front or back of the deed or on an attached sheet and an acknowledgment of the statement is not required for the deed or other instrument of conveyance to be recordable.

(k) The commissioner in consultation with county recorders shall prescribe the form for a well disclosure certificate and provide well disclosure certificate forms to county recorders and registrars of titles and other interested persons.

(l) Failure to comply with a requirement of this subdivision does not impair:

(1) the validity of a deed or other instrument of conveyance as between the parties to the deed or instrument or as to any other person who otherwise would be bound by the deed or instrument; or

(2) the record, as notice, of any deed or other instrument of conveyance accepted for filing or recording contrary to the provisions of this subdivision.

Sec. 7. Minnesota Statutes 1991 Supplement, section 103I.301, subdivision 1, is amended to read:

Subdivision 1. **WELLS AND BORINGS.** (a) A property owner must have a well or boring sealed if:

(1) the well or boring is contaminated or may contribute to the spread of contamination;

(2) the well or boring was attempted to be sealed but was not sealed according to the provisions of this chapter; or

(3) the well or boring is located, constructed, or maintained in a manner that its continued use or existence endangers groundwater quality or is a safety or health hazard.

(b) A well that is not in use must be sealed unless the property owner has a maintenance permit for the well.

(c) The property owner must have a well ~~contractor or limited well sealing contractor seal a well~~ or boring sealed by a registered or licensed person authorized to seal the well or boring, consistent with provisions of this chapter.

Sec. 8. Minnesota Statutes 1990, section 103I.301, subdivision 4, is amended to read:

Subd. 4. **SEALING PROCEDURES.** Wells; ~~monitoring wells; and~~

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dewatering wells and borings must be sealed according to rules adopted by the commissioner.

Sec. 9. Minnesota Statutes 1990, section 103I.315, is amended to read:

103I.315 ORDERS TO SEAL WELLS AND BORINGS.

Subdivision 1. **ORDER TO SEAL WELL OR BORING.** The commissioner may order a property owner to seal a well or boring if:

(1) the commissioner determines that without being sealed the well or boring is an imminent threat to public health or public safety;

(2) the well or boring is required to be sealed under section 103I.301; or

(3) a well is a monitoring well or dewatering well and by 14 months after construction of the well, the owner has not obtained a maintenance permit, or after a maintenance permit has been issued the owner has not renewed a maintenance permit.

Subd. 2. **FAILURE OF OWNER TO SEAL WELL OR BORING.** If the property owner fails to seal a well or boring in the time provided in the commissioner's order, or if the commissioner is unable to identify or locate the property owner, the commissioner may enter the property and have the well or boring sealed. The property owner is liable for and must pay the costs of sealing the well or boring.

Sec. 10. Minnesota Statutes 1990, section 103I.341, subdivision 1, is amended to read:

Subdivision 1. **LIEN FOR SEALING COSTS.** The commissioner and the board of water and soil resources have a governmental services lien under section 514.67 for the costs of sealing a well or boring that the commissioner or board has contracted to be sealed under section 103I.315, subdivision 2; 103I.331; or 103I.335. The lien attaches to the real property where the well or boring is located. The lien is perfected by filing the lien with the county recorder or registrar of titles where the well or boring and the property are located and serving or mailing by return receipt a copy of the lien to the property owner.

Sec. 11. Minnesota Statutes 1990, section 103I.341, subdivision 5, is amended to read:

Subd. 5. **APPROPRIATION OF RECOVERED COSTS.** Costs of sealing wells recovered from property owners ~~shall~~ by the board of water and soil resources must be deposited in the state treasury and credited to the account from which the amounts were originally appropriated. The amounts ~~recovered~~ by the board of water and soil resources are continuously appropriated to the board for sealing wells.

Sec. 12. [103I.345] WELL SEALING ACCOUNT.

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Subdivision 1. REVENUE SOURCES. Revenue from the following sources must be deposited in the state treasury and credited to a special account:

- (1) all money recovered by the commissioner under section 103I.341;
- (2) all money paid under section 103I.705 or under any agreement, stipulation, or settlement resolving an enforcement action brought by the commissioner;
- (3) all interest attributable to investment of money credited to the account; and
- (4) all money received in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the purposes of the account.

Subd. 2. EXPENDITURES. (a) Subject to appropriation by law, money in the account established under subdivision 1 may be used by the commissioner for sealing wells and borings.

(b) In spending money under this subdivision, the commissioner shall give priority to the sealing by July 1, 1997, of all multi-aquifer wells and borings entering the Mt. Simon-Hinckley aquifer that the commissioner has authority to seal under section 103I.315, subdivision 2.

Sec. 13. NITRATE DATA ADVISORY TASK FORCE.

Subdivision 1. MEMBERSHIP; ADMINISTRATION. (a) The nitrate data advisory task force consists of the following members:

- (1) a representative appointed by the commissioner of the pollution control agency;
- (2) a representative appointed by the commissioner of natural resources;
- (3) a representative appointed by the commissioner of agriculture;
- (4) a representative appointed by the commissioner of health;
- (5) a representative appointed by the director of the Minnesota geological survey;
- (6) a representative appointed by the president of the University of Minnesota;
- (7) a representative of the land management information center; and
- (8) a representative of the board of water and soil resources.

(b) The members of the task force must have technical knowledge and experience in water quality issues.

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(c) The task force terminates on June 30, 1993.

Subd. 2. DUTIES. The task force shall recommend and the environmental quality board shall adopt standards, including analytical standards and well information standards, for selecting nitrate data to be integrated into the Minnesota land management information system under section 4.

Sec. 14. REPORT ON ENVIRONMENTAL CONSULTING SERVICES.

(a) The commissioners of commerce and agriculture, in consultation with the commissioners of the pollution control agency and finance, the attorney general, and appropriate professional organizations, shall prepare a report on environmental consulting services for which reimbursement has been paid under Minnesota Statutes, sections 18E.04 and 115C.09. The report must include:

(1) a description of the services provided and the qualifications of the persons providing the services;

(2) an evaluation of the reasonableness of the fees charged for the services; and

(3) recommendations on ways to ensure that environmental consulting services for which reimbursement is paid by the state are cost-effective and of a minimum acceptable level of quality.

(b) The report must be submitted to the legislative water commission by February 1, 1993.

Sec. 15. APPROPRIATION.

\$5,000 is appropriated from the well sealing account established in section 12 to the commissioner of health.

Presented to the governor April 17, 1992

Signed by the governor April 27, 1992, 2:00 p.m.

CHAPTER 545—H.F.No. 2884

An act relating to public finance; changing procedures for allocating bonding authority; defining acceptable securities for use by self-insurers for workers' compensation; providing an exemption from competitive bidding for certain HRA projects; correcting and clarifying provisions relating to public obligations; amending Minnesota Statutes 1990, sections 136A.29, subdivision 9; 176.181, subdivision 2, and by adding a subdivision; 429.091, subdivision 2; 469.015, subdivision 4; Minnesota Statutes 1991 Supplement, 462A.073, subdivision 1; 469.155, subdivision 12; 474A.03, subdivision 4; 474A.04, subdivision 1a; 474A.047, subdivision 1; 474A.061, subdivisions 1 and 3; 474A.091, subdivisions 2 and 3; and 475.66, subdivision 3.

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