

CHAPTER 94—S.F.No. 1144

An act relating to the city of Minneapolis; authorizing the Minneapolis city council to delegate to the city engineer certain authority over traffic and parking.

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

Section 1. CITY OF MINNEAPOLIS; DELEGATION OF AUTHORITY OVER PARKING AND TRAFFIC CONTROL DEVICES.

Notwithstanding any other law, charter provision, or ordinance to the contrary, the Minneapolis city council may delegate to the city engineer the city council's authority to:

(1) regulate traffic and parking under Minnesota Statutes, section 169.04, clauses (1), (2), and (5); and

(2) erect and maintain traffic control devices for the purpose of regulating the standing or parking of vehicles under Minnesota Statutes, section 169.06, subdivision 3.

The city engineer shall maintain, at a location designated by the city council, a true and complete copy of all regulations the city engineer adopts under this section. The city engineer shall report annually to the city council on all regulations adopted under this section. Nothing in this section limits the city council's authority under Minnesota Statutes, chapter 169, to adopt or amend traffic regulations.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day after the Minneapolis city council complies with Minnesota Statutes, section 645.021, subdivision 3.

Presented to the governor April 25, 1995

Signed by the governor April 26, 1995, 1:58 p.m.

CHAPTER 95—S.F.No. 839

An act relating to agriculture; modifying pesticide posting requirements; changing certain pesticide dealer requirements; changing expiration of pesticide applicator certifications; requiring consideration of passive bioremediation in certain cases; providing for land application of agricultural chemical contaminated soil and other media; changing classification and endorsement requirements to operate a vehicle carrying liquid fertilizer; amending Minnesota Statutes 1994, sections 18B.07, subdivision 3; 18B.31; 18B.36, subdivision 2; 18D.01, by adding a subdivision; 18D.105, subdivision 3a; and 171.02, subdivision 2a; proposing coding for new law in Minnesota Statutes, chapter 18D.

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

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

Section 1. Minnesota Statutes 1994, section 18B.07, subdivision 3, is amended to read:

Subd. 3. **POSTING.** ~~(a) All fields receiving applications of pesticide(s) bearing the label statement "Notify workers of the application by warning them orally and by posting signs at entrances to treated areas" must be posted in accordance with labeling and rules adopted under this chapter.~~

~~(b) Sites being treated with pesticides through irrigation systems must be posted throughout the period of pesticide treatment. The posting must be done in accordance with labeling and rules adopted under this chapter.~~

~~(c) If federal worker protection standards are not applicable, soil applied insecticides are exempt from posting requirements.~~

Sec. 2. Minnesota Statutes 1994, section 18B.31, is amended to read:

18B.31 PESTICIDE DEALER LICENSE.

Subdivision 1. **REQUIREMENT.** (a) Except as provided in paragraph (b), no ~~individual~~ fixed location may offer for sale or sell a restricted use or bulk pesticide to a pesticide end user ~~from any fixed location~~ without a pesticide dealer license.

(b) A pesticide dealer license is not required for:

(1) a licensed commercial applicator, noncommercial applicator, or structural pest control applicator who uses restricted use pesticides only as an integral part of a pesticide application service;

(2) a federal, state, county, or municipal agency using restricted use pesticides for its own programs;

(3) a licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in the pharmacist's, physician's, dentist's, or veterinarian's practice; or

(4) a person at a fixed location that is not used to offer for sale or sell restricted use or bulk pesticides including, but not limited to, warehouses or other storage sites.

(c) A licensed pesticide dealer may sell restricted use pesticides only to an applicator licensed or certified by the commissioner, unless a sale is allowed by rule.

(d) A pesticide dealer license is required for an individual not located in Minnesota who offers for sale or sells a restricted use or bulk pesticide to a pesticide end user located in Minnesota.

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(e) Only one pesticide dealer license is required per fixed location from which ~~an individual offers for sale or sells~~ a restricted use or bulk pesticide is offered for sale or sold to an a pesticide end user.

Subd. 2. **RESPONSIBILITY.** A pesticide dealer is responsible for the acts of a person who assists the dealer in the solicitation and sale of restricted use pesticides.

Subd. 3. **LICENSE.** A pesticide dealer license:

(1) expires on December 31 of each year unless it is suspended or revoked before that date;

(2) is not transferable to another ~~person or~~ location; and

(3) must be prominently displayed to the public in the pesticide dealer's place of business.

Subd. 4. **APPLICATION.** (a) A person must apply to the commissioner for a pesticide dealer license on the forms and in the manner required by the commissioner. ~~The commissioner must prescribe and administer a closed-book, monitored examination, or equivalent measure to determine if the applicant is eligible to sell bulk pesticides or restricted use pesticides.~~

(b) The commissioner may require an additional demonstration of dealer qualification if the dealer has had a license suspended or revoked, or has otherwise had a history of violations of this chapter.

Subd. 5. **APPLICATION FEE.** (a) An application for a pesticide dealer license must be accompanied by a nonrefundable application fee of \$50.

(b) If an application for renewal of a pesticide dealer license is not filed before January 1 of the year for which the license is to be issued, an additional fee of \$20 must be paid by the applicant before the license is issued.

~~(c) An application for a duplicate pesticide dealer's license must be accompanied by a nonrefundable application fee of \$10.~~

Sec. 3. Minnesota Statutes 1994, section 18B.36, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATION.** (a) The commissioner shall prescribe certification requirements and provide training that meets or exceeds United States Environmental Protection Agency standards to certify private applicators and provide information relating to changing technology to help ensure a continuing level of competency and ability to use pesticides properly and safely. The training may be done through cooperation with other government agencies and must be a minimum of three hours in duration.

(b) A person must apply to the commissioner for certification as a private

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applicator. After completing the certification requirements, which must include an examination as determined by the commissioner, an applicant must be certified as a private applicator to use restricted use pesticides. The certification ~~is for a period of three calendar years including the first year of certification, and expires December 31~~ shall expire March 1 of the third calendar year after the initial year of certification.

(c) The commissioner shall issue a private applicator card to a private applicator.

Sec. 4. Minnesota Statutes 1994, section 18D.01, is amended by adding a subdivision to read:

Subd. 3a. CONTAMINATED MEDIA. “Contaminated media” means any soil, water, sediment, debris, or other material which contains an agricultural chemical at a concentration that may cause unreasonable adverse effects on the environment and is not the result of a legal use, as determined by the commissioner.

Sec. 5. Minnesota Statutes 1994, section 18D.105, subdivision 3a, is amended to read:

Subd. 3a. PASSIVE BIOREMEDIATION. Passive bioremediation must be considered for pesticide and fertilizer cleanups whenever an assessment of the site determines that there is a low potential risk to public health and the environment. The assessment may include the soil types involved, leaching potential, underlying geology, proximity to ground and surface water, and the soil half-life of the pesticides.

Sec. 6. [18D.1052] LAND APPLICATION OF AGRICULTURAL CHEMICAL CONTAMINATED SOIL AND OTHER MEDIA.

Subdivision 1. APPLICATION OF CONTAMINATED MEDIA. The commissioner may, upon request, provide a written authorization to a responsible party, owner of real property, or other person, for land application of contaminated media. A written land application request must be submitted to the commissioner, in a form prescribed by the commissioner, and approved by the commissioner prior to any land application. The commissioner may approve a land application request if the commissioner determines that the land application will not cause unreasonable adverse effects on the environment. An authorization for land application must prescribe appropriate application rates and other operational control practices to protect human health and the environment and must identify each site or sites where land application is authorized to be performed.

Subd. 2. EXCEPTIONS. A land application specifically allowed under a state or federal permit, license, or other written approval by an authorized state or federal agency is exempt from this section. In the event of an emergency, or for small quantities of contaminated media, as determined by the commissioner,

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contaminated media may be land applied without prior written approval, providing that the land application is orally approved by the commissioner prior to the application. The commissioner shall confirm the oral approval in writing within three business days of an oral approval.

Sec. 7. Minnesota Statutes 1994, section 171.02, subdivision 2a, is amended to read:

Subd. 2a. ~~EXCEPTION TO HAZARDOUS MATERIALS ENDORSEMENT EXCEPTIONS.~~ Notwithstanding subdivision 2, (1) a hazardous materials endorsement is not required to operate a vehicle having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and (2) a class CC license or hazardous materials endorsement is not required to operate a farm vehicle as defined in Code of Federal Regulations, title 49, section 390.5, having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 1,500 gallons of liquid fertilizer.

Sec. 8. **EFFECTIVE DATE.**

This act is effective the day after final enactment.

Presented to the governor April 25, 1995

Signed by the governor April 26, 1995, 2:10 p.m.

CHAPTER 96—S.F.No. 893

An act relating to insurance; the comprehensive health association; changing benefits; changing the association's enrollment freeze date; amending Minnesota Statutes 1994, sections 62E.12; and 62Q.18, subdivision 8.

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

Section 1. Minnesota Statutes 1994, section 62E.12, is amended to read:

62E.12 MINIMUM BENEFITS OF COMPREHENSIVE HEALTH INSURANCE PLAN.

The association through its comprehensive health insurance plan shall offer policies which provide the benefits of a number one qualified plan and a number two qualified plan, except that the maximum lifetime benefit on these plans shall be \$1,000,000, and an extended basic plan and a basic Medicare plan as described in sections 62A.31 to 62A.44 and 62E.07. The requirement that a policy issued by the association must be a qualified plan is satisfied if the association contracts with a preferred provider network and the level of benefits for services provided within the network satisfies the requirements of a qualified

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