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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. **1787**

March 7, 2007

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

March 21, 2007

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
 1.2 relating to agriculture; changing certain agricultural chemical incident
 1.3 provisions; eliminating a fee; amending Minnesota Statutes 2006, section
 1.4 18E.02, subdivision 5, by adding a subdivision; repealing Minnesota Statutes
 1.5 2006, section 18C.425, subdivision 5.

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

1.7 Section 1. Minnesota Statutes 2006, section 18E.02, subdivision 5, is amended to read:

1.8 Subd. 5. **Eligible person.** "Eligible person" means:

1.9 (1) a responsible party or an owner of real property, but does not include the state,
 1.10 a state agency, or a political subdivision of the state, except as provided in clause (2);
 1.11 common carriers, as defined by section 218.011, subdivision 10; motor carriers as defined
 1.12 by section 221.011, subdivision 15, while transporting agricultural chemicals except as
 1.13 provided in clause (3); or the federal government; or an agency of the federal government;

1.14 (2) the owners of municipal airports in Minnesota where a licensed aerial pesticide
 1.15 applicator has caused an incident through storage, handling, or distribution operations for
 1.16 agricultural chemicals if (i) the commissioner has determined that corrective action is
 1.17 necessary and (ii) the commissioner determines, and the Agricultural Chemical Response
 1.18 Compensation Board concurs, that based on an affirmative showing made by the owner, a
 1.19 responsible party cannot be identified or the identified responsible party is unable to
 1.20 comply with an order for corrective action; or

1.21 (3) a person involved in a transaction relating to real property who is not a responsible
 1.22 party or owner of the real property and who voluntarily takes corrective action on the
 1.23 property in response to a request or order for corrective action from the commissioner.

2.1 Sec. 2. Minnesota Statutes 2006, section 18E.02, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 7. **Incident.** "Incident" means a flood, fire, tornado, transportation accident,
2.4 storage container rupture, leak, spill, emission discharge, escape, disposal, or other event
2.5 that releases an agricultural chemical accidentally or otherwise into the environment and
2.6 may cause unreasonable adverse effects on the environment. "Incident" does not include a
2.7 release from the normal use of a product or practice in accordance with law.

2.8 Sec. 3. **REPEALER.**

2.9 Minnesota Statutes 2006, section 18C.425, subdivision 5, is repealed.