

Notwithstanding any provisions of the Minneapolis City Charter, Veterans Preference Act, or Civil Service rule, law or regulation to the contrary, the superintendent of the park and recreation board of the City of Minneapolis may appoint any suitable person as

- (a) assistant superintendent for administration,
- (b) assistant superintendent for operations,
- (c) assistant superintendent for recreation,
- (d) assistant superintendent for planning,
- (e) director, park engineering,
- (f) director, park operations,
- (g) director, park forestry,
- (h) manager, special services,
- (i) manager, finance,
- (j) manager, recreation programs,
- (k) park engineer II,
- (l) landscape architect II,
- (m) park and recreation planner I,
- (n) park and recreation program research analyst, ~~and~~
- (o) coordinator, environmental education,
- (p) manager, information technology services,
- (q) personnel services representative, and
- (r) park police chief,

and each shall be in the unclassified service of the city and shall serve at the pleasure of the superintendent. The persons shall be eligible for the same employee benefits as persons in the classified service. An incumbent of a position listed in this section on the effective date of this act shall be appointed to the position in accordance with this section.

#### Sec. 2. **LOCAL APPROVAL.**

This act is effective the day after compliance with Minnesota Statutes, section 645.021, subdivision 3, by the Minneapolis park and recreation board.

Presented to the governor March 19, 1996

Signed by the governor March 21, 1996, 1:50 p.m.

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### CHAPTER 359—H.F.No. 3013

*An act relating to the environment; modifying provisions relating to the environmental improvement pilot program; adopting federal standards for environmental marketing claims; provid-*

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*ing penalties; amending Minnesota Statutes 1995 Supplement, section 115B.03, subdivision 9; Laws 1995, chapter 168, sections 9, subdivisions 3, 4, and 7; 13, subdivisions 1, 2, 3, and by adding a subdivision; and 19; proposing coding for new law in Minnesota Statutes, chapter 325E; repealing Minnesota Statutes 1994, section 115A.56; Laws 1995, chapter 168, section 11.*

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

Section 1. Minnesota Statutes 1995 Supplement, section 115B.03, subdivision 9, is amended to read:

Subd. 9. **PERSONAL REPRESENTATIVES OF ESTATES.** A personal representative, guardian, or conservator of an estate who is not otherwise a responsible party for a release or threatened release of a hazardous substance from a facility is not a responsible person under this section solely because the facility is among the assets of the estate or solely because the personal representative, guardian, or conservator has the capacity to direct the operation of the facility.

Sec. 2. **[325E.41] DECEPTIVE TRADE PRACTICES; ENVIRONMENTAL MARKETING CLAIMS.**

Subdivision 1. ADOPTION OF FEDERAL GUIDES. (a) Environmental marketing claims made by a manufacturer, packager, wholesaler, or retailer for a product sold or offered for sale or distribution in this state, including those related to the product's packaging, must conform to the standards or be consistent with the examples contained in Code of Federal Regulations, title 16, part 260, "Guides for the Use of Environmental Marketing Claims" regarding general environmental benefits claims, claims that a product or package is degradable, compostable, recyclable, or contains recycled content, and claims relating to source reduction, refillability, or ozone safety.

(b) Paragraph (a) does not apply to an environmental claim unless the claim is made in an attempt to influence purchasing decisions by end users of the product.

Subd. 2. INVESTIGATION; ENFORCEMENT. A person who violates this section is subject to the penalties and remedies in section 8.31.

Sec. 3. Laws 1995, chapter 168, section 9, subdivision 3, is amended to read:

Subd. 3. **ENVIRONMENTAL REQUIREMENT.** "Environmental requirement" means a requirement in:

(1) a law administered by the agency, a rule adopted by the agency, a permit or order issued by the agency, an agreement entered into with the agency, or a court order issued pursuant to any of the foregoing; or

(2) an ordinance or other legally binding requirement of a local government unit under authority granted by state law relating to environmental protection, including solid and hazardous waste management.

Sec. 4. Laws 1995, chapter 168, section 9, subdivision 4, is amended to read:

Subd. 4. **ENVIRONMENTAL AUDIT; AUDIT.** "Environmental audit" or "audit" means a systematic, documented, and objective review by a regulated entity of one or more facility operations and practices related to compliance with one or more environmental requirements and, if deficiencies are found, a plan for corrective action. The final

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audit document must be designated as an "audit report" and must include the date of the final written report of finding findings for the audit.

Sec. 5. Laws 1995, chapter 168, section 9, subdivision 7, is amended to read:

Subd. 7. **LOCAL GOVERNMENTAL UNIT.** "Local governmental unit" means a county, a statutory or home rule charter city, a town, a sanitary district, or the metropolitan area.

Sec. 6. Laws 1995, chapter 168, section 13, subdivision 1, is amended to read:

Subdivision 1. **DEFERRED ENFORCEMENT.** The state must defer for at least 90 days to ~~enforce~~ enforcement of an environmental requirement against the owner or operator of a facility if a report that meets the requirements of section 10, subdivision 2, has been submitted to the commissioner. If the report includes a performance schedule, and the performance schedule is approved under section 12, the state must defer enforcement for the term of the approved performance schedule unless the owner or operator of the facility fails to meet an interim performance date contained in the schedule.

Sec. 7. Laws 1995, chapter 168, section 13, subdivision 2, is amended to read:

Subd. 2. **PENALTIES WAIVED.** If, within 90 days after the report required in section 10, subdivision 2, is received by the commissioner or within the time specified in an approved performance schedule, the owner or operator of a facility corrects the violations identified in the audit or self-evaluation and certifies to the commissioner that the violations have been corrected, the state may not impose or bring an action for any administrative, civil, or criminal penalties against the owner or operator of the facility for the reported violations.

Sec. 8. Laws 1995, chapter 168, section 13, subdivision 3, is amended to read:

Subd. 3. **EXCEPTIONS.** Notwithstanding subdivisions 1 and 2, the state may at any time bring:

(1) a criminal enforcement action against any person who knowingly commits a violation under Minnesota Statutes, section 609.671;

(2) a civil or administrative enforcement action, which may include a penalty, under Minnesota Statutes, section 115.071 or 116.072, against the owner or operator of a facility if:

(i) less than one year has elapsed since the final resolution of a notice of violation, an administrative penalty order, or a civil or criminal lawsuit that resulted in an enforcement action being taken against the owner or operator of a facility for a violation of a requirement that was also shown as having been violated in the report required under section 10, subdivision 2; or

(ii) a violation caused serious harm to public health or the environment; or

(3) ~~an~~ the enforcement action is against the owner or operator of a facility to enjoin an imminent threat to public health or the environment.

Sec. 9. Laws 1995, chapter 168, section 13, is amended by adding a subdivision to read:

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Subd. 6. **FALSE STATEMENTS.** (a) A person may not knowingly make a false material statement or representation in the report filed in accordance with Laws 1995, chapter 168, section 10, subdivision 2. As used in this subdivision, "knowingly" has the meaning given in Minnesota Statutes, section 609.671, subdivision 2.

(b) A person found to have knowingly made a false material statement or representation shall be subject to the administrative penalties and process set forth in Minnesota Statutes, section 116.072.

Sec. 10. Laws 1995, chapter 168, section 19, is amended to read:

Sec. 19. **REPEALER.**

Sections 8 to 10 and 12 to 18 are repealed effective July 1, 1999.

Sec. 11. **REPEALER.**

Minnesota Statutes 1994, section 115A.56, is repealed. Laws 1995, chapter 168, section 11, is repealed.

Sec. 12. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor March 19, 1996

Signed by the governor March 21, 1996, 1:58 p.m.

## CHAPTER 360—H.F.No. 3217

*An act relating to claims against the state; providing for payment of various claims; appropriating money; amending Minnesota Statutes 1994, section 3.739, subdivisions 2 and 2a.*

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

### Section 1. **DEPARTMENT OF CORRECTIONS.**

The amounts in this section are appropriated from the general fund to the commissioner of corrections for payment under Minnesota Statutes, section 3.739, to service providers as indicated in this section in full and final payment of claims against the state for medical services provided to individuals who were injured while performing community service or sentencing to service work for correctional purposes. These appropriations are available until June 30, 1997.

(a) For claims under \$500.00 each and other claims already paid by the department.....\$5,614.30.

(b) For medical services provided to Terry Grunwald, who suffered injuries while performing community work service in Todd county.....\$652.16.

(c) For medical services provided to Mark Rogalski, who suffered injuries while performing sentencing to service work in Todd county.....\$581.75.

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