

sexual abuse, for purposes of identifying individuals who may be disqualified from human services licensing under Minnesota Statutes, chapter 245A. The supreme court is requested to report back to the legislature by July 15, 2003, with the results of its study and recommendations for implementation of a tracking system.

Presented to the governor March 25, 2002

Signed by the governor March 26, 2002, 2:32 p.m.

CHAPTER 293—S.F.No. 2933

An act relating to pollution; allowing installation of certain individual sewage treatment systems; appropriating money; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision.

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

Section 1. Minnesota Statutes 2000, section 115.55, is amended by adding a subdivision to read:

Subd. 9. WARRANTIED SYSTEMS. (a) An individual sewage treatment system may be installed provided that it meets all local ordinance requirements and provided the requirements of paragraphs (b) to (d) are met.

(b) The manufacturer shall provide to the commissioner:

(1) documentation that the manufacturer's system was designated by the agency as a warrantied system as of June 30, 2001, and the system meets the size requirements or other requirements that were the basis for the warrantied system classification;

(2) documentation showing that a minimum of 50 of the manufacturer's systems have been installed and operated and are under normal use across all major soil classifications for a minimum of three years;

(3) documentation that the system manufacturer or designer will provide full warranty effective for at least five years from the time of installation, covering design, labor, and material costs to remedy failure to meet performance expectations for systems used and installed in accordance with the manufacturer's or designer's instructions; and

(4) a commonly accepted financial assurance document or documentation of the manufacturer's or designer's financial ability to cover potential replacement and upgrades necessitated by failure of the system to meet the performance expectations for the duration of the warranty period.

(c) The manufacturer shall reimburse the agency an amount of \$1,000 for staff services needed to review the information submitted pursuant to paragraph (b). Reimbursements accepted by the agency shall be deposited in the environmental fund

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

and are appropriated to the agency for the purpose of reviewing information submitted. Reimbursement by the manufacturer shall precede, not be contingent upon, and shall not affect the agency's decision on whether the submittal meets the requirements of paragraph (b).

(d) The manufacturer shall provide to the local unit of government reasonable assurance of performance of the manufacturer's system, engineering design of the manufacturer's system, a monitoring plan that will be provided to system owners, and a mitigation plan that will be provided to system owners describing actions to be taken if the system fails.

(e) The commissioner may prohibit an individual sewage treatment system from qualifying for installation under this subdivision upon a finding of fraud, system failure, failure to meet warranty conditions, or failure to meet the requirements of this subdivision or other matters that fail to meet with the intent and purpose of this subdivision. Prohibition of installation of a system by the commissioner does not alter or end warranty obligations for systems already installed.

Presented to the governor March 25, 2002

Signed by the governor March 26, 2002, 2:30 p.m.

CHAPTER 294—S.F.No. 2550

An act relating to human services; defining special instruction and services; modifying consent requirements for billing medical assistance and MinnesotaCare for covered individual education plan services; modifying individualized family service plan definition; modifying certain mediation procedures; modifying revenue allocation provisions for special education; modifying coverage for special education services; amending Minnesota Statutes 2000, sections 125A.03; 125A.21, subdivision 2; 125A.27, subdivision 10; 125A.43; 125A.76, subdivision 7; 256B.0625, subdivision 26.

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

Section 1. Minnesota Statutes 2000, section 125A.03, is amended to read:

125A.03 SPECIAL INSTRUCTION FOR CHILDREN WITH A DISABILITY.

(a) As defined in paragraph (b), every district must provide special instruction and services, either within the district or in another district, for children with a disability who are residents of the district and who are disabled as set forth in section 125A.02. For purposes of state and federal special education laws, the phrase "special instruction and services" in the state education code means a free and appropriate public education provided to an eligible child with disabilities and includes special education and related services defined in the Individuals with Disabilities Education Act, subpart A, section 300.24.

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