

Sec. 3. Minnesota Statutes 2002, section 182.66, subdivision 2, is amended to read:

Subd. 2. Each citation issued under this section, and the penalty proposed to be assessed under section 182.666, or a copy or copies thereof, shall be prominently posted, as prescribed in rules issued by the commissioner, at or near each place a violation referred to in the citation occurred. Each citation and proposed penalty shall be posted for a minimum period of 15 20 days.

Sec. 4. Minnesota Statutes 2002, section 182.666, subdivision 2, is amended to read:

Subd. 2. Any employer who has received a citation for a serious violation of its duties under section 182.653, or any standard, rule, or order adopted under the authority of the commissioner as provided in this chapter, shall be assessed a fine not to exceed \$7,000 for each violation. If a serious violation under section 182.653, subdivision 2, causes or contributes to the death of an employee, the employer shall be assessed a fine of up to \$25,000.

Sec. 5. Minnesota Statutes 2002, section 182.666, subdivision 2a, is amended to read:

Subd. 2a. (a) Notwithstanding any other provision of this section, if any (1) serious, willful, or repeated violation other than a violation of section 182.653, subdivision 2; or (2) any failure to correct a violation pursuant to subdivision 4 causes or contributes to the death of an employee, the minimum total nonnegotiable fine which shall be assessed for all citations connected to the death of an employee is \$50,000 if there is a willful or repeated violation or \$25,000 if there is no willful or repeated violation, except as provided in paragraph (b).

(b) If there is no willful or repeated violation and the employer has fewer than 50 employees, the employer shall be assessed an initial fine of \$5,000 and an additional fine of \$5,000 for each of the following four years. The commissioner may elect to waive the \$5,000 fine for any of the following four years if the employer received no citations in the preceding calendar year.

(c) If the business or enterprise employs fewer than 50 employees, this subdivision does not apply to the death of an employee who owns a controlling interest in the business or enterprise, except if the commissioner determines that a fine shall be assessed.

Presented to the governor May 9, 2003

Signed by the governor May 13, 2003, 1:25 p.m.

CHAPTER 39—S.F.No. 941

An act relating to public safety; modifying state hazardous materials team provisions;

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

amending Minnesota Statutes 2002, sections 299A.49, subdivisions 2, 4; 299A.51, subdivisions 1, 2.

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

Section 1. Minnesota Statutes 2002, section 299A.49, subdivision 2, is amended to read:

Subd. 2. **CHEMICAL ASSESSMENT TEAM.** "Chemical assessment team" means a team (1) trained and, equipped, and authorized to evaluate and when possible, provide simple mitigation to a hazardous materials incident and (2) required to recommend to the local incident manager the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of local resources, or other relevant factors.

Sec. 2. Minnesota Statutes 2002, section 299A.49, subdivision 4, is amended to read:

Subd. 4. **HAZARDOUS MATERIALS.** "Hazardous materials" means substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. "Hazardous materials" includes any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally or intentionally released. Hazardous substances so designated may include explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, chemical and biological substances, and toxic or flammable gases.

Sec. 3. Minnesota Statutes 2002, section 299A.51, subdivision 1, is amended to read:

Subdivision 1. **LIABILITY.** During operations authorized under section 299A.50, members of a regional hazardous materials ~~response~~ team operating outside their geographic jurisdiction are "employees of the state" as defined in section 3.736.

Sec. 4. Minnesota Statutes 2002, section 299A.51, subdivision 2, is amended to read:

Subd. 2. **WORKERS' COMPENSATION.** During operations authorized under section 299A.50, members of a regional hazardous materials ~~response~~ team operating outside their geographic jurisdiction are considered employees of the department of public safety for purposes of chapter 176.

Presented to the governor May 9, 2003

Signed by the governor May 13, 2003, 1:20 p.m.

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