

**Sec. 27. APPROPRIATION.**

\$95,000 is appropriated from the trunk highway fund to the commissioner of public safety in fiscal year 2003 for costs related to the issuance of limited licenses under Minnesota Statutes, section 171.186, subdivision 4.

**Sec. 28. EFFECTIVE DATE.**

Sections 8 to 12 are effective July 1, 2002.

Presented to the governor April 15, 2002

Signed by the governor April 17, 2002, 9:40 a.m.

**CHAPTER 345—S.F.No. 1555**

*An act relating to agriculture; providing a preemption of local regulation of phosphorous fertilizers; regulating the use on turf of certain fertilizers containing phosphorus; providing for enforcement; prohibiting fertilizer applications to an impervious surface; requiring a report; amending Minnesota Statutes 2000, sections 18C.005, by adding a subdivision; 18C.211, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 18C.*

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

Section 1. Minnesota Statutes 2000, section 18C.005, is amended by adding a subdivision to read:

Subd. 18a. LOCAL UNIT OF GOVERNMENT. "Local unit of government" has the meaning given in section 18B.01, subdivision 14a.

**Sec. 2. [18C.110] PREEMPTION OF LOCAL LAW.**

(a) Except as specifically provided in this chapter, a local unit of government may not adopt any ordinance, regulate, or in any way restrict the distribution, sale, handling, use, or application of phosphorous fertilizers and phosphorous fertilizer products that are applied or will be applied to land used for growing crops or any other agricultural use.

(b) Except as specifically provided in this chapter, a local unit of government may not adopt any ordinance that prohibits or regulates the registration, labeling, distribution, sale, handling, use, application, or disposal of turf fertilizer containing phosphorus.

(c) This section does not prohibit a local ordinance that restricts the sale of turf phosphorous fertilizer that was in effect on August 1, 2002.

(d) This section does not preempt local authority or responsibility for zoning, fire codes, or hazardous waste disposal.

(e) Paragraphs (a) and (d) are effective the day following final enactment. Paragraphs (b) and (c) are effective January 1, 2004.

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

Sec. 3. Minnesota Statutes 2000, section 18C.211, subdivision 2, is amended to read:

Subd. 2. **GUARANTEES OF THE NUTRIENTS.** (a) A person may guarantee plant nutrients other than nitrogen, phosphorus, and potassium only if allowed or required by commissioner's rule.

(b) The guarantees for the plant nutrients must be expressed in the elemental form.

(c) The sources of other elements, oxides, salt, and chelates, may be required to be stated on the application for registration and may be included as a parenthetical statement on the label. Other beneficial substances or compounds, determinable by laboratory methods, also may be guaranteed by permission of the commissioner and with the advice of the director of the agricultural experiment station.

(d) If plant nutrients or other substances or compounds are guaranteed, the plant nutrients are subject to inspection and analyses in accord with the methods and rules prescribed by the commissioner.

(e) The commissioner may, by rule, require the potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton.

(f) The plant nutrients in a specialty fertilizer must not be below or exceed the guaranteed analysis by more than the investigational allowances established by rule.

**Sec. 4. [18C.60] PHOSPHOROUS TURF FERTILIZER USE RESTRICTIONS.**

Subdivision 1. DEFINITIONS. (a) The definitions in this subdivision apply to this section.

(b) "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.

(c) "Turf" means noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial residential property, private golf courses, and property owned by federal, state, or local units of government, including parks, recreation areas, and public golf courses. Turf does not mean pasture, hayland, hay, turf grown on turf farms, or any other form of agricultural production.

Subd. 2. PHOSPHORUS USE RESTRICTIONS. (a) A person may not apply a fertilizer containing the plant nutrient phosphorus to turf in a metropolitan county, except under conditions listed in paragraph (d).

(b) A person may not apply granular fertilizer containing greater than three percent phosphate (P205) by weight, or liquid fertilizer at a rate greater than 0.3 pound phosphate (P205) per 1,000 square feet, to turf in a county other than a metropolitan county, except under conditions listed in paragraph (d).

(c) A local unit of government in a county other than a metropolitan county may adopt paragraph (a) in place of paragraph (b). The local unit of government must notify the commissioner of the adoption of paragraph (a) within 30 days of its adoption. The

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commissioner shall maintain a list of local units of government in counties other than a metropolitan county that have adopted paragraph (a).

(d) Paragraphs (a) and (b) do not apply when:

(1) a tissue, soil, or other test by a laboratory or method approved by the commissioner and performed within the last three years indicates that the levels of available phosphorus in the soil is insufficient to support healthy turf growth;

(2) the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season; or

(3) the fertilizer containing the plant food phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the commissioner.

(e) Applications of phosphorous fertilizer authorized under paragraph (d), clause (1) or (2), must not exceed rates recommended by the University of Minnesota and approved by the commissioner.

Subd. 3. CONSUMER INFORMATION. The commissioner, in consultation with the University of Minnesota extension service, fertilizer industry representatives, lakes groups, and other interested or affected parties, must produce consumer information on use restrictions and recommended best practices for lawn fertilizer containing phosphorus, and on best management practices for other residential sources of phosphorus in the urban landscape. The information must be in a format and of a content suitable for posting and distribution at retail points of sale of fertilizer that contains phosphorus and is for use on turf.

Subd. 4. RESEARCH EVALUATION; REPORT. The commissioner, in cooperation with the University of Minnesota and the University of Minnesota extension service, and, after consultation with representatives of the fertilizer industry, lakes groups, and other interested or affected parties, shall evaluate research needs and encourage targeted research opportunities to investigate the effects of phosphorous fertilization of turf on urban stormwater quality. The commissioner must evaluate the effectiveness of the restrictions on phosphorous fertilizers under this section and report to the legislature by January 15, 2007.

**Sec. 5. [18C.61] FERTILIZER APPLICATION TO AN IMPERVIOUS SURFACE; PROHIBITION.**

(a) A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

(b) For the purposes of this section, "impervious surface" means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

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Sec. 6. **[18C.62] ENFORCEMENT.**

Sections 18C.60 and 18C.61 are enforced by local units of government under their existing authority. Violation of a provision in either of these sections is a petty misdemeanor.

Sec. 7. **EFFECTIVE DATE.**

Section 4 is effective January 1, 2004.

Presented to the governor April 18, 2002

Signed by the governor April 19, 2002, 9:45 a.m.

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**CHAPTER 346—S.F.No. 2909**

*An act relating to health; permitting a health maintenance organization rural demonstration project; amending Minnesota Statutes 2000, section 62D.30, by adding a subdivision.*

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

Section 1. Minnesota Statutes 2000, section 62D.30, is amended by adding a subdivision to read:

**Subd. 8. RURAL DEMONSTRATION PROJECT.** (a) The commissioner may permit demonstration projects to allow health maintenance organizations to extend coverage to a health improvement and purchasing coalition located in rural Minnesota, comprised of the health maintenance organization and members from a geographic area. For purposes of this subdivision, rural is defined as greater Minnesota excluding the seven-county metropolitan area of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington. The coalition must be designed in such a way that members will:

- (1) become better informed about health care trends and cost increases;
- (2) be actively engaged in the design of health benefit options that will meet the needs of their community;
- (3) pool their insurance risk;
- (4) purchase these products from the health maintenance organization involved in the demonstration project; and
- (5) actively participate in health improvement decisions for their community.

(b) The commissioner must consider the following when approving applications for rural demonstration projects:

- (1) the extent of consumer involvement in development of the project;
- (2) the degree to which the project is likely to reduce the number of uninsured or to maintain existing coverage; and

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