

CHAPTER 261—H.F.No. 2828

An act relating to health; modifying the authority of the commissioner to approve public water supplies; providing for administrative fines against large public water suppliers; amending Minnesota Statutes 1996, sections 144.383; and 144.99, subdivision 4.

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

Section 1. Minnesota Statutes 1996, section 144.383, is amended to read:

144.383 AUTHORITY OF COMMISSIONER.

In order to insure safe drinking water in all public water supplies, the commissioner has the following powers:

(a) To approve the site, design, and construction and alteration of all public water supply supplies and, for community and non-transient non-community water systems as defined in Code of Federal Regulations, title 40, section 141.2, to approve documentation that demonstrates the technical, managerial, and financial capacity of those systems to comply with rules adopted under this section;

(b) To enter the premises of a public water supply, or part thereof, to inspect the facilities and records kept pursuant to rules promulgated by the commissioner, to conduct sanitary surveys and investigate the standard of operation and service delivered by public water supplies;

(c) To contract with boards of health as defined in section 145A.02, subdivision 2, created pursuant to section 145A.09, for routine surveys, inspections, and testing of public water supply quality;

(d) To develop an emergency plan to protect the public when a decline in water quality or quantity creates a serious health risk, and to issue emergency orders if a health risk is imminent;

(e) To promulgate rules, pursuant to chapter 14 but no less stringent than federal regulation, which may include the granting of variances and exemptions.

Sec. 2. Minnesota Statutes 1996, section 144.99, subdivision 4, is amended to read:

Subd. 4. **ADMINISTRATIVE PENALTY ORDERS.** (a) The commissioner may issue an order requiring violations to be corrected and administratively assessing monetary penalties for violations of the statutes, rules, and other actions listed in subdivision 1. The procedures in section 144.991 must be followed when issuing administrative penalty orders. Except in the case of repeated or serious violations, the penalty assessed in the order must be forgiven if the person who is subject to the order demonstrates in writing to the commissioner before the 31st day after receiving the order that the person has corrected the violation or has developed a corrective plan acceptable to the commissioner. The maximum amount of an administrative penalty order is \$10,000 for each violator for all violations by that violator identified in an inspection or review of compliance.

(b) Notwithstanding paragraph (a), the commissioner may issue to a large public water supply, serving a population of more than 10,000 persons, an administrative penalty order imposing a penalty of at least \$1,000 per day per violation, not to exceed \$10,000 for each violation of sections 144.381 to 144.385 and rules adopted thereunder.

New language is indicated by underline, deletions by strikeout.

Presented to the governor March 2, 1998

Signed by the governor March 4, 1998, 10:06 a.m.

CHAPTER 262—S.F.No. 2031

An act relating to commerce; regulating conveyances and other transactions relating to real and personal property; making corrective and conforming changes to the Uniform Partnership Act of 1994; amending Minnesota Statutes 1996, sections 501B.57, subdivision 1, and by adding a subdivision; 507.24; and 580.24; Minnesota Statutes 1997 Supplement, sections 315.121; 322A.88; 323A.1-04; 323A.3-06; and 524.2-403; Laws 1997, chapter 174, article 12, sections 67 and 68; proposing coding for new law in Minnesota Statutes, chapter 507.

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

Section 1. Minnesota Statutes 1997 Supplement, section 315.121, is amended to read:

315.121 RELIGIOUS CORPORATIONS, CERTAIN CONVEYANCES VALIDATED.

All conveyances executed by any religious corporation or society organized under this chapter, conveying real property within this state that have been of record for more than six years in the office of the county recorder or registrar of titles of the county in which the real estate conveyed is located, and the record of the conveyance, are legalized, validated, and confirmed, even though the corporate records do not disclose that the execution of the conveyance was authorized by the congregation of the religious corporation in the manner provided by law, or the record of the authorization has not been recorded in the office of the county recorder or registrar of titles of the county in which the real estate conveyed is located, or the certificate or any other document specified by section 315.03 has not been recorded in the office of the county recorder of the county in which the real estate is located or in which the place of worship of the corporation or society is located.

Sec. 2. Minnesota Statutes 1997 Supplement, section 322A.88, is amended to read:

322A.88 LIMITED LIABILITY LIMITED PARTNERSHIP.

(a) A limited partnership may become a limited liability limited partnership by:

(1) obtaining approval of the terms and conditions under which the limited partnership elects limited liability limited partnership status by the vote necessary to amend the limited partnership agreement except, in the case of a limited partnership agreement that expressly considers contribution obligations, the vote necessary to amend those provisions;

(2) filing a statement of qualification under section 323A.10-01(c) of the Uniform Partnership Act (1994); and

(3) complying with the name requirements of section 323A.10-02 of the Uniform Partnership Act (1994).

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