

approved and certified pursuant to Minnesota Statutes ~~1941~~, Section 145.10 and other qualified home health agency personnel.

(3) The name and address of each public health nurse and other qualified home health agency personnel employed during the preceding quarter, and the amount paid to such nurse persons during each month of such quarter.

If a public health nurse was employed for less than a full quarter, the county shall be paid only the proportion of \$375 which the period of time for which such nurse was actually paid is to the full period of the quarter.

Approved June 7, 1971.

CHAPTER 896—H.F.No.1088

[Coded]

An act relating to pollution control; prohibiting cleaning agents and chemical water conditioners containing certain nutrients; requiring certain tests for percentage content of phosphates in laundry or dishwashing compounds; requiring the display of certain lists setting forth percentage content of phosphates in certain products; providing penalties.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [116.21] WATER POLLUTION; CONTROL OF NUTRIENTS; CLEANING AGENTS; WATER CONDITIONERS.

The legislature seeks to encourage the Minnesota pollution control agency through the passage of this act to set standards limiting the amount of nutrients in various cleaning agents and water conditioning agents. The legislature realizes that the nutrients contained in many of these products serve a valuable purpose in increasing their overall effectiveness, but we are also aware that they overstimulate the growth of aquatic life and eventually lead to an acceleration of the natural eutrophication process of our state's waters. Limitations imposed under this act should, however, be made taking the following factors into consideration:

(1) The availability of safe, nonpolluting, and effective substitutes.

(2) The difference in the mineral content of water in various parts of the state.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

(3) The differing needs of industrial, commercial and household users of cleaning agents and chemical water conditioners.

Sec. 2. [116.22] **DEFINITIONS.** Subdivision 1. For purposes of this act, the terms defined in this section shall have the meanings given them.

Subd. 2. "Cleaning agent" means a laundry detergent, dish-washing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound or other substance intended to be used for cleaning purposes;

Subd. 3. "Nutrient" means a substance or combination of substances which, if added to waters in sufficient quantities, provides nourishment that promotes growth of aquatic vegetation in densities which:

(a) interfere with use of the waters by man or by any animal, fish or plant useful to man, or

(b) contribute to degradation or alteration of the quality of the waters to an extent detrimental to their use by man or by any animal, fish or plant that is useful to man;

Subd. 4. "Chemical water conditioner" means a water softening chemical, antiscaling chemical, corrosion inhibitor or other substance intended to be used to treat water.

Sec. 3. [116.23] **PROHIBITION.** No person shall manufacture for use or sale in Minnesota or import into Minnesota for resale any cleaning agent or chemical water conditioner which contains a prescribed nutrient in a concentration that is greater than the prescribed maximum permissible concentration of that nutrient in that cleaning agent or chemical water conditioner.

Sec. 4. [116.24] **REGULATIONS.** The pollution control agency may make regulations:

(a) prescribing for the purpose of section 3 nutrients and the maximum permissible concentration if any, of a prescribed nutrient in any cleaning agent or chemical water conditioner;

(b) respecting the manner in which the concentration of any prescribed nutrient in a cleaning agent or chemical water conditioner shall be determined; and

(c) requiring persons who manufacture in Minnesota any cleaning agent or chemical water conditioner to maintain books and records necessary for the proper enforcement of this act and regulations thereunder, and to submit samples of cleaning agents or water conditions to the pollution control agency.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 5. [116.25] **SEIZURE.** Subdivision 1. The pollution control agency may seize a cleaning agent or chemical water conditioner which it reasonably believes was manufactured or imported in violation of section 3.

Subd. 2. A cleaning agent or chemical water conditioner seized under this act may be kept or stored in the building or place where it was seized or may be removed to any other proper place by or at the direction of the pollution control agency.

Subd. 3. Except with the authority of the pollution control agency, no person shall remove, alter or interfere with a cleaning agent or chemical water conditioner seized under this act, but the pollution control agency shall, at the request of a person from whom it was seized, furnish a sample thereof to the person for analysis.

Sec. 6. [116.26] **RESTORATION.** Subdivision 1. When a cleaning agent or chemical water conditioner has been seized under this act, any person may within two months after the date of seizure, upon prior notice in accordance with subdivision 2 to the pollution control agency by registered mail, apply to the district court within whose jurisdiction the seizure was made for an order of restoration under subdivision 3.

Subd. 2. Notice under subdivision 1 shall be mailed at least 15 days prior to the day on which the application is to be made to the district court and shall specify:

- (a) the district court to which the application is to be made;
- (b) the place where and the time when the application is to be heard;
- (c) the cleaning agent or chemical water conditioner in regard to which the application is to be made; and
- (d) the evidence upon which the applicant relies to establish that he is entitled to possession of the cleaning agent or chemical water conditioner.

Subd. 3. Subject to section 7, when upon hearing, the district court is satisfied (a) that the applicant is otherwise entitled to possession of the items seized, and (b) that the items seized are not and will not be required as evidence in proceedings under this act, he shall order that the items seized be restored forthwith to the applicant. Where the court is satisfied that the applicant is otherwise entitled to possession but is not satisfied as to the necessity for retention as evidence, he shall order restoration to the applicant (a) four months after the date of seizure if no proceedings under section 3 have been commenced before that time, or (b) upon the final conclusion of any such proceedings.

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Subd. 4. When no application has been made under subdivision 1 within two months from the date of seizure, or when upon application no order of restoration is made, the items seized shall be delivered to the pollution control agency, which may dispose of them as it sees fit.

Sec. 7. **[116.27] ADDITIONAL PROHIBITION.** Subdivision 1. No manufacturer, wholesaler, or retailer shall sell, possess with intent to sell, or display for sale, a household laundry or dishwashing compound, including household detergents and presoaks, unless a verified or certified test result is filed with the pollution control agency stating the percentage content of phosphorous by weight contained in the product.

Subd. 2. Tests shall be conducted pursuant to the methods and procedures adopted by the Federal Water Quality Administration.

Sec. 8. **[116.28] LISTS REQUIRED.** Subdivision 1. No household laundry or dishwashing compound, including household detergents and presoaks, shall be sold or displayed for sale unless the product name is on a list prominently displayed near the product display stating the phosphorous content by percentage of weight to weight of the package contents. The products shall be listed in descending order and in letters and figures not less than one half inch high and proportionately wide.

Subd. 2. The pollution control agency shall supply any person upon request with a current listing of household laundry and dishwashing compounds and their phosphate contents received pursuant to this act. This list shall be updated periodically and then distributed to every retailer who has requested one.

Sec. 9. **[116.29] FORFEITURE.** Subdivision 1. When a person is convicted of an offense under section 8 any cleaning agent or chemical water conditioner seized in accordance with this act is forfeited to the pollution control agency and shall be disposed of as it directs.

Subd. 2. When a cleaning agent or chemical water conditioner is seized under this act the owner or the person in whose possession it was at the time of seizure consents in writing to its destruction, it is forfeited to the pollution control agency and shall be disposed of as it directs.

Sec. 10. **[116.30] PENALTIES.** Subdivision 1. Any person who violates section 3, on conviction, may be fined not more than \$5000 for each offense.

Subd. 2. If an offense under subdivision 1 is committed on more than one day, it shall be deemed a separate offense for each day.

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Sec. 11. [116.31] **PUNISHMENT.** Any person who violates subdivision 3 of section 5 or paragraph (c) of section 4, sections 7 or 8, is guilty of a misdemeanor.

Sec. 12. [116.32] **ORDER TO REFRAIN.** If a person is convicted of an offense under this act, the court may, in addition to any punishment it may impose, order that person to refrain from any further violations of the provision of this act or regulations for the violation of which he has been convicted, or to cease to carry on any activity specified in the order the carrying on of which, in the opinion of the court, will or is likely to result in any further violation thereof.

Sec. 13. [116.33] **PROOF OF OFFENSE.** In a prosecution for an offense under this act, it is sufficient proof of the offense to establish that it was committed by an employee or agent of the accused whether or not the employee agent is identified or has been prosecuted for the offense, unless the accused establishes that the offense was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

Sec. 14. [116.34] **TIME LIMITED FOR PROCEEDINGS.** Proceedings in respect of an offense under this act may be instituted at any time within two years after the time when the subject matter of the proceedings arose.

Sec. 15. [116.35] **TRIAL OF OFFENSES.** Any complaint or information in respect of an offense under this act may be heard, tried or determined by a court if the accused is resident or carrying on business within the territorial jurisdiction of that court although the matter of the complaint or information did not arise in that territorial jurisdiction.

Approved June 7, 1971.

CHAPTER 897—H.F.No.1112

An act relating to congressional districts; apportioning congressional districts; amending Minnesota Statutes 1969, Sections 2.741, 2.751, 2.761, 2.771, 2.781, 2.791, 2.801 and 2.811.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1969, Section 2.741, is amended to read:

Changes or additions indicated by underline, deletions by ~~strikeout~~.