

1 Senator moves to amend S.F. No. 2276 as follows:

2 Page 10, after line 8, insert:

3 "\$200,000 the first year and \$200,000
4 the second year are from the natural
5 resources fund for an off-highway
6 vehicle safety and conservation grant
7 program. Of this amount, \$180,000 each
8 year is from the all-terrain vehicle
9 account; \$10,000 each year is from the
10 off-highway motorcycle account; and
11 \$10,000 each year is from the off-road
12 vehicle account. Any unencumbered
13 balance does not cancel at the end of
14 the first year and is available for the
15 second year."

16 Page 60, line 10, strike everything before the period and
17 insert "revolving loan account established in section 41B.06"

18 Page 83, delete section 83

19 Pages 85 to 91, delete sections 87 to 94

20 Pages 108 to 118 delete sections 121 to 127

21 Page 169, after line 11, insert:

22 "Sec. 42. Minnesota Statutes 2004, section 120A.40, is
23 amended to read:

24 120A.40 [SCHOOL CALENDAR.]

25 (a) Except for learning programs during summer, flexible
26 learning year programs authorized under sections 124D.12 to
27 124D.127, and learning year programs under section 124D.128, a
28 district must not commence an elementary or secondary school
29 year before ~~September-1~~ Labor Day, except as provided under
30 paragraph (b). Days devoted to teachers' workshops may be held
31 before ~~September-1~~ Labor Day. Districts that enter into
32 cooperative agreements are encouraged to adopt similar school
33 calendars.

34 (b) A district may begin the school year on any day before
35 ~~September-1~~ Labor Day to accommodate a construction or
36 remodeling project of \$400,000 or more affecting a district
37 school facility."

38 Renumber the sections in sequence and correct the internal
39 references

40 Amend the title accordingly

Senator Cohen for the Committee on Finance introduced--
S.F. No. 2276: Under the Rules of the Senate, Laid Over One Day

1

A bill for an act

2 relating to state government; appropriating money for
3 environmental, natural resources, agricultural, and
4 economic development purposes; establishing and
5 modifying certain programs; providing for regulation
6 of certain activities and practices; providing for
7 accounts, assessments, and fees; amending Minnesota
8 Statutes 2004, sections 11A.24, subdivision 6; 13.635,
9 by adding a subdivision; 16A.125, subdivision 5;
10 17.03, subdivision 13; 17.117, by adding a
11 subdivision; 17B.03, subdivision 1; 18B.05,
12 subdivision 1; 18B.08, subdivision 4; 18B.26,
13 subdivision 3; 18B.31, subdivision 5; 18B.315,
14 subdivision 6; 18B.32, subdivision 6; 18B.33,
15 subdivision 7; 18B.34, subdivision 5; 18C.141,
16 subdivisions 1, 3, 5; 18C.425, subdivision 6; 18E.03,
17 subdivision 2; 18G.10, subdivisions 5, 7; 18G.16,
18 subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 14; 18H.07,
19 subdivisions 1, 2, 3; 19.64, subdivision 1; 25.341,
20 subdivision 2; 25.39, subdivisions 1, 4; 41A.09,
21 subdivisions 2a, 3a, by adding subdivisions; 41B.046,
22 subdivision 5; 41B.049, subdivision 2; 60A.14,
23 subdivision 1; 60K.55, subdivision 2; 72A.20, by
24 adding a subdivision; 72B.04, subdivision 10; 82B.09,
25 subdivision 1; 84.027, subdivisions 12, 13, 15;
26 84.0911, subdivision 2; 84.780; 84.788, subdivision 3,
27 by adding a subdivision; 84.791, subdivision 2;
28 84.798, by adding a subdivision; 84.82, subdivision 2,
29 by adding a subdivision; 84.8205, subdivisions 1, 3,
30 4, 6; 84.83, subdivisions 3, 4; 84.86, subdivision 1;
31 84.922, subdivision 2, by adding a subdivision;
32 84.925, subdivision 1; 84D.03, subdivision 4; 85.054,
33 subdivision 1, by adding a subdivision; 85.055,
34 subdivision 2, by adding a subdivision; 85.43;
35 86B.415, by adding a subdivision; 88.6435, subdivision
36 4; 89.039, subdivision 1; 89.37, by adding a
37 subdivision; 90.195; 97A.055, subdivision 4b; 97A.061,
38 subdivision 1; 97A.075, subdivision 3; 97A.4742,
39 subdivision 4; 97A.482; 97A.485, subdivision 7;
40 97A.551, by adding a subdivision; 97B.015, subdivision
41 7; 97B.025; 97C.085; 103E.081, by adding subdivisions;
42 103G.271, subdivision 6; 103G.301, subdivision 2;
43 103G.615, subdivision 2; 103I.681, subdivision 11;
44 115.03, subdivision 4a; 115.551; 115B.48, subdivision
45 8; 115B.49, by adding a subdivision; 115C.07,
46 subdivision 3; 115C.09, subdivisions 3h, 3j; 115C.13;

1 116J.571; 116J.572; 116J.574; 116J.575; 116L.20,
 2 subdivision 1; 116L.30, subdivisions 1, 2, by adding
 3 subdivisions; 116O.09, subdivision 1a; 116P.05,
 4 subdivision 2; 129D.02, subdivision 3; 160.232;
 5 168.1296, subdivision 1; 176.136, subdivision 1a;
 6 183.41, by adding a subdivision; 183.411, subdivisions
 7 2a, 3; 183.42; 183.44, subdivision 1; 183.51,
 8 subdivision 2, by adding a subdivision; 183.545;
 9 183.57; 216B.2424, subdivisions 1, 2, 5a, 6, 8, by
 10 adding a subdivision; 223.17, subdivision 3; 231.16;
 11 232.22, subdivision 3; 236.02, subdivision 4; 237.11;
 12 237.295, subdivisions 1, 2; 237.701, subdivision 1;
 13 239.011, subdivision 2; 239.05, subdivision 10b, by
 14 adding a subdivision; 239.09; 239.101, subdivision 3;
 15 239.75, subdivisions 1, 5; 239.761; 239.77, by adding
 16 a subdivision; 239.79, subdivision 4; 239.791,
 17 subdivisions 1, 7, 8, 15; 239.792; 282.08; 282.38,
 18 subdivision 1; 296A.01, subdivisions 2, 7, 8, 14, 19,
 19 20, 22, 23, 24, 25, 26, 28; 296A.18, subdivision 2;
 20 298.22, by adding a subdivision; 357.021, subdivisions
 21 1a, 2; 462.357, subdivision 1e; 469.050, subdivision
 22 5; 469.1082, subdivision 1; 469.310, subdivision 11;
 23 469.319, subdivision 1, by adding a subdivision;
 24 469.320, subdivision 3; 469.330, subdivision 11;
 25 469.340, subdivision 1; 473.197, subdivision 4;
 26 474A.061, subdivision 2c; 517.08, subdivisions 1b, 1c;
 27 Laws 1999, chapter 224, section 7, as amended; Laws
 28 2003, chapter 128, article 1, section 9, subdivision
 29 6; Laws 2003, chapter 128, article 1, section 172;
 30 proposing coding for new law in Minnesota Statutes,
 31 chapters 25; 41B; 45; 84; 86B; 97C; 103F; 116H; 116P;
 32 181; 219; 237; 325F; 354B; 446A; 473; proposing coding
 33 for new law as Minnesota Statutes, chapters 59B; 87A;
 34 repealing Minnesota Statutes 2004, sections 18B.065,
 35 subdivision 5; 19.64, subdivision 4a; 41B.046,
 36 subdivision 3; 84.901; 115B.49, subdivision 4a;
 37 116J.573; 178.12; 239.05, subdivisions 6a, 6b;
 38 473.156; 473.197, subdivisions 1, 2, 3, 5; Laws 1999,
 39 chapter 125, section 4, as amended.

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

41 ARTICLE 1

42 ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

43 Section 1. [ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE
 44 APPROPRIATIONS.]

45 The sums in the columns marked "APPROPRIATIONS" are added
 46 to, or if shown in parentheses, are subtracted from the
 47 appropriations to the specific agencies in 2005 S.F. No. 1879,
 48 article 6, if enacted. The appropriations are from the general
 49 fund, unless another fund is named, and are available for the
 50 fiscal year indicated for each purpose. The figures "2006" and
 51 "2007," where used in this article, mean that the appropriation
 52 or appropriations listed under them are available for the year
 53 ending June 30, 2006, or June 30, 2007, respectively. The term
 54 "the first year" means the year ending June 30, 2006, and the
 55 term "the second year" means the year ending June 30, 2007. The

1 biennium is fiscal years 2006 and 2007.

2 SUMMARY BY FUND

3		2006	2007	TOTAL
4	General	\$ (77,000)\$	(845,000)\$	(922,000)
5	Environmental	8,832,000	9,139,000	17,971,000
6	Natural			
7	Resources	9,741,000	8,255,000	17,996,000
8	Game and Fish	3,262,000	3,111,000	6,373,000
9	Great Lakes			
10	Protection	28,000	-0-	28,000
11	Environment and			
12	Natural Resources	18,829,000	18,829,000	37,658,000
13	Remediation	35,000	35,000	70,000
14	Bond Proceeds	18,000,000	-0-	18,000,000
15	Permanent School	50,000	50,000	100,000
16	TOTAL	\$ 58,700,000 \$	38,574,000	\$ 97,274,000

17 Sec. 2. POLLUTION CONTROL
18 AGENCY

19 Subdivision 1. Total
20 Appropriation \$6,428,000 \$6,735,000

21 Summary by Fund

22	General	(2,404,000)	(2,404,000)
23	Environmental	8,832,000	9,139,000

24 The amounts that may be spent from this
25 appropriation for each program are
26 specified in the following subdivisions.

27 Subd. 2. Water

28	6,296,000	6,296,000
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29 Summary by Fund

30	General	(2,004,000)	(2,004,000)
31	Environmental	8,300,000	8,300,000

32 Subd. 3. Air

33	532,000	839,000
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34 Summary by Fund

35	Environmental	532,000	839,000
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36 Subd. 4. Land

37 \$8,300,000 each year is transferred
38 from the remediation fund to the
39 environmental fund. This is a onetime
40 transfer.

41 Of the money appropriated from the

1 remediation fund under Minnesota
 2 Statutes, section 116.155, subdivision
 3 2, \$6,800,000 for the biennium must be
 4 used for cleanup at Mankato Plating,
 5 Gopher Oil, Whiteway Cleaners, Reserve
 6 Mining, Valentine Clark, and old
 7 unpermitted solid waste disposal
 8 facilities.

9 Subd. 5. Administrative Support

10 (400,000) (400,000)

11 Summary by Fund

12 General (400,000) (400,000)

13 By December 1, 2005, the commissioner
 14 shall submit a report to the
 15 Environment and Natural Resources
 16 Policy and Finance Committees of the
 17 house and senate that provides a
 18 benchmarking matrix and analysis that
 19 compares the environmental review and
 20 permitting requirements for forest
 21 products and mining industry projects
 22 in Minnesota with requirements in other
 23 states and countries. The matrix and
 24 analysis must include an assessment of
 25 whether the requirements in Minnesota
 26 and other states and countries are more
 27 strict, less strict, or equivalent to
 28 requirements of the federal
 29 Environmental Protection Agency and
 30 requirements under the National
 31 Environmental Policy Act.

32 Sec. 3. OFFICE OF ENVIRONMENTAL
 33 ASSISTANCE

34 Notwithstanding Minnesota Statutes,
 35 section 16B.37, the commissioner of
 36 administration shall not issue a
 37 reorganization order affecting the
 38 Office of Environmental Assistance or
 39 direct work by the office for another
 40 agency before July 1, 2007. The
 41 director of the Office of Environmental
 42 Assistance shall not enter into or
 43 continue any memorandum of
 44 understanding or other agreement that
 45 directs work by the office for another
 46 agency before July 1, 2007.

47 Sec. 4. ZOOLOGICAL BOARD 8,000 10,000

48 Summary by Fund

49 Natural Resources 8,000 10,000

50 \$8,000 the first year and \$10,000 the
 51 second year are from the natural
 52 resources fund. This appropriation is
 53 from the revenue deposited in the
 54 natural resources fund under Minnesota
 55 Statutes, section 297A.94, paragraph
 56 (e), clause (5).

57 Sec. 5. NATURAL RESOURCES

58 Subdivision 1. Total

1	Appropriation		9,289,000	8,189,000
2	Summary by Fund			
3	General	(1,861,000)	(2,836,000)	
4	Natural Resources	7,838,000	7,864,000	
5	Game and Fish	3,262,000	3,111,000	
6	Permanent School	50,000	50,000	
7	The amounts that may be spent from this			
8	appropriation for each program are			
9	specified in the following subdivisions.			
10	Subd. 2. Land and Mineral Resources			
11	Management			
12		737,000	487,000	
13	Summary by Fund			
14	General	593,000	343,000	
15	Natural Resources	20,000	20,000	
16	Game and Fish	74,000	74,000	
17	Permanent School	50,000	50,000	
18	\$50,000 the first year and \$50,000 the			
19	second year are from the state forest			
20	suspense account in the permanent			
21	school fund to identify, evaluate, and			
22	lease construction aggregate located on			
23	school trust lands.			
24	\$250,000 the first year is for a grant			
25	to the Board of Regents of the			
26	University of Minnesota to drill a			
27	5,000 foot core sampling bore hole at			
28	the Tower-Soudan mine complex in			
29	support of a National Science			
30	Foundation grant.			
31	Subd. 3. Water Resources Management			
32		408,000	408,000	
33	Summary by Fund			
34	General	408,000	408,000	
35	Subd. 4. Forest Management			
36		2,789,000	2,789,000	
37	Summary by Fund			
38	General	(1,261,000)	(1,261,000)	
39	Natural Resources	3,800,000	3,800,000	
40	Game and Fish	250,000	250,000	
41	\$3,800,000 the first year and			
42	\$3,800,000 the second year are from the			
43	forest management investment account in			
44	the natural resources fund for only the			
45	purposes specified in Minnesota			

1 Statutes, section 89.039, subdivision 2.

2 \$200,000 the first year and \$200,000
3 the second year are for grants to the
4 Natural Resources Research Institute
5 for silvicultural research to improve
6 the quality and quantity of timber
7 fiber. The appropriation must be
8 matched in the amount of \$200,000 each
9 year, in cash or in-kind contributions,
10 from the forest products industry
11 members of the Minnesota Forest
12 Productivity Research Cooperative.

13 \$250,000 the first year and \$250,000
14 the second year are from the game and
15 fish fund to implement Ecological
16 Classification Systems (ECS) standards
17 on forested landscapes. This
18 appropriation is from revenue deposited
19 in the game and fish fund under
20 Minnesota Statutes, section 297A.94,
21 paragraph (e), clause (1).

22 Subd. 5. Parks and Recreation
23 Management

24 3,764,000 3,836,000

25 Summary by Fund

26 General 3,518,000 3,518,000

27 Natural Resources 246,000 318,000

28 \$246,000 the first year and \$318,000
29 the second year are from the natural
30 resources fund for state park and
31 recreation area operations. This
32 appropriation is from the revenue
33 deposited to the natural resources fund
34 under Minnesota Statutes, section
35 297A.94, paragraph (e), clause (2).

36 Subd. 6. Trails and Waterways
37 Management

38 4,583,000 4,129,000

39 Summary by Fund

40 General 450,000 50,000

41 Natural Resources 3,726,000 3,676,000

42 Game and Fish 407,000 403,000

43 \$500,000 the first year and \$500,000
44 the second year are from the snowmobile
45 trails and enforcement account in the
46 natural resources fund for snowmobile
47 grants-in-aid. Any unencumbered
48 balance does not cancel at the end of
49 the first year and is available for the
50 second year.

51 \$500,000 in fiscal year 2006 and
52 \$500,000 in fiscal year 2007 are
53 appropriated from the snowmobile trails
54 and enforcement account to the
55 commissioner of natural resources to

1 acquire easements for permanent
2 recreational snowmobile trails.

3 The commissioner must work with trail
4 providers to increase grooming rates
5 and maintenance reimbursements,
6 consistent with funding appropriated by
7 the legislature, for grants provided
8 under Minnesota Statutes, section 84.83.

9 \$75,000 the first year is from the
10 all-terrain vehicle account in the
11 natural resources fund for a study to
12 determine the amount of gasoline used
13 each year by all-terrain vehicle riders
14 in the state. The commissioners of
15 natural resources, revenue, and
16 transportation shall jointly determine
17 the amount of unrefunded gasoline tax
18 attributable to all-terrain vehicle use
19 in the state and shall report to the
20 legislature by March 1, 2006, with an
21 appropriate proposed revision to
22 Minnesota Statutes, section 296A.18.

23 With money appropriated from the
24 natural resources fund in S.F. No.
25 1879, article 6, section 5, subdivision
26 6, if enacted, the department shall
27 establish a boat launch and ramp at
28 Horseshoe Bay in Cook County, and
29 rehabilitate the historic fishing pier
30 on Dower Lake in Todd County.

31 \$100,000 the first year is for a grant
32 to the Duluth Port Authority to
33 determine the cause of freshwater
34 corrosion of harbor sheet piling,
35 provided these state funds are matched
36 on a dollar-for-dollar basis by
37 nonstate funds.

38 \$300,000 is for a grant to the St.
39 Louis and Lake Counties Regional
40 Railroad Authority to complete
41 constructing, furnishing, and equipping
42 Mesabi Station along the 132-mile
43 recreational trail known as Mesabi
44 Trail and located at the intersection
45 of U.S. Highway 53 and marked Trunk
46 Highway 37. This appropriation is
47 dependent upon a matching contribution
48 of \$800,000 from other sources, public
49 or private.

50 The appropriation in Laws 2003, chapter
51 128, article 1, section 5, subdivision
52 6, from the water recreation account in
53 the natural resources fund for a
54 cooperative project with the United
55 States Army Corps of Engineers to
56 develop the Mississippi Whitewater Park
57 is available until June 30, 2007.

58 Subd. 7. Fish and Wildlife Management

59 5,820,000 5,348,000

60 Summary by Fund

61 General 425,000 100,000

1	Natural Resources	348,000	348,000
2	Game and Fish	5,047,000	4,900,000

3 \$150,000 the second year is a reduction
4 from the trout and salmon management
5 account for the purposes specified in
6 Minnesota Statutes, section 97A.075,
7 subdivision 3.

8 \$983,000 the first year and \$983,000
9 the second year are from the wildlife
10 acquisition surcharge account for only
11 the purposes specified in Minnesota
12 Statutes, section 97A.071, subdivision
13 2a.

14 \$142,000 the first year and \$142,000
15 the second year are from the deer
16 habitat improvement account for only
17 the purposes specified in Minnesota
18 Statutes, section 97A.075, subdivision
19 1, paragraph (b).

20 \$65,000 the first year and \$65,000 the
21 second year are from the deer and bear
22 management account for only the
23 purposes specified in Minnesota
24 Statutes, section 97A.075, subdivision
25 1, paragraph (c).

26 \$35,000 the first year and \$35,000 the
27 second year are a reduction from the
28 waterfowl habitat improvement account
29 for only the purposes specified in
30 Minnesota Statutes, section 97A.075,
31 subdivision 2.

32 \$344,000 the first year and \$344,000
33 the second year are from the pheasant
34 habitat improvement account for only
35 the purposes specified in Minnesota
36 Statutes, section 97A.075, subdivision
37 4.

38 \$22,000 the first year and \$22,000 the
39 second year are from the wild turkey
40 management account for only the
41 purposes specified in Minnesota
42 Statutes, section 97A.075, subdivision
43 5. Of this amount, \$8,000 the first
44 year and \$8,000 the second year are
45 appropriated from the game and fish
46 fund for transfer to the wild turkey
47 management account for purposes
48 specified in Minnesota Statutes,
49 section 97A.075, subdivision 5.

50 \$675,000 the first year and \$675,000
51 the second year are from the heritage
52 enhancement account in the game and
53 fish fund for only the purposes
54 specified in Minnesota Statutes,
55 section 297A.94, paragraph (e), clause
56 (1).

57 \$100,000 the first year and \$100,000
58 the second year are for coordination
59 and implementation of the roadsides for
60 wildlife program, including roadside
61 wildlife management training for road

1 managers and adjacent landowners,
 2 development of local partnerships to
 3 maximize roadside habitat benefits,
 4 identification and cataloguing of
 5 existing and needed technical
 6 resources, and development of a
 7 steering group to monitor the progress
 8 of the program and identify and resolve
 9 issues of concern for wildlife
 10 management in roadsides.

11 \$325,000 the first year is for a grant
 12 to "Let's Go Fishing" of Minnesota to
 13 promote opportunities for fishing.

14 Notwithstanding Minnesota Statutes,
 15 section 16A.28, the appropriations
 16 encumbered under contract on or before
 17 June 30, 2007, for aquatic restoration
 18 grants and wildlife habitat grants in
 19 S.F. No. 1879, article 6, section 5,
 20 subdivision 7, if enacted, are
 21 available until June 30, 2008.

22 Subd. 8. Ecological Services

23 889,000 889,000

24 Summary by Fund

25	General	75,000	75,000
26	Natural Resources	426,000	426,000
27	Game and Fish	388,000	388,000

28 Notwithstanding Minnesota Statutes,
 29 section 290.431, \$100,000 the first
 30 year and \$100,000 the second year from
 31 the nongame wildlife management account
 32 is for nongame information, education,
 33 and promotion.

34 \$325,000 the first year and \$325,000
 35 the second year are from the heritage
 36 enhancement account in the game and
 37 fish fund for only the purposes
 38 specified in Minnesota Statutes,
 39 section 297A.94, paragraph (e), clause
 40 (1).

41 \$370,000 the first year and \$370,000
 42 the second year are for a cost-share
 43 program with local government, lake
 44 associations, and conservation
 45 organizations for aquatic invasive
 46 species prevention and management
 47 activities, including: (1) development
 48 of prevention plans; (2) aquatic
 49 invasive species surveys and
 50 monitoring; (3) public education and
 51 training programs; or (4) conducting
 52 watercraft inspection programs. Of
 53 this amount, \$154,000 each year is from
 54 the general fund and \$216,000 each year
 55 is from the heritage enhancement
 56 account in the game and fish fund.

57 The general fund appropriation in this
 58 subdivision includes a \$250,000 per
 59 year general fund reduction and a

1 \$171,000 increase for operations
2 support reallocation.

3 Subd. 9. Enforcement

4 735,000 735,000

5 Summary by Fund

6 General (240,000) (240,000)

7 Natural Resources 347,000 347,000

8 Game and Fish 628,000 628,000

9 Subd. 10. Operations Support

10 (10,436,000) (10,432,000)

11 Summary by Fund

12 General (5,829,000) (5,829,000)

13 Natural Resources (1,075,000) (1,071,000)

14 Game and Fish (3,532,000) (3,532,000)

15 \$18,000 the first year and \$22,000 the
16 second year are from the natural
17 resources fund for grants to be divided
18 equally between the city of St. Paul
19 for the Como Zoo and Conservatory and
20 the city of Duluth Zoo. This
21 appropriation is from the revenue
22 deposited to the natural resources fund
23 under Minnesota Statutes, section
24 297A.94, paragraph (e), clause (5).

25 The natural resources fund
26 appropriation in this subdivision
27 includes a reduction of \$1,093,000 each
28 year for operations support
29 reallocation.

30 Any reduction in general fund
31 appropriations in S.F. No. 1879,
32 article 10, section 33, if enacted,
33 must be taken from administrative costs
34 of the central office in St. Paul.

35 Sec. 6. BOARD OF WATER AND
36 SOIL RESOURCES

194,000

85,000

37 \$35,000 the first year and \$35,000 the
38 second year are for grants to the
39 Minnesota River basin study area 2 for
40 administration and flood reduction
41 programs.

42 \$109,000 the first year is for an
43 implementation assessment of public
44 drainage system buffers and their use,
45 maintenance, and benefits. The
46 assessment must be done in consultation
47 with farm groups, watershed districts,
48 soil and water conservation districts,
49 counties, and conservation
50 organizations, as well as federal
51 agencies implementing voluntary buffer
52 programs. The board shall report the
53 results to the senate and house of

1 representatives committees with
2 jurisdiction over drainage systems by
3 January 15, 2006.

4 \$50,000 the first year and \$50,000 the
5 second year are for beaver damage
6 control grants under new Minnesota
7 Statutes, section 103F.950.

8 The appropriations for grants in this
9 section are available until expended.
10 If an appropriation for grants in
11 either year is insufficient, the
12 appropriation in the other year is
13 available for it.

14 Sec. 7. METROPOLITAN COUNCIL 495,000 581,000

15 Summary by Fund

16 General 200,000 200,000

17 Natural Resources 295,000 381,000

18 \$295,000 the first year and \$381,000
19 the second year are from the natural
20 resources fund for metropolitan area
21 regional parks and trails maintenance
22 and operations. This appropriation is
23 from the revenue deposited in the
24 natural resources fund under Minnesota
25 Statutes, section 297A.94, paragraph
26 (e), clause (3).

27 Sec. 8. AGRICULTURE

28 Subdivision 1. Total
29 Appropriation 21,373,000 3,687,000

30 Summary by Fund

31 General 3,338,000 3,652,000

32 Remediation 35,000 35,000

33 Bond Proceeds 18,000,000 -0-

34 The amounts that may be spent from this
35 appropriation for each program are
36 specified in the following subdivisions.

37 Subd. 2. Protection Services

38 35,000 35,000

39 Summary by Fund

40 Remediation 35,000 35,000

41 Subd. 3. Value-Added Agricultural Products

42 600,000 100,000

43 \$500,000 in the first year is for
44 grants to gasoline service station
45 owners who, after the effective date of
46 this section, install pumps in this
47 state for dispensing E85 gasoline. The
48 commissioner may reimburse owners of
49 gasoline service stations for up to 50
50 percent of the total cost of installing

1 an E85 pump, including the tank and any
 2 related components, up to a maximum of
 3 \$15,000 per E85 pump. The commissioner
 4 shall grant priority for E85 pumps
 5 installed in areas of the state where
 6 gasoline service stations with E85
 7 pumps are not reasonably available to
 8 the general public. This appropriation
 9 is available until spent.

10 \$100,000 the first year and \$100,000
 11 the second year are for ethanol
 12 combustion efficiency grants under
 13 Minnesota Statutes, section 41A.09,
 14 subdivision 9.

15 Subd. 4. Administration and
 16 Financial Assistance

17 20,738,000 3,552,000

18 Summary by Fund

19 General 2,738,000 3,552,000

20 Bond Proceeds 18,000,000 -0-

21 \$85,000 is to conduct a study, in close
 22 consultation with the commissioner of
 23 transportation, of the feasibility and
 24 desirability of constructing a rail
 25 container load-out facility in or near
 26 the city of Willmar or the city of
 27 Clara City. The study must include an
 28 estimate of the costs and benefits of a
 29 facility to the city and region and to
 30 the state transportation system. The
 31 commissioner shall report to the
 32 governor and legislature on the results
 33 of the study by January 15, 2006.

34 \$100,000 the first year and \$100,000
 35 the second year are for transfer to the
 36 Board of Trustees of the Minnesota
 37 State Colleges and Universities for
 38 mental health counseling support to
 39 farm families and business operators
 40 through farm business management
 41 programs at Central Lakes College and
 42 Ridgewater College.

43 \$35,000 the first year and \$35,000 the
 44 second year are for grants to the
 45 Minnesota Horticultural Society.

46 \$75,000 the first year and \$75,000 the
 47 second year are for annual grants to
 48 the Northern Minnesota Forage-Turf Seed
 49 Advisory Committee for basic and
 50 applied research on the improved
 51 production of forage and turf seed
 52 related to new and improved varieties.
 53 The grant recipient may subcontract
 54 with a qualified third party for some
 55 or all of the basic and applied
 56 research.

57 \$100,000 the first year and \$100,000
 58 the second year are to provide training
 59 and technical assistance to county and
 60 town officials relating to livestock

1 siting issues and local zoning and land
2 use planning including a checklist
3 template that would clarify the
4 federal, state, and local government
5 requirements for consideration of an
6 animal agriculture modernization or
7 expansion project. In developing the
8 training and technical assistance
9 program, the commissioner may seek
10 assistance from the local planning
11 assistance center of the Department of
12 Administration and shall seek guidance,
13 advice, and support of livestock
14 producer organizations, general
15 agricultural organizations, local
16 government associations, academic
17 institutions, other government
18 agencies, and others with expertise in
19 land use and agriculture.

20 \$220,000 the first year is to contract
21 with the University of Minnesota for
22 further research and development of
23 livestock odor and air quality
24 management.

25 \$325,000 the first year and \$325,000
26 the second year are for grants to
27 Second Harvest Heartland on behalf of
28 Minnesota's six Second Harvest food
29 banks for the purchase of milk for
30 distribution to Minnesota's food
31 shelves and other charitable
32 organizations that are eligible to
33 receive food from the food banks. Milk
34 purchased under the grants must be
35 acquired from Minnesota milk processors
36 and based on low-cost bids. The milk
37 must be allocated to each Second
38 Harvest food bank serving Minnesota
39 according to the formula used in the
40 distribution of United States
41 Department of Agriculture commodities
42 under The Emergency Food Assistance
43 Program (TEFAP). Second Harvest
44 Heartland must submit quarterly reports
45 to the commissioner on forms prescribed
46 by the commissioner. The reports must
47 include, but are not limited to,
48 information on the expenditure of
49 funds, the amount of milk purchased,
50 and the organizations to which the milk
51 was distributed. Second Harvest
52 Heartland may enter into contracts or
53 agreements with food banks for shared
54 funding or reimbursement of the direct
55 purchase of milk. Each food bank
56 receiving money from this appropriation
57 may use up to two percent of the grant
58 for administrative expenses.

59 \$18,000,000 is appropriated from the
60 bond proceeds fund for purposes as set
61 forth in the Minnesota Constitution,
62 article XI, section 5, clause (h), to
63 the Rural Finance Authority to purchase
64 participation interests in or to make
65 direct agricultural loans to farmers
66 under Minnesota Statutes, chapter 41B.
67 This appropriation is for the beginning
68 farmer program under Minnesota

1 Statutes, section 41B.039, the loan
 2 restructuring program under Minnesota
 3 Statutes, section 41B.04, the
 4 seller-sponsored program under
 5 Minnesota Statutes, section 41B.042,
 6 the agricultural improvement loan
 7 program under Minnesota Statutes,
 8 section 41B.043, and the livestock
 9 expansion loan program under Minnesota
 10 Statutes, section 41B.045. All debt
 11 service on bond proceeds used to
 12 finance this appropriation must be
 13 repaid by the Rural Finance Authority
 14 under Minnesota Statutes, section
 15 16A.643. Loan participations must be
 16 priced to provide full interest and
 17 principal coverage and a reserve for
 18 potential losses. Priority for loans
 19 must be given first to basic beginning
 20 farmer loans; second, to
 21 seller-sponsored loans; and third, to
 22 agricultural improvement loans.

23 Sec. 9. BOND SALE

24 To provide the money appropriated in
 25 this article from the bond proceeds
 26 fund, the commissioner of finance shall
 27 sell and issue bonds of the state in an
 28 amount up to \$18,000,000 in the manner,
 29 upon the terms, and with the effect
 30 prescribed by Minnesota Statutes,
 31 sections 16A.631 to 16A.675, and by the
 32 Minnesota Constitution, article XI,
 33 sections 4 to 7.

34 Sec. 10. BOARD OF ANIMAL
 35 HEALTH

456,000 458,000

36 \$300,000 the first year and \$300,000
 37 the second year are for a grant to the
 38 Veterinary Diagnostic Laboratory at the
 39 University of Minnesota to expand
 40 animal disease surveillance and to
 41 protect animal agriculture and public
 42 health. This appropriation is
 43 available until June 30, 2007.

44 Sec. 11. MINNESOTA RESOURCES

45 Subdivision 1. Total
 46 Appropriation

20,457,000 18,829,000

48 Summary by Fund

49 State Land and Water Conservation
 50 Account (LAWCON) 1,600,000

-0-

51 Environment and Natural Resources

52 Trust Fund 18,829,000 18,829,000

53 Great Lakes Protection

54 Account 28,000 -0-

55 Appropriations from the LAWCON account
 56 and Great Lakes protection account are
 57 available for either year of the
 58 biennium.

59 For appropriations from the environment

1 and natural resources trust fund, any
 2 unencumbered balance remaining in the
 3 first year does not cancel and is
 4 available for the second year of the
 5 biennium. Unless otherwise provided,
 6 the amounts in this section are
 7 available until June 30, 2007, when
 8 projects must be completed and final
 9 products delivered.

10 Subd. 2. Definitions

11 (a) "State land and water conservation
 12 account (LAWCON)" means the state land
 13 and water conservation account in the
 14 natural resources fund referred to in
 15 Minnesota Statutes, section 116P.14.

16 (b) "Great Lakes protection account"
 17 means the Great Lakes protection
 18 account referred to in Minnesota
 19 Statutes, section 116Q.02, subdivision
 20 1.

21 (c) "Trust fund" means the Minnesota
 22 environment and natural resources trust
 23 fund referred to in Minnesota Statutes,
 24 section 116P.02, subdivision 6.

25 Subd. 3. Administration 524,000 525,000

26 Summary by Fund

27 Trust Fund 524,000 525,000

28 (a) Legislative Commission on Minnesota Resources

29 \$449,000 the first year and \$450,000
 30 the second year are from the trust fund
 31 for administration as provided in
 32 Minnesota Statutes, section 116P.09,
 33 subdivision 5.

34 (b) Contract Administration

35 \$75,000 the first year and \$75,000 the
 36 second year are from the trust fund to
 37 the commissioner of natural resources
 38 for contract administration activities
 39 assigned to the commissioner in this
 40 section. This appropriation is
 41 available until June 30, 2008.

42 Subd. 4. Citizen Advisory Committee 10,000 10,000

43 Summary by Fund

44 Trust Fund 10,000 10,000

45 \$10,000 the first year and \$10,000 the
 46 second year are from the trust fund to
 47 the Legislative Commission on Minnesota
 48 Resources for expenses of the citizen
 49 advisory committee as provided in
 50 Minnesota Statutes, section 116P.06.
 51 Notwithstanding Minnesota Statutes,
 52 section 16A.281, the availability of
 53 \$15,000 of the appropriation from Laws
 54 2003, chapter 128, article 1, section
 55 9, subdivision 4, advisory committee,
 56 is extended to June 30, 2007.

1 Subd. 5. Fish and Wildlife Habitat 5,038,000 5,038,000

2 Summary by Fund

3 Trust Fund 5,038,000 5,038,000

4 (a) Restoring Minnesota's Fish and Wildlife
5 Habitat Corridors-Phase III

6 \$2,031,000 the first year and
7 \$2,031,000 the second year are from the
8 trust fund to the commissioner of
9 natural resources for the third
10 biennium for acceleration of agency
11 programs and cooperative agreements
12 with Pheasants Forever, Minnesota Deer
13 Hunters Association, Ducks Unlimited,
14 Inc., National Wild Turkey Federation,
15 the Nature Conservancy, Minnesota Land
16 Trust, the Trust for Public Land,
17 Minnesota Valley National Wildlife
18 Refuge Trust, Inc., U.S. Fish and
19 Wildlife Service, Red Lake Band of
20 Chippewa, Leech Lake Band of Chippewa,
21 Fond du Lac Band of Chippewa,
22 USDA-Natural Resources Conservation
23 Service, and the Board of Water and
24 Soil Resources to plan, restore, and
25 acquire fragmented landscape corridors
26 that connect areas of quality habitat
27 to sustain fish, wildlife, and plants.
28 Expenditures are limited to the 11
29 project areas as defined in the work
30 program. Land acquired with this
31 appropriation must be sufficiently
32 improved to meet at least minimum
33 habitat and facility management
34 standards as determined by the
35 commissioner of natural resources.
36 This appropriation may not be used for
37 the purchase of residential structures,
38 unless expressly approved in the work
39 program. Any land acquired in fee
40 title by the commissioner of natural
41 resources with money from this
42 appropriation must be designated: (1)
43 as an outdoor recreation unit under
44 Minnesota Statutes, section 86A.07; or
45 (2) as provided in Minnesota Statutes,
46 sections 89.018, subdivision 2,
47 paragraph (a); 97A.101; 97A.125;
48 97C.001; and 97C.011. The commissioner
49 may similarly designate any lands
50 acquired in less than fee title. This
51 appropriation is available until June
52 30, 2008, at which time the project
53 must be completed and final products
54 delivered, unless an earlier date is
55 specified in the work program.

56 (b) Metropolitan Area Wildlife
57 Corridors-Phase II

58 \$1,765,000 the first year and
59 \$1,765,000 the second year are from the
60 trust fund to the commissioner of
61 natural resources for the second
62 biennium for acceleration of agency
63 programs and cooperative agreements
64 with the Trust for Public Land, Ducks
65 Unlimited, Inc., Friends of the

1 Mississippi River, Great River
2 Greening, Minnesota Land Trust,
3 Minnesota Valley National Wildlife
4 Refuge Trust, Inc., Pheasants Forever,
5 Inc., and Friends of the Minnesota
6 Valley for the purposes of planning,
7 improving, and protecting important
8 natural areas in the metropolitan
9 region, as defined by Minnesota
10 Statutes, section 473.121, subdivision
11 2, and portions of the surrounding
12 counties, through grants, contracted
13 services, conservation easements, and
14 fee acquisition. Land acquired with
15 this appropriation must be sufficiently
16 improved to meet at least minimum
17 management standards as determined by
18 the commissioner of natural resources.
19 Expenditures are limited to the
20 identified project areas as defined in
21 the work program. This appropriation
22 may not be used for the purchase of
23 residential structures, unless
24 expressly approved in the work
25 program. Any land acquired in fee
26 title by the commissioner of natural
27 resources with money from this
28 appropriation must be designated: (1)
29 as an outdoor recreation unit under
30 Minnesota Statutes, section 86A.07; or
31 (2) as provided in Minnesota Statutes,
32 sections 89.018, subdivision 2,
33 paragraph (a); 97A.101; 97A.125;
34 97C.001; and 97C.011. The commissioner
35 may similarly designate any lands
36 acquired in less than fee title. This
37 appropriation is available until June
38 30, 2008, at which time the project
39 must be completed and final products
40 delivered, unless an earlier date is
41 specified in the work program.

42 (c) Development of Scientific and Natural Areas

43 \$67,000 the first year and \$67,000 the
44 second year are from the trust fund to
45 the commissioner of natural resources
46 to develop and enhance lands designated
47 as scientific and natural areas. This
48 appropriation is available until June
49 30, 2008, at which time the project
50 must be completed and final products
51 delivered, unless an earlier date is
52 specified in the work program.

53 (d) Prairie Stewardship of Private Lands

54 \$50,000 the first year and \$50,000 the
55 second year are from the trust fund to
56 the commissioner of natural resources
57 to develop stewardship plans and
58 implement prairie management on private
59 prairie lands on a cost-share basis
60 with private or federal funds. This
61 appropriation is available until June
62 30, 2008, at which time the project
63 must be completed and final products
64 delivered, unless an earlier date is
65 specified in the work program.

66 (e) Local Initiative Grants-Conservation

1 Partners and Environmental Partnerships

2 \$250,000 the first year and \$250,000
3 the second year are from the trust fund
4 to the commissioner of natural
5 resources to provide matching grants of
6 up to \$20,000 to local government and
7 private organizations for enhancement,
8 restoration, research, and education
9 associated with natural habitat and
10 environmental service projects.
11 Subdivision 16 applies to grants
12 awarded in the approved work program.
13 This appropriation is available until
14 June 30, 2008, at which time the
15 project must be completed and final
16 products delivered, unless an earlier
17 date is specified in the work program.

18 (f) Minnesota ReLeaf Community Forest
19 Development and Protection

20 \$250,000 the first year and \$250,000
21 the second year are from the trust fund
22 to the commissioner of natural
23 resources for acceleration of the
24 agency program and a cooperative
25 agreement with Tree Trust to protect
26 forest resources, develop
27 inventory-based management plans, and
28 provide matching grants to communities
29 to plant native trees. At least
30 \$390,000 of this appropriation must be
31 used for grants to communities. For
32 the purposes of this paragraph, the
33 match must be a nonstate contribution,
34 but may be either cash or qualifying
35 in-kind. This appropriation is
36 available until June 30, 2008, at which
37 time the project must be completed and
38 final projects delivered, unless an
39 earlier date is specified in the work
40 program.

41 (g) Integrated and Pheromonal Control of
42 Common Carp

43 \$275,000 the first year and \$275,000
44 the second year are from the trust fund
45 to the University of Minnesota for the
46 second biennium to research new options
47 for controlling common carp. This
48 appropriation is available until June
49 30, 2009, at which time the project
50 must be completed and final products
51 delivered, unless an earlier date is
52 specified in the work program.

53 (h) Biological Control of European Buckthorn
54 and Garlic Mustard

55 \$100,000 the first year and \$100,000
56 the second year are from the trust fund
57 to the commissioner of natural
58 resources to research potential insects
59 for biological control of invasive
60 European buckthorn species for the
61 second biennium and to introduce and
62 evaluate insects for biological control
63 of garlic mustard. This appropriation
64 is available until June 30, 2008, at

1 which time the project must be
2 completed and final products delivered,
3 unless an earlier date is specified in
4 the work program.

5 (i) Land Exchange Revolving Fund for
6 Aitkin, Cass, and Crow Wing Counties

7 \$250,000 the first year and \$250,000
8 the second year are from the trust fund
9 to the commissioner of natural
10 resources for an agreement with Aitkin
11 County for a six-year revolving loan
12 fund to improve public and private land
13 ownership patterns, increase management
14 efficiency, and protect critical
15 habitat in Aitkin, Cass, and Crow Wing
16 Counties. By June 30, 2011, Aitkin
17 County shall repay the \$500,000 to the
18 commissioner of finance for deposit in
19 the environment and natural resources
20 trust fund.

21 Subd. 6. Recreation 7,160,000 5,559,000

22 Summary by Fund

23 Trust Fund 5,560,000 5,559,000

24 State Land and Water Conservation
25 Account (LAWCON) 1,600,000 -0-

26 (a) State Park and Recreation Area
27 Land Acquisition

28 \$1,000,000 the first year and
29 \$1,000,000 the second year are from the
30 trust fund to the commissioner of
31 natural resources to acquire
32 in-holdings for state park and
33 recreation areas. Land acquired with
34 this appropriation must be sufficiently
35 improved to meet at least minimum
36 management standards as determined by
37 the commissioner of natural resources.
38 This appropriation is available until
39 June 30, 2008, at which time the
40 project must be completed and final
41 products delivered, unless an earlier
42 date is specified in the work program.

43 (b) LAWCON Federal Reimbursements

44 \$1,600,000 is from the State Land and
45 Water Conservation Account (LAWCON) in
46 the natural resources fund to the
47 commissioner of natural resources for
48 priorities established by the
49 commissioner for eligible state
50 projects and administrative and
51 planning activities consistent with
52 Minnesota Statutes, section 116P.14,
53 and the federal Land and Water
54 Conservation Fund Act. Subdivision 16
55 applies to grants awarded in the
56 approved work program. This
57 appropriation is contingent upon
58 receipt of the federal obligation and
59 remains available until June 30, 2008,
60 at which time the project must be
61 completed and final products delivered,

1 unless an earlier date is specified in
2 the work program.

3 (c) State Park and Recreation Area
4 Revenue-Enhancing Development

5 \$100,000 the first year and \$100,000
6 the second year are from the trust fund
7 to the commissioner of natural
8 resources to enhance revenue generation
9 in the state's park and recreation
10 system.

11 (d) Best Management Practices for Parks
12 and Outdoor Recreation

13 \$100,000 the first year and \$100,000
14 the second year are from the trust fund
15 to the commissioner of natural
16 resources for an agreement with the
17 Minnesota Recreation and Park
18 Association to develop and evaluate
19 opportunities to more efficiently
20 manage Minnesota's parks and outdoor
21 recreation areas.

22 (e) Metropolitan Regional Parks Acquisition,
23 Rehabilitation, and Development

24 \$1,000,000 the first year and
25 \$1,000,000 the second year are from the
26 trust fund to the Metropolitan Council
27 for subgrants for the acquisition,
28 development, and rehabilitation in the
29 metropolitan regional park system,
30 consistent with the Metropolitan
31 Council regional recreation open space
32 capital improvement plan. This
33 appropriation may not be used for the
34 purchase of residential structures, may
35 be used to reimburse implementing
36 agencies for acquisition as expressly
37 approved in the work program, and must
38 be matched by at least 40 percent of
39 nonstate money. Subdivision 16 applies
40 to grants awarded in the approved work
41 program. This appropriation is
42 available until June 30, 2008, at which
43 time the project must be completed and
44 final products delivered, unless an
45 earlier date is specified in the work
46 program. If a project financed under
47 this program receives a federal grant
48 award, the availability of the
49 financing from this paragraph for that
50 project is extended to equal the period
51 of the federal grant.

52 (f) Gitchi-Gami State Trail

53 \$250,000 the first year and \$250,000
54 the second year are from the trust fund
55 to the commissioner of natural
56 resources, in cooperation with the
57 Gitchi-Gami Trail Association, for the
58 fourth biennium, to design and
59 construct approximately two miles of
60 Gitchi-Gami State Trail segments. This
61 appropriation is available until June
62 30, 2008, at which time the project
63 must be completed and final products

1 delivered. If this project receives a
2 federal grant award, the availability
3 of the financing from this paragraph
4 for the project is extended to equal
5 the period of the federal grant.

6 (g) Casey Jones State Trail

7 \$600,000 the first year and \$600,000
8 the second year are from the trust fund
9 to the commissioner of natural
10 resources in cooperation with the
11 Friends of the Casey Jones Trail
12 Association for land acquisition and
13 development of the Casey Jones State
14 Trail in southwest Minnesota. This
15 appropriation is available until June
16 30, 2008, at which time the project
17 must be completed and final products
18 delivered. If this project receives a
19 federal grant award, the availability
20 of the financing from this paragraph
21 for the project is extended to equal
22 the period of the federal grant.

23 (h) Paul Bunyan State Trail Connection

24 \$200,000 the first year and \$200,000
25 the second year are from the trust fund
26 to the commissioner of natural
27 resources to acquire land to connect
28 the Paul Bunyan State Trail within the
29 city of Bemidji.

30 (i) Minnesota River Trail Planning

31 \$100,000 the first year and \$100,000
32 the second year are from the trust fund
33 to the commissioner of natural
34 resources for an agreement with the
35 University of Minnesota to provide
36 trail planning assistance to three
37 communities along the Minnesota River
38 State Trail.

39 (j) Local Initiative Grants-Parks and Natural Areas

40 \$600,000 the first year and \$600,000
41 the second year are from the trust fund
42 to the commissioner of natural
43 resources to provide matching grants to
44 local governments for acquisition and
45 development of natural and scenic areas
46 and local parks as provided in
47 Minnesota Statutes, section 85.019,
48 subdivisions 2 and 4a, and regional
49 parks outside of the metropolitan
50 area. Grants may provide up to 50
51 percent of the nonfederal share of the
52 project cost, except nonmetropolitan
53 regional park grants may provide up to
54 60 percent of the nonfederal share of
55 the project cost. \$500,000 of this
56 appropriation is for land acquisition
57 for a proposed county regional park on
58 Kraemer Lake in Stearns County. The
59 commission will monitor the grants for
60 approximate balance over extended
61 periods of time between the
62 metropolitan area, under Minnesota
63 Statutes, section 473.121, subdivision

1 2, and the nonmetropolitan area through
2 work program oversight and periodic
3 allocation decisions. For the purposes
4 of this paragraph, the match must be a
5 nonstate contribution, but may be
6 either cash or qualifying in-kind.
7 Recipients may receive funding for more
8 than one project in any given grant
9 period. Subdivision 16 applies to
10 grants awarded in the approved work
11 program. This appropriation is
12 available until June 30, 2008, at which
13 time the project must be completed and
14 final products delivered.

15 (k) Regional Park Planning for Nonmetropolitan
16 Urban Areas

17 \$43,000 the first year and \$43,000 the
18 second year are from the trust fund to
19 the commissioner of natural resources
20 for an agreement with the University of
21 Minnesota to develop a plan for a
22 system of regional recreation areas for
23 major outstate urban complexes in
24 Minnesota.

25 (l) Local and Regional Trail Grant Initiative Program

26 \$350,000 the first year and \$350,000
27 the second year are from the trust fund
28 to the commissioner of natural
29 resources to provide matching grants to
30 local units of government for the cost
31 of acquisition, development,
32 engineering services, and enhancement
33 of existing and new trail facilities.
34 Subdivision 16 applies to grants
35 awarded in the approved work program.
36 This appropriation is available until
37 June 30, 2008, at which time the
38 project must be completed and final
39 products delivered, unless an earlier
40 date is specified in the work program.
41 In addition, if a project financed
42 under this program receives a federal
43 grant award, the availability of the
44 financing from this paragraph for that
45 project is extended to equal the period
46 of the federal grant.

47 (m) Mesabi Trail

48 \$500,000 the first year and \$500,000
49 the second year are from the trust fund
50 to the commissioner of natural
51 resources for an agreement with St.
52 Louis and Lake Counties Regional Rail
53 Authority for the seventh biennium to
54 acquire and develop segments for the
55 Mesabi Trail. This appropriation is
56 available until June 30, 2008, at which
57 time the project must be completed and
58 final products delivered. If this
59 project receives a federal grant award,
60 the availability of the financing from
61 this paragraph for the project is
62 extended to equal the period of the
63 federal grant.

64 (n) Cannon Valley Trail Belle Creek Bridge

1 Replacement

2 \$150,000 the first year and \$150,000
3 the second year are from the trust fund
4 to the commissioner of natural
5 resources for an agreement with the
6 Cannon Valley Trail Joint Powers Board
7 for bridge replacement of the Belle
8 Creek Bridge on the Cannon Valley
9 Trail. This appropriation must be
10 matched by at least \$44,000 of nonstate
11 money.

12 (o) Arrowhead Regional Bike Trail Connections Plan

13 \$42,000 the first year and \$41,000 the
14 second year are from the trust fund to
15 the commissioner of natural resources
16 for an agreement with the Arrowhead
17 Regional Development Commission to
18 analyze the Arrowhead's major bike
19 trails and plan new trail connections.

20 (p) Land Acquisition, Minnesota Landscape Arboretum

21 \$325,000 the first year and \$325,000
22 the second year are from the trust fund
23 to the University of Minnesota for an
24 agreement with the University of
25 Minnesota Landscape Arboretum
26 Foundation for the sixth biennium to
27 acquire land from willing sellers.
28 This appropriation must be matched by
29 an equal amount of nonstate money.
30 This appropriation is available until
31 June 30, 2008, at which time the
32 project must be completed and final
33 products delivered, unless an earlier
34 date is specified in the work program.

35 (q) Development and Rehabilitation of Minnesota
36 Shooting Ranges

37 \$150,000 the first year and \$150,000
38 the second year are from the trust fund
39 to the commissioner of natural
40 resources to provide technical
41 assistance and matching grants to local
42 communities and recreational shooting
43 and archery clubs for the purpose of
44 developing or rehabilitating shooting
45 and archery facilities for public use.
46 Recipient facilities must be open to
47 the general public at reasonable times
48 and for a reasonable fee on a walk-in
49 basis. This appropriation is available
50 until June 30, 2008, at which time the
51 project must be completed and final
52 products delivered, unless an earlier
53 date is specified in the work program.

54 (r) Birding Maps

55 \$50,000 the first year and \$50,000 the
56 second year are from the trust fund to
57 the commissioner of natural resources
58 for an agreement with Audubon Minnesota
59 to create a new birding trail guide for
60 the North Shore/Arrowhead region and
61 reprint and distribute guides for three
62 existing birding trails.

1	Subd. 7. Water Resources	3,027,000	3,000,000
2	Summary by Fund		
3	Trust Fund	2,999,000	3,000,000
4	Great Lakes Protection		
5	Account	28,000	

6 (a) Local Water Management Matching Challenge Grants

7 \$500,000 the first year and \$500,000
8 the second year are from the trust fund
9 to the Board of Water and Soil
10 Resources to accelerate the local water
11 management challenge grant program
12 under Minnesota Statutes, sections
13 103B.3361 to 103B.3369, through
14 matching grants to implement high
15 priority activities in state-approved
16 comprehensive water management plans.
17 For the purposes of this paragraph, the
18 match must be a nonstate contribution,
19 but may be either cash or qualifying
20 in-kind. The grants may be provided on
21 an advance basis as specified in the
22 work program. This appropriation is
23 available until June 30, 2008, at which
24 time the project must be completed and
25 final products delivered, unless an
26 earlier date is specified in the work
27 program.

28 (b) Accelerating and Enhancing Surface Water
29 Monitoring for Lakes and Streams

30 \$300,000 the first year and \$300,000
31 the second year are from the trust fund
32 to the commissioner of the Pollution
33 Control Agency for acceleration of
34 agency programs and cooperative
35 agreements with the Minnesota Lakes
36 Association, Rivers Council of
37 Minnesota, and the University of
38 Minnesota to accelerate monitoring
39 efforts through assessments, citizen
40 training, and implementation grants.
41 This appropriation is available until
42 June 30, 2008, at which time the
43 project must be completed and final
44 products delivered, unless an earlier
45 date is specified in the work program.

46 (c) Effects of Land Retirements on the
47 Minnesota River

48 \$150,000 the first year and \$150,000
49 the second year are from the trust fund
50 to the Board of Water and Soil
51 Resources for a cooperative agreement
52 with the U.S. Geological Survey to
53 evaluate effects of retired or
54 set-aside agricultural lands on the
55 water quality and aquatic habitat of
56 streams in the Minnesota River Basin in
57 order to enhance prioritization of
58 future land retirements. This
59 appropriation must be matched by an
60 equal amount of nonstate money. This
61 appropriation is available until June
62 30, 2008, at which time the project

1 must be completed and final products
2 delivered, unless an earlier date is
3 specified in the work program.

4 (d) Recycling Treated Municipal Wastewater for
5 Industrial Water Use

6 \$150,000 the first year and \$150,000
7 the second year are from the trust fund
8 to the commissioner of natural
9 resources for an agreement with the
10 Metropolitan Council to determine the
11 feasibility of recycling treated
12 municipal wastewater for industrial
13 use, characterize industrial water
14 demand and quality, and determine the
15 costs to treat municipal wastewater to
16 meet specific industrial needs.

17 (e) Unwanted Hormone Therapy: Protecting Water
18 and Public Health

19 \$150,000 the first year and \$150,000
20 the second year are from the trust fund
21 to the University of Minnesota to
22 determine where behavior-altering
23 estrogenic compounds come from and how
24 they are distributed in wastewater
25 treatment plants. This appropriation
26 is available until June 30, 2008, at
27 which time the project must be
28 completed and final products delivered,
29 unless an earlier date is specified in
30 the work program.

31 (f) Climate Change Impacts on Minnesota's
32 Aquatic Resources

33 \$125,000 the first year and \$125,000
34 the second year are from the trust fund
35 to the University of Minnesota, Natural
36 Resources Research Institute, to
37 quantify climate, hydrologic, and
38 ecological variability and trends; and
39 identify indicators of future climate
40 change effects on aquatic systems.
41 This appropriation is available until
42 June 30, 2008, at which time the
43 project must be completed and final
44 products delivered, unless an earlier
45 date is specified in the work program.

46 (g) Green Roof Cost Share and Monitoring

47 \$175,000 the first year and \$175,000
48 the second year are from the trust fund
49 to the commissioner of natural
50 resources for an agreement with Ramsey
51 Conservation District to install green,
52 vegetated roofs on four commercial or
53 industrial buildings in Roseville and
54 Falcon Heights and to monitor their
55 effectiveness for stormwater
56 management, flood reduction, water
57 quality, and energy efficiency. The
58 cost of the installations must be
59 matched by at least 50 percent nonstate
60 money.

61 (h) Woodchip Biofilter Treatment of Feedlot Runoff

1 \$135,000 the first year and \$135,000
2 the second year are from the trust fund
3 to the commissioner of natural
4 resources for agreements with Stearns
5 County Soil and Water Conservation
6 District and the University of
7 Minnesota to treat feedlot runoff with
8 woodchip biofilters to remove
9 pollutants and assess improvements to
10 surface water quality. This
11 appropriation is available until June
12 30, 2008, at which time the project
13 must be completed and final products
14 delivered, unless an earlier date is
15 specified in the work program.

16 (i) Improving Water Quality on the Central Sands

17 \$294,000 the first year and \$293,000
18 the second year are from the trust fund
19 to the commissioner of natural
20 resources for agreements with the
21 University of Minnesota and the Central
22 Lakes College Agricultural Center to
23 reduce nitrate and phosphorus losses to
24 groundwater and surface waters of sandy
25 ecoregions through the development,
26 promotion, and adoption of new farming
27 and land management practices and
28 techniques. This appropriation is
29 available until June 30, 2008, at which
30 time the project must be completed and
31 final products delivered, unless an
32 earlier date is specified in the work
33 program.

34 (j) Improving Impaired Watersheds: Conservation
35 Drainage Research

36 \$150,000 the first year and \$150,000
37 the second year are from the trust fund
38 to the commissioner of agriculture to
39 analyze conservation drainage systems
40 at University of Minnesota research and
41 outreach centers for opportunities to
42 retrofit drainage infrastructure with
43 water quality improvement
44 technologies. This appropriation is
45 available until June 30, 2008, at which
46 time the project must be completed and
47 final products delivered, unless an
48 earlier date is specified in the work
49 program.

50 (k) Hydrology, Habitat, and Energy Potential
51 of Mine Lakes

52 \$188,000 the first year and \$211,000
53 the second year are from the trust fund
54 to the commissioner of natural
55 resources for agency work and
56 agreements with Architectural
57 Resources, Inc., and Northeast
58 Technical Services, Inc., for a
59 coordinated effort of the Central Iron
60 Range Initiative to establish ultimate
61 mine water elevations, outflows, and
62 quality; design optimum future mineland
63 configurations for fish habitat and
64 lakeshore development; and evaluate
65 wind-pumped hydropower potential.

1 \$62,000 the first year and \$39,000 the
2 second year are from the trust fund to
3 the Minnesota Geological Survey at the
4 University of Minnesota to assess the
5 geology and mine pit morphometry.

6 (l) Hennepin County Beach Water Quality
7 Monitoring Project

8 \$50,000 the first year and \$50,000 the
9 second year are from the trust fund to
10 the commissioner of natural resources
11 for an agreement with Hennepin County
12 to develop a predictive model for
13 on-site determination of beach water
14 quality to prevent outbreaks of
15 waterborne illnesses and provide
16 related water safety outreach to the
17 public.

18 (m) Southwest Minnesota Floodwater Retention Projects

19 \$250,000 the first year and \$250,000
20 the second year are from the trust fund
21 to the commissioner of natural
22 resources for an agreement with Area II
23 MN River Basin Projects, Inc., to
24 acquire easements and construct four
25 floodwater retention projects in the
26 Minnesota River Basin to improve water
27 quality and waterfowl habitat.

28 (n) Upgrades to Blue Heron Research Vessel

29 \$28,000 is from the Great Lakes
30 protection account in the first year
31 and \$133,000 the first year and
32 \$134,000 the second year are from the
33 trust fund to the University of
34 Minnesota, Large Lakes Observatory, to
35 upgrade and overhaul the Blue Heron
36 Research Vessel.

37 (o) Bassett Creek Valley Channel Restoration

38 \$87,000 the first year and \$88,000 the
39 second year are from the trust fund to
40 the commissioner of natural resources
41 for an agreement with the city of
42 Minneapolis for design and engineering
43 activities for habitat restoration and
44 water quality and channel improvements
45 for Bassett Creek Valley.

46 (p) Restoration of Indian Lake

47 \$100,000 the first year and \$100,000
48 the second year are from the trust fund
49 to the commissioner of natural
50 resources for agreements with MN
51 Environmental Services and Bemidji
52 State University to demonstrate the
53 removal of excess nutrients from Indian
54 Lake in Wright County. This
55 appropriation is available until June
56 30, 2008, at which time the project
57 must be completed and final products
58 delivered, unless an earlier date is
59 specified in the work program, and is
60 contingent on all appropriate permits
61 being obtained.

1	Subd. 8. Land Use and Natural Resource		
2	Information	1,000,000	1,000,000
3	Summary by Fund		
4	Trust Fund	1,000,000	1,000,000
5	(a) Minnesota County Biological Survey		
6	\$500,000 the first year and \$500,000		
7	the second year are from the trust fund		
8	to the commissioner of natural		
9	resources for the tenth biennium to		
10	accelerate the survey that identifies		
11	significant natural areas and		
12	systematically collects and interprets		
13	data on the distribution and ecology of		
14	native plant communities, rare plants,		
15	and rare animals.		
16	(b) Soil Survey		
17	\$250,000 the first year and \$250,000		
18	the second year are from the trust fund		
19	to the Board of Water and Soil		
20	Resources to accelerate digitizing of		
21	completed soil surveys for Web-based		
22	user application and for agreements		
23	with Pine and Crow Wing Counties to		
24	begin soil surveys. The new soil		
25	surveys must be done on a cost-share		
26	basis with local and federal funds.		
27	This appropriation is available until		
28	June 30, 2008, at which time the		
29	project must be completed and final		
30	products delivered, unless an earlier		
31	date is specified in the work program.		
32	(c) Land Cover Mapping for Natural Resource Protection		
33	\$125,000 the first year and \$125,000		
34	the second year are from the trust fund		
35	to the commissioner of natural		
36	resources for an agreement with		
37	Hennepin County to develop GIS tools		
38	for prioritizing natural areas for		
39	protection and restoration and to		
40	update and complete land cover		
41	classification mapping.		
42	(d) Open Space Planning and Protection		
43	\$125,000 the first year and \$125,000		
44	the second year are from the trust fund		
45	to the commissioner of natural		
46	resources for an agreement with Anoka		
47	Conservation District to protect open		
48	space by identifying high priority		
49	natural resource corridors through		
50	planning, conservation easements, and		
51	land dedication as part of development		
52	processes.		
53	Subd. 9. Agriculture and Natural		
54	Resource Industries	1,342,000	1,341,000
55	Summary by Fund		
56	Trust Fund	1,342,000	1,341,000
57	(a) Completing Third-Party Certification		

1 of DNR Forest Lands

2 \$125,000 the first year and \$125,000
3 the second year are from the trust fund
4 to the commissioner of natural
5 resources for third-party assessment
6 and certification of 4,470,000 acres of
7 DNR-administered lands under forest
8 sustainability standards established by
9 two internationally recognized forest
10 certification systems, the Forest
11 Stewardship Council system, and the
12 Sustainable Forestry Initiative system.

13 (b) Third-Party Certification of Private Woodlands

14 \$188,000 the first year and \$188,000
15 the second year are from the trust fund
16 to the University of Minnesota, Cloquet
17 Forestry Center, to pilot a third-party
18 certification assessment framework for
19 nonindustrial private forest owners.

20 (c) Sustainable Management of Private Forest Lands

21 \$437,000 the first year and \$437,000
22 the second year are from the trust fund
23 to the commissioner of natural
24 resources to develop stewardship plans
25 for private forested lands, implement
26 stewardship plans on a cost-share basis
27 and for conservation easements matching
28 federal funds. This appropriation is
29 available until June 30, 2008, at which
30 time the project must be completed and
31 final products delivered, unless an
32 earlier date is specified in the work
33 program.

34 (d) Evaluating Riparian Timber Harvesting
35 Guidelines: Phase 2

36 \$167,000 the first year and \$166,000
37 the second year are from the trust fund
38 to the University of Minnesota for a
39 second biennium to assess the timber
40 harvesting riparian management
41 guidelines for postharvest impacts on
42 terrestrial, aquatic, and wildlife
43 habitat. This appropriation is
44 available until June 30, 2008, at which
45 time the project must be completed and
46 final products delivered, unless an
47 earlier date is specified in the work
48 program.

49 (e) Third Crops for Water Quality-Phase 2

50 \$250,000 the first year and \$250,000
51 the second year are from the trust fund
52 to the commissioner of natural
53 resources for cooperative agreements
54 with Rural Advantage and the University
55 of Minnesota to accelerate adoption of
56 third crops to enhance water quality,
57 diversify cropping systems, supply
58 bioenergy, and provide wildlife habitat
59 through demonstration, research, and
60 education. This appropriation is
61 available until June 30, 2008, at which
62 time the project must be completed and

1 final products delivered, unless an
2 earlier date is specified in the work
3 program.

4 (f) Bioconversion of Potato Waste into
5 Marketable Biopolymers

6 \$175,000 the first year and \$175,000
7 the second year are from the trust fund
8 to the commissioner of natural
9 resources for an agreement with Bemidji
10 State University to evaluate the
11 bioconversion of potato waste into
12 plant-based plastics. This
13 appropriation is available until June
14 30, 2008, at which time the project
15 must be completed and final products
16 delivered, unless an earlier date is
17 specified in the work program.

18	Subd. 10. Energy	1,896,000	1,896,000
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19 Summary by Fund

20	Trust Fund	1,896,000	1,896,000
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21 (a) Clean Energy Resource Teams and Community Wind
22 Energy Rebate Program

23 \$350,000 the first year and \$350,000
24 the second year are from the trust fund
25 to the commissioner of commerce.
26 \$300,000 of this appropriation is to
27 provide technical assistance to
28 implement cost-effective conservation,
29 energy efficiency, and renewable energy
30 projects. \$400,000 of this
31 appropriation is to assist two
32 Minnesota communities in developing
33 locally owned wind energy projects by
34 offering financial assistance rebates.

35 (b) Planning for Economic Development
36 via Energy Independence

37 \$120,000 the first year and \$120,000
38 the second year are from the trust fund
39 to the commissioner of natural
40 resources for an agreement with the
41 University of Minnesota-Duluth to
42 evaluate the socioeconomic benefits of
43 statewide and community renewable
44 energy production and distribution by
45 analyzing system installation,
46 technical capabilities,
47 cost-competitiveness, economic impacts,
48 and policy incentives.

49 (c) Manure Methane Digester Compatible Wastes
50 and Electrical Generation

51 \$50,000 the first year and \$50,000 the
52 second year are from the trust fund to
53 the commissioner of agriculture to
54 research the potential for a centrally
55 located, multifarm manure digester and
56 the potential use of compatible waste
57 streams with manure digesters.

58 (d) Dairy Farm Digesters

1 \$168,000 the first year and \$168,000
2 the second year are from the trust fund
3 to the commissioner of natural
4 resources for an agreement with the
5 Minnesota Project for a pilot project
6 to evaluate anaerobic digester
7 technology on average size dairy farms
8 of 50 to 300 cows.

9 (e) Wind to Hydrogen Demonstration

10 \$400,000 the first year and \$400,000
11 the second year are from the trust fund
12 to the commissioner of natural
13 resources for an agreement with the
14 University of Minnesota, West Central
15 Research and Outreach Center, to
16 develop a model community-scale
17 wind-to-hydrogen facility.

18 (f) Natural Gas Production from
19 Agricultural Biomass

20 \$50,000 the first year and \$50,000 the
21 second year are from the trust fund to
22 the commissioner of natural resources
23 for an agreement with Sebesta Blomberg
24 and Associates to demonstrate potential
25 natural gas yield using anaerobic
26 digestion of blends of chopped grasses
27 or crop residue with hog manure and
28 determine optimum operating conditions
29 for conversion to natural gas.

30 (g) Biomass-Derived Oils for Generating Electricity
31 and Reducing Emissions

32 \$75,000 the first year and \$75,000 the
33 second year are from the trust fund to
34 the University of Minnesota to evaluate
35 the environmental and performance
36 benefits of using renewable
37 biomass-derived oils, such as soybean
38 oil, for generating electricity.

39 (h) Phillips Biomass Community Energy System

40 \$450,000 the first year and \$450,000
41 the second year are from the trust fund
42 to the commissioner of natural
43 resources for an agreement with
44 Phillips Community Energy Cooperative
45 to assist in the distribution system
46 equipment and construction costs for a
47 biomass district energy system. This
48 appropriation is contingent on all
49 appropriate permits being obtained and
50 a signed commitment of financing for
51 the biomass electrical generating
52 facility being in place.

53 (i) Laurentian Energy Authority Biomass Project

54 \$233,000 the first year and \$233,000
55 the second year are from the trust fund
56 to the commissioner of natural
57 resources for an agreement with
58 Virginia Public Utility to lease land
59 and plant approximately 1,000 acres of
60 trees to support a proposed conversion
61 to a biomass power plant.

1	Subd. 11. Environmental Education	360,000	360,000
2	Summary by Fund		
3	Trust Fund	360,000	360,000
4	(a) Enhancing Civic Understanding of Groundwater		
5	\$75,000 the first year and \$75,000 the		
6	second year are from the trust fund to		
7	the commissioner of natural resources		
8	for an agreement with the Science		
9	Museum of Minnesota to create		
10	groundwater exhibits and a statewide		
11	traveling groundwater classroom		
12	program. This appropriation is		
13	available until June 30, 2008, at which		
14	time the project must be completed and		
15	final products delivered, unless an		
16	earlier date is specified in the work		
17	program.		
18	(b) Cedar Creek Natural History Area Interpretive		
19	Center and Restoration		
20	\$200,000 the first year and \$200,000		
21	the second year are from the trust fund		
22	to the commissioner of natural		
23	resources for an agreement with the		
24	University of Minnesota, Cedar Creek		
25	Natural History Area, to restore 400		
26	acres of savanna and prairie; construct		
27	a Science Interpretive Center to		
28	publicly demonstrate technologies for		
29	energy efficiency; and create		
30	interpretive trails. This		
31	appropriation is available until June		
32	30, 2008, at which time the project		
33	must be completed and final products		
34	delivered, unless an earlier date is		
35	specified in the work program.		
36	(c) Environmental Problem-Solving Model		
37	for Twin Cities Schools		
38	\$38,000 the first year and \$37,000 the		
39	second year are from the trust fund to		
40	the commissioner of natural resources		
41	for an agreement with Eco Education to		
42	train high school students and teachers		
43	on environmental problem solving.		
44	(d) Tamarack Nature Center Exhibits		
45	\$47,000 the first year and \$48,000 the		
46	second year are from the trust fund to		
47	the commissioner of natural resources		
48	for an agreement with Ramsey County		
49	Parks and Recreation Department to		
50	develop interactive ecological exhibits		
51	at Tamarack Nature Center.		
52	Subd. 12. Children's Environmental		
53	Health	100,000	100,000
54	Summary by Fund		
55	Trust Fund	100,000	100,000
56	Minnesota Children's Pesticide Exposure		
57	Reduction Initiative		

1 \$100,000 the first year and \$100,000
2 the second year are appropriated to the
3 commissioner of agriculture to reduce
4 children's pesticide exposure through
5 parent education on alternative pest
6 control methods and safe pesticide use.

7 Subd. 13. Data Availability Requirements

8 (a) During the biennium ending June 30,
9 2007, data collected by the projects
10 funded under this section that have
11 value for planning and management of
12 natural resource, emergency
13 preparedness, and infrastructure
14 investments must conform to the
15 enterprise information architecture
16 developed by the Office of Technology.
17 Spatial data must conform to geographic
18 information system guidelines and
19 standards outlined in that architecture
20 and adopted by the Minnesota Geographic
21 Data Clearinghouse at the Land
22 Management Information Center. A
23 description of these data that adheres
24 to Office of Technology geographic
25 metadata standards must be submitted to
26 the Land Management Information Center
27 to be made available online through the
28 clearinghouse, and the data themselves
29 must be accessible and free to the
30 public unless made private under the
31 Data Practices Act, Minnesota Statutes,
32 chapter 13.

33 (b) To the extent practicable, summary
34 data and results of projects funded
35 under this section should be readily
36 accessible on the Internet and
37 identified as an environment and
38 natural resources trust fund project.

39 (c) As part of project expenditures,
40 recipients of land acquisition
41 appropriations must provide the
42 information necessary to update public
43 recreation information maps to the
44 Department of Natural Resources in the
45 form specified by the department.

46 Subd. 14. Project Requirements

47 It is a condition of acceptance of the
48 appropriations in this section that any
49 agency or entity receiving the
50 appropriation must comply with
51 Minnesota Statutes, chapter 116P, and
52 vegetation planted must be native to
53 Minnesota and preferably of the local
54 ecotype unless the work program
55 approved by the commission expressly
56 allows the planting of species that are
57 not native to Minnesota. Bridges that
58 are constructed with appropriations
59 under this section must be made out of
60 iron, concrete, or wood.

61 Subd. 15. Match Requirements

62 Unless specifically authorized,

1 appropriations in this section that
2 must be matched and for which the match
3 has not been committed by December 31,
4 2005, are canceled, and in-kind
5 contributions may not be counted as
6 matching funds.

7 Subd. 16. Payment Conditions and Capital Equipment Expenditures

8 All agreements, grants, or contracts
9 referred to in this section must be
10 administered on a reimbursement basis
11 unless otherwise provided in this
12 section. Notwithstanding Minnesota
13 Statutes, section 16A.41, expenditures
14 made on or after July 1, 2005, or the
15 date the work program is approved,
16 whichever is later, are eligible for
17 reimbursement unless otherwise provided
18 in this section. Payment must be made
19 upon receiving documentation that
20 project-eligible, reimbursable dollar
21 amounts have been expended, except that
22 reasonable amounts may be advanced to
23 projects to accommodate cash flow needs
24 or match federal funds. The advances
25 must be approved as part of the work
26 program. No expenditures for capital
27 equipment are allowed unless expressly
28 authorized in the project work program.

29 Subd. 17. Purchase of Recycled and Recyclable Materials

30 A political subdivision, public or
31 private corporation, or other entity
32 that receives an appropriation in this
33 section must use the appropriation in
34 compliance with Minnesota Statutes,
35 sections 16B.121 and 16B.122, requiring
36 the purchase of recycled, repairable,
37 and durable materials; the purchase of
38 uncoated paper stock; and the use of
39 soy-based ink, the same as if it were a
40 state agency.

41 Subd. 18. Energy Conservation

42 A recipient to whom an appropriation is
43 made in this section for a capital
44 improvement project shall ensure that
45 the project complies with the
46 applicable energy conservation
47 standards contained in law, including
48 Minnesota Statutes, sections 216C.19
49 and 216C.20, and rules adopted
50 thereunder. The recipient may use the
51 energy planning, advocacy, and state
52 energy office units of the Department
53 of Commerce to obtain information and
54 technical assistance on energy
55 conservation and alternative energy
56 development relating to the planning
57 and construction of the capital
58 improvement project.

59 Subd. 19. Accessibility

60 Structural and nonstructural facilities
61 must meet the design standards in the
62 Americans with Disability Act (ADA)
63 accessibility guidelines.

1 Sec. 12. Minnesota Statutes 2004, section 16A.125,
2 subdivision 5, is amended to read:

3 Subd. 5. [FOREST TRUST LANDS.] (a) The term "state forest
4 trust fund lands" as used in this subdivision, means public land
5 in trust under the Constitution set apart as "forest lands under
6 the authority of the commissioner" of natural resources as
7 defined by section 89.001, subdivision 13.

8 (b) The commissioner of finance shall credit the revenue
9 from the forest trust fund lands to the forest suspense
10 account. The account must specify the trust funds interested in
11 the lands and the respective receipts of the lands.

12 (c) After a fiscal year, the commissioner of finance shall
13 certify the total costs incurred for forestry during that year
14 under appropriations for the protection, improvement,
15 administration, and management of state forest trust fund lands
16 and construction and improvement of forest roads to enhance the
17 forest value of the lands. The certificate must specify the
18 trust funds interested in the lands. The commissioner of
19 natural resources shall supply the commissioner of finance with
20 the information needed for the certificate.

21 (d) After a fiscal year, the commissioner shall distribute
22 the receipts credited to the suspense account during that fiscal
23 year as follows:

24 (a) (1) the amount of the certified costs incurred by the
25 state for forest management, forest improvement, and road
26 improvement during the fiscal year shall be transferred to
27 the ~~general-fund~~ forest management investment account
28 established under section 89.039;

29 (2) the balance of the certified costs incurred by the
30 state during the fiscal year shall be transferred to the general
31 fund; and

32 (b) (3) the balance of the receipts shall then be returned
33 prorated to the trust funds in proportion to their respective
34 interests in the lands which produced the receipts.

35 Sec. 13. Minnesota Statutes 2004, section 17.03,
36 subdivision 13, is amended to read:

1 Subd. 13. [~~SEMIANNUAL REPORTS.~~] (a) ~~By-October-15-and~~
2 ~~April-15-of-each-year,~~ The commissioner shall submit to the
3 legislative committees having jurisdiction over appropriations
4 from the agricultural fund in section 16A.531 ~~a-report~~ reports
5 on the amount of revenue raised in each fee account within the
6 fund, the expenditures from each account, and the purposes for
7 which the expenditures were made. The reports must be issued in
8 February and November each year, to coincide with the forecasts
9 of revenue and expenditures prepared under section 16A.103.

10 (b) The report delivered ~~on-October-15~~ in February of each
11 year must include the commissioner's recommendations, if any,
12 for changes in statutes relating to the fee accounts of the
13 agricultural fund.

14 Sec. 14. Minnesota Statutes 2004, section 17.117, is
15 amended by adding a subdivision to read:

16 Subd. 5b. [APPLICATION FEE.] The commissioner may impose a
17 nonrefundable application fee of \$50 for each loan issued under
18 the program. The fees must be credited to the agricultural best
19 management practices administration account, which is hereby
20 established in the agricultural fund. Interest earned in the
21 account accrues to the account. Money in the account and
22 interest earned in the accounts established in the agricultural
23 fund under subdivision 5a are appropriated to the commissioner
24 for administrative expenses of the program.

25 Sec. 15. Minnesota Statutes 2004, section 17B.03,
26 subdivision 1, is amended to read:

27 Subdivision 1. [COMMISSIONER'S POWERS.] The commissioner
28 of agriculture shall exercise general supervision over the
29 inspection, grading, weighing, sampling, and analysis of grain
30 subject to the provisions of the United States Grain Standards
31 Act of 1976 and the rules promulgated thereunder by the United
32 States Department of Agriculture. This activity may take place
33 within or outside the state of Minnesota. Scale testing must be
34 performed at export locations or, upon request from and with the
35 consent of the delegated authority, at domestic locations. Fees
36 for the testing of scales and weighing equipment shall be fixed

1 by the commissioner and must be uniform with those charged by
2 the Division of Weights and Measures of the Department of
3 Commerce.

4 Sec. 16. Minnesota Statutes 2004, section 18B.05,
5 subdivision 1, is amended to read:

6 Subdivision 1. [ESTABLISHMENT.] A pesticide regulatory
7 account is established in the agricultural fund. Fees,
8 assessments, and penalties collected under this chapter must be
9 deposited in the agricultural fund and credited to the pesticide
10 regulatory account. Money in the account, including interest,
11 is appropriated to the commissioner for the administration and
12 enforcement of this chapter.

13 Sec. 17. Minnesota Statutes 2004, section 18B.08,
14 subdivision 4, is amended to read:

15 Subd. 4. [APPLICATION FEE.] A person initially applying
16 for a chemigation permit must pay a nonrefundable application
17 fee of ~~\$50~~ \$250. A person who holds a fertilizer chemigation
18 permit under section 18C.205, is exempt from the fee in this
19 subdivision.

20 Sec. 18. Minnesota Statutes 2004, section 18B.26,
21 subdivision 3, is amended to read:

22 Subd. 3. [APPLICATION FEE.] (a) A registrant shall pay an
23 annual application fee for each pesticide to be registered, and
24 this fee is set at one-tenth of one percent for calendar year
25 1990, at one-fifth of one percent for calendar year 1991, and at
26 two-fifths of one percent for calendar year 1992 and thereafter
27 of annual gross sales within the state and annual gross sales of
28 pesticides used in the state, with a minimum nonrefundable fee
29 of \$250. The registrant shall determine when and which
30 pesticides are sold or used in this state. The registrant shall
31 secure sufficient sales information of pesticides distributed
32 into this state from distributors and dealers, regardless of
33 distributor location, to make a determination. Sales of
34 pesticides in this state and sales of pesticides for use in this
35 state by out-of-state distributors are not exempt and must be
36 included in the registrant's annual report, as required under

1 paragraph (c), and fees shall be paid by the registrant based
2 upon those reported sales. Sales of pesticides in the state for
3 use outside of the state are exempt from the application fee in
4 this paragraph if the registrant properly documents the sale
5 location and distributors. A registrant paying more than the
6 minimum fee shall pay the balance due by March 1 based on the
7 gross sales of the pesticide by the registrant for the preceding
8 calendar year. The fee for disinfectants and sanitizers shall
9 be the minimum. The minimum fee is due by December 31 preceding
10 the year for which the application for registration is made.
11 The commissioner shall spend at least \$300,000 per fiscal year
12 from the pesticide regulatory account for the purposes of the
13 waste pesticide collection program.

14 (b) An additional fee of \$100 must be paid by the applicant
15 for each pesticide to be registered if the application is a
16 renewal application that is submitted after December 31.

17 (c) A registrant must annually report to the commissioner
18 the amount and type of each registered pesticide sold, offered
19 for sale, or otherwise distributed in the state. The report
20 shall be filed by March 1 for the previous year's registration.
21 The commissioner shall specify the form of the report and
22 require additional information deemed necessary to determine the
23 amount and type of pesticides annually distributed in the
24 state. The information required shall include the brand name,
25 amount, and formulation of each pesticide sold, offered for
26 sale, or otherwise distributed in the state, but the information
27 collected, if made public, shall be reported in a manner which
28 does not identify a specific brand name in the report.

29 (d) A registrant who is required to pay more than the
30 minimum fee for any pesticide under paragraph (a) must pay a
31 late fee penalty of \$100 for each pesticide application fee paid
32 after March 1 in the year for which the license is to be issued.

33 Sec. 19. Minnesota Statutes 2004, section 18B.31,
34 subdivision 5, is amended to read:

35 Subd. 5. [APPLICATION FEE.] (a) An application for a
36 pesticide dealer license must be accompanied by a nonrefundable

1 application fee of ~~\$50~~ \$150.

2 (b) If an application for renewal of a pesticide dealer
3 license is not filed before January 1 of the year for which the
4 license is to be issued, an additional fee of \$20 must be paid
5 by the applicant before the license is issued.

6 Sec. 20. Minnesota Statutes 2004, section 18B.315,
7 subdivision 6, is amended to read:

8 Subd. 6. [FEES.] (a) An applicant for an aquatic pest
9 control license for a business must pay a nonrefundable
10 application fee of ~~\$100~~ \$200. An employee of a licensed
11 business must pay a nonrefundable application fee of \$50 for an
12 individual aquatic pest control license.

13 (b) An application received after expiration of the aquatic
14 pest control license is subject to a penalty of 50 percent of
15 the application fee.

16 (c) An applicant that meets renewal requirements by
17 reexamination instead of attending workshops must pay the
18 equivalent workshop fee for the reexamination as determined by
19 the commissioner.

20 Sec. 21. Minnesota Statutes 2004, section 18B.32,
21 subdivision 6, is amended to read:

22 Subd. 6. [FEES.] (a) An applicant for a structural pest
23 control license for a business must pay a nonrefundable
24 application fee of ~~\$100~~ \$200. An employee of a licensed
25 business must pay a nonrefundable application fee of \$50 for an
26 individual structural pest control license.

27 (b) An application received after expiration of the
28 structural pest control license is subject to a penalty fee of
29 50 percent of the application fee.

30 (c) An applicant that meets renewal requirements by
31 reexamination instead of attending workshops must pay the
32 equivalent workshop fee for the reexamination as determined by
33 the commissioner.

34 Sec. 22. Minnesota Statutes 2004, section 18B.33,
35 subdivision 7, is amended to read:

36 Subd. 7. [APPLICATION FEES.] (a) A person initially

1 applying for or renewing a commercial applicator license must
2 pay a nonrefundable application fee of \$50.

3 (b) ~~If A license renewal application is not filed~~
4 ~~before received after March 1 of in the year for which the~~
5 ~~license is to be issued, an additional~~ is subject to a penalty
6 fee of \$10 must be paid before the commercial applicator 50
7 percent of the application fee. The penalty fee must be paid
8 before the renewal license may be issued.

9 (c) An application for a duplicate commercial applicator
10 license must be accompanied by a nonrefundable application fee
11 of \$10.

12 Sec. 23. Minnesota Statutes 2004, section 18B.34,
13 subdivision 5, is amended to read:

14 Subd. 5. [FEES.] (a) A person initially applying for or
15 renewing a noncommercial applicator license must pay a
16 nonrefundable application fee of \$50, except an applicant who is
17 a government or Minnesota Conservation Corps employee who uses
18 pesticides in the course of performing official duties must pay
19 a nonrefundable application fee of \$10.

20 (b) ~~if an A license renewal application for renewal of a~~
21 ~~noncommercial license is not filed before received after March 1~~
22 ~~in the year for which the license is to be issued, an additional~~
23 is subject to a penalty fee of \$10 must be paid before the 50
24 percent of the application fee. The penalty fee must be paid
25 before the renewal license may be issued.

26 (c) An application for a duplicate noncommercial applicator
27 license must be accompanied by a nonrefundable application fee
28 of \$10.

29 Sec. 24. Minnesota Statutes 2004, section 18C.141,
30 subdivision 1, is amended to read:

31 Subdivision 1. [PROGRAM ESTABLISHMENT.] The commissioner
32 shall establish ~~a program~~ voluntary programs to certify the
33 accuracy of analyses from soil and manure testing laboratories
34 and promote standardization of soil and manure testing
35 procedures and analytical results.

36 Sec. 25. Minnesota Statutes 2004, section 18C.141,

1 subdivision 3, is amended to read:

2 Subd. 3. [ANALYSES REPORTING STANDARDS.] (a) The results
3 obtained from soil, manure, or plant analysis must be reported
4 in accordance with standard reporting units established by the
5 commissioner by rule. The standard reporting units must conform
6 as far as practical to uniform standards that are adopted on a
7 regional or national basis.

8 (b) If a certified laboratory offers a recommendation for
9 use in Minnesota, the University of Minnesota recommendation or
10 that of another land grant college in a contiguous state must be
11 offered in addition to other recommendations, and the source of
12 the recommendation must be identified on the recommendation
13 form. If relative levels such as low, medium, or high are
14 presented to classify the analytical results, the corresponding
15 relative levels based on the analysis as designated by the
16 University of Minnesota or the land grant college in a
17 contiguous state must also be presented.

18 Sec. 26. Minnesota Statutes 2004, section 18C.141,
19 subdivision 5, is amended to read:

20 Subd. 5. [CERTIFICATION FEES.] (a) The commissioner may
21 charge the actual costs for check sample preparation and
22 shipping.

23 (b) A laboratory applying for certification ~~shall pay an~~
24 ~~application fee of \$100 and a certification fee of \$100 before~~
25 ~~the certification is issued~~ may be charged a nonrefundable
26 certification fee to cover the actual costs for administration
27 of the program.

28 (c) Certification is ~~valid for one year and the renewal~~
29 ~~fee is \$100. The commissioner shall charge an additional~~
30 ~~application fee of \$100 if a certified laboratory allows~~
31 ~~certification to lapse before applying for renewed certification~~
32 renewable on an annual basis.

33 (e) The commissioner shall notify a certified lab that its
34 certification lapses within 30 to 60 days of the date when the
35 certification lapses.

36 (d) The commissioner may accept donations to support the

1 development and operation of soil and manure programs.

2 (e) Revenues under this section are deposited in the
3 fertilizer account of the agricultural fund.

4 Sec. 27. Minnesota Statutes 2004, section 18C.425,
5 subdivision 6, is amended to read:

6 Subd. 6. [INSPECTION FEES.] The person responsible for
7 payment of the inspection fees for fertilizers, soil amendments,
8 or plant amendments sold and used in this state must pay an
9 inspection fee of ~~±5~~ 30 cents per ton of fertilizer, soil
10 amendment, and plant amendment sold or distributed in this
11 state, with a minimum of \$10 on all tonnage reports. Products
12 sold or distributed to manufacturers or exchanged between them
13 are exempt from the inspection fee imposed by this subdivision
14 if the products are used exclusively for manufacturing purposes.

15 Sec. 28. Minnesota Statutes 2004, section 18E.03,
16 subdivision 2, is amended to read:

17 Subd. 2. [EXPENDITURES.] (a) Money in the agricultural
18 chemical response and reimbursement account may only be used:

19 (1) to pay for the commissioner's responses to incidents
20 under chapters 18B, 18C, and 18D that are not eligible for
21 payment under section 115B.20, subdivision 2;

22 (2) to pay for emergency responses that are otherwise
23 unable to be funded;

24 (3) to reimburse and pay corrective action costs under
25 section 18E.04; and

26 (4) by the board to reimburse the commissioner for board
27 staff and other administrative costs up to ~~±175,000~~ \$225,000 per
28 fiscal year.

29 (b) Money in the agricultural chemical response and
30 reimbursement account is appropriated to the commissioner to
31 make payments as provided in this subdivision.

32 Sec. 29. Minnesota Statutes 2004, section 18G.10,
33 subdivision 5, is amended to read:

34 Subd. 5. [CERTIFICATE FEES.] (a) The commissioner shall
35 assess the fees in paragraphs (b) to (f) for the inspection,
36 service, and work performed in carrying out the issuance of a

1 phytosanitary certificate or export certificate. The inspection
2 fee must be based on mileage and inspection time.

3 (b) Mileage charge: current United States Internal Revenue
4 Service mileage rate.

5 (c) Inspection time: \$50 per hour minimum or fee necessary
6 to cover department costs. Inspection time includes the driving
7 time to and from the location in addition to the time spent
8 conducting the inspection.

9 ~~(d) A fee must be charged for any certificate issued that~~
10 ~~requires laboratory analysis before issuance. The fee must be~~
11 ~~deposited into the laboratory account as authorized in section~~
12 17-85. If laboratory analysis or other technical analysis is
13 required to issue a certificate, the commissioner must set and
14 collect the fee to recover this additional cost.

15 (e) Certificate fee for product value greater than \$250:
16 \$75 for each phytosanitary or export certificate issued for any
17 single shipment valued at more than \$250 in addition to any
18 mileage or inspection time charges that are assessed.

19 (f) Certificate fee for product value less than \$250: \$25
20 for each phytosanitary or export certificate issued for any
21 single shipment valued at less than \$250 in addition to any
22 mileage or inspection time charges that are assessed.

23 (g) For services provided for in subdivision 7 that are
24 goods and services provided for the direct and primary use of a
25 private individual, business, or other entity, the commissioner
26 must set and collect the fees to cover the cost of the services
27 provided.

28 Sec. 30. Minnesota Statutes 2004, section 18G.10,
29 subdivision 7, is amended to read:

30 Subd. 7. [~~PLANT-PROTECTION-INSPECTIONS~~, SUPPLEMENTAL,
31 ADDITIONAL, OR OTHER CERTIFICATES, AND PERMITS, ~~AND FEES.~~] (a)
32 The commissioner may provide inspection, sampling, or
33 certification services to ensure that Minnesota plant products
34 or commodities meet import requirements of other states or
35 countries.

36 (b) The state plant regulatory official may issue permits

1 and certificates verifying that various Minnesota agricultural
2 products or commodities meet specified phytosanitary plant
3 health requirements, treatment requirements, or pest absence
4 assurances based on determinations by the commissioner. ~~The~~
5 ~~commissioner-may-collect-fees-sufficient-to-recover-costs-for~~
6 ~~these-permits-or-certificates---The-fees-must-be-deposited-in~~
7 ~~the-nursery-and-phytosanitary-account.~~

8 Sec. 31. Minnesota Statutes 2004, section 18G.16,
9 subdivision 1, is amended to read:

10 Subdivision 1. [DEFINITIONS.] (a) The definitions in this
11 subdivision apply to this section.

12 (b) "Metropolitan area" means the counties of Anoka,
13 Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

14 (c) "Municipality" means a home rule charter or statutory
15 city or a town located in the metropolitan area that exercises
16 municipal powers under section 368.01 or any general or special
17 law; a special park district organized under chapter 398; a
18 special-purpose park and recreation board organized under the
19 city charter of a city of the first class located in the
20 metropolitan area; a county in the metropolitan area for the
21 purposes of county-owned property or any portion of a county
22 located outside the geographic boundaries of a city or a town
23 exercising municipal powers; and a municipality or county
24 located outside the metropolitan area with an approved disease
25 control program.

26 (d) "Shade tree disease pest" means ~~Dutch-elm-disease~~~~7-oak~~
27 ~~wilt~~~~7-or-any-disorder~~ pests or pathogens affecting the growth
28 and life of shade trees.

29 (e) "Wood utilization or disposal system" means facilities,
30 equipment, or systems used for the removal and disposal of
31 diseased or pest-infested shade trees, including collection,
32 transportation, processing, or storage of wood and assisting in
33 the recovery of materials or energy from wood.

34 (f) "Approved disease pest control program" means a
35 municipal plan approved by the commissioner to control or
36 eradicate a shade tree disease pest.

1 (g) "Disease Pest control area" means an area approved by
2 the commissioner within which a municipality will conduct an
3 approved disease pest control program.

4 (h) "Sanitation" means the identification, inspection,
5 disruption of a common root system, girdling, trimming, removal,
6 and disposal of dead, pest-infested or diseased wood of shade
7 trees, including subsidies for trees removed pursuant to
8 subdivision 4, on public or private property within a disease
9 control area.

10 (i) "Reforestation" means the replacement of shade trees
11 removed from public property and the planting of a tree as part
12 of a municipal disease control program. For purposes of this
13 paragraph, "public property" includes private property within
14 five feet of the boulevard or street terrace in a city that
15 enacted an ordinance on or before January 1, 1977, that
16 prohibits or requires a permit for the planting of trees in the
17 public right-of-way.

18 (j) "Shade tree" means a woody perennial grown primarily
19 for aesthetic or environmental purposes.

20 Sec. 32. Minnesota Statutes 2004, section 18G.16,
21 subdivision 2, is amended to read:

22 Subd. 2. [COMMISSIONER TO ADOPT RULES.] The commissioner
23 may adopt rules relating to shade tree pest and disease control
24 in any municipality. The rules must prescribe control measures
25 to be used to prevent the spread of shade tree pests and
26 diseases and must include the following:

- 27 (1) a definition of shade tree;
- 28 (2) qualifications for tree inspectors;
- 29 (3) methods of identifying diseased or infested
30 pest-infested shade trees;
- 31 (4) procedures for giving reasonable notice of inspection
32 of private real property;
- 33 (5) measures for the removal of any shade tree which may
34 contribute to the spread of shade tree pests or disease and for
35 reforestation of pest or disease control areas;
- 36 (6) approved methods of treatment of shade trees;

1 (7) criteria for priority designation areas in an approved
2 pest or disease control program; and

3 (8) any other matters determined necessary by the
4 commissioner to prevent the spread of shade tree pests or
5 disease and enforce this section.

6 Sec. 33. Minnesota Statutes 2004, section 18G.16,
7 subdivision 3, is amended to read:

8 Subd. 3. [DIAGNOSTIC LABORATORY.] The commissioner shall
9 operate a diagnostic laboratory for culturing diseased or
10 infested pest-infested trees for positive identification of
11 diseased or infested pest-infested shade trees.

12 Sec. 34. Minnesota Statutes 2004, section 18G.16,
13 subdivision 4, is amended to read:

14 Subd. 4. [COOPERATION BY UNIVERSITY.] The University of
15 Minnesota College of Natural Resources shall cooperate with the
16 department in control of shade tree disease, pests, and
17 disorders and management of shade tree populations. The College
18 of Natural Resources shall cooperate with the department to
19 conduct tree inspector certification and recertification
20 workshops for certified tree inspectors. The College of Natural
21 Resources shall also conduct research into means for identifying
22 diseased or pest-infested shade trees, develop and evaluate
23 control measures, and develop means for disposing of and using
24 diseased or pest-infested shade trees.

25 Sec. 35. Minnesota Statutes 2004, section 18G.16,
26 subdivision 5, is amended to read:

27 Subd. 5. [EXPERIMENTAL PROGRAMS.] The commissioner may
28 establish experimental programs for sanitation or treatment of
29 shade tree diseases and for research into tree varieties most
30 suitable for municipal reforestation. The research must include
31 considerations of disease resistance, energy conservation, and
32 other factors considered appropriate. The commissioner may make
33 grants to municipalities or enter into contracts with
34 municipalities, nurseries, colleges, universities, or state or
35 federal agencies in connection with experimental shade tree
36 programs including research to assist municipalities in

1 establishing priority designation areas for shade tree ~~disease~~
2 pest control and energy conservation.

3 Sec. 36. Minnesota Statutes 2004, section 18G.16,
4 subdivision 6, is amended to read:

5 Subd. 6. [~~REMOVAL OF DISEASED OR INFESTED~~ PEST-INFESTED
6 TREES.] After reasonable notice of inspection, an owner of real
7 property containing a shade tree that is diseased, infested, or
8 may contribute to the spread of pests or disease, must remove or
9 treat the tree within the period of time and in the manner
10 established by the commissioner. Trees that are not removed in
11 compliance with the commissioner's rules must be declared a
12 public nuisance and removed or treated by approved methods by
13 the municipality, which may assess all or part of the expense,
14 limited to the lowest contract rates available that include wage
15 levels which meet Minnesota minimum wage standards, to the
16 property and the expense becomes a lien on the property. A
17 municipality may assess not more than 50 percent of the expense
18 of treating with an approved method or removing diseased or
19 pest-infested shade trees located on street terraces or
20 boulevards to the abutting properties and the assessment becomes
21 a lien on the property.

22 Sec. 37. Minnesota Statutes 2004, section 18G.16,
23 subdivision 7, is amended to read:

24 Subd. 7. [RULES; APPLICABILITY TO MUNICIPALITIES.] The
25 rules of the commissioner apply in a municipality unless the
26 municipality adopts an ordinance determined by the commissioner
27 to be more stringent than the rules of the commissioner. The
28 rules of the commissioner or the municipality apply to all state
29 agencies, special purpose districts, and metropolitan
30 commissions as defined in section 473.121, subdivision 5a, that
31 own or control land adjacent to or within a shade tree ~~disease~~
32 pest control area.

33 Sec. 38. Minnesota Statutes 2004, section 18G.16,
34 subdivision 8, is amended to read:

35 Subd. 8. [GRANTS TO MUNICIPALITIES.] (a) The commissioner
36 may, in the name of the state and within the limit of

1 appropriations provided, make a grant to a municipality with an
2 approved disease pest control program for the partial funding of
3 municipal sanitation and reforestation programs to replace trees
4 lost to pest, disease, or natural disaster. The commissioner
5 may make a grant to a home rule charter or statutory city, a
6 special purpose park and recreation board organized under a
7 charter of a city of the first class, a nonprofit corporation
8 serving a city of the first class, or a county having an
9 approved disease control program for the acquisition or
10 implementation of a wood use or disposal system.

11 (b) The commissioner shall adopt rules for the
12 administration of grants under this subdivision. The rules must
13 contain:

14 (1) procedures for grant applications;

15 (2) conditions and procedures for the administration of
16 grants;

17 (3) criteria of eligibility for grants including, but not
18 limited to, those specified in this subdivision; and

19 (4) other matters the commissioner may find necessary to
20 the proper administration of the grant program.

21 (c) Grants for wood utilization and disposal systems made
22 by the commissioner under this subdivision must not exceed 50
23 percent of the total cost of the system. Grants for sanitation
24 and reforestation must be combined into one grant program.
25 Grants to a municipality for sanitation must not exceed 50
26 percent of sanitation costs approved by the commissioner
27 including any amount of sanitation costs paid by special
28 assessments, ad valorem taxes, federal grants, or other funds.
29 A municipality must not specially assess a property owner an
30 amount greater than the amount of the tree's sanitation cost
31 minus the amount of the tree's sanitation cost reimbursed by the
32 commissioner. Grants to municipalities for reforestation must
33 not exceed 50 percent of the wholesale cost of the trees planted
34 under the reforestation program; provided that a reforestation
35 grant to a county may include 90 percent of the cost of the
36 first 50 trees planted on public property in a town not included

1 in the definition of municipality in subdivision 1 and with less
2 than 1,000 population when the town applies to the county.
3 Reforestation grants to towns and home rule charter or statutory
4 cities of less than 4,000 population with an approved disease
5 pest control program may include 90 percent of the cost of the
6 first 50 trees planted on public property. The governing body
7 of a municipality that receives a reforestation grant under this
8 section must appoint up to seven residents of the municipality
9 or designate an existing municipal board or committee to serve
10 as a reforestation advisory committee to advise the governing
11 body of the municipality in the administration of the
12 reforestation program. For the purpose of this subdivision,
13 "cost" does not include the value of a gift or dedication of
14 trees required by a municipal ordinance but does include
15 documented "in-kind" services or voluntary work for
16 municipalities with a population of less than 1,000 according to
17 the most recent federal census.

18 (d) Based upon estimates submitted by the municipality to
19 the commissioner, which state the estimated costs of sanitation
20 and reforestation in the succeeding quarter under an approved
21 program, the commissioner shall direct quarterly advance
22 payments to be made by the state to the municipality commencing
23 April 1. The commissioner shall direct adjustment of any
24 overestimate in a succeeding quarter. A municipality may elect
25 to receive the proceeds of its sanitation and reforestation
26 grants on a periodic cost reimbursement basis.

27 (e) A home rule charter or statutory city, county outside
28 the metropolitan area, or any municipality, as defined in
29 subdivision 1, may submit an application for a grant authorized
30 by this subdivision concurrently with its request for approval
31 of a disease pest control program.

32 (f) The commissioner shall not make grants for sanitation
33 and reforestation or wood utilization and disposal systems in
34 excess of 67 percent of the amounts appropriated for those
35 purposes to the municipalities located within the metropolitan
36 area, as defined in subdivision 1.

1 Sec. 39. Minnesota Statutes 2004, section 18G.16,
2 subdivision 9, is amended to read:

3 Subd. 9. [SUBSIDIES TO CERTAIN OWNERS.] A municipality may
4 provide subsidies to nonprofit organizations, to owners of
5 private residential property of five acres or less, to owners of
6 property used for a homestead of more than five acres but less
7 than 20 acres, and to nonprofit cemeteries for the approved
8 treatment or removal of diseased or pest-infested shade trees.

9 Notwithstanding any law to the contrary, an owner of
10 property on which shade trees are located may contract with a
11 municipality to provide protection against the cost of approved
12 treatment or removal of diseased or pest-infested shade trees or
13 shade trees that will contribute to the spread of shade tree
14 diseases or pest infestations. Under the contract, the
15 municipality must pay for the removal or approved treatment
16 under terms and conditions determined by its governing body.

17 Sec. 40. Minnesota Statutes 2004, section 18G.16,
18 subdivision 14, is amended to read:

19 Subd. 14. [MUNICIPAL OPTION TO PARTICIPATE IN PROGRAM.]
20 The term "municipality" shall include only those municipalities
21 which have informed the commissioner of their intent to continue
22 an approved disease pest control program. Any municipality
23 desiring to participate in the grants-in-aid for the partial
24 funding of municipal sanitation and reforestation programs must
25 notify the commissioner in writing before the beginning of the
26 calendar year in which it wants to participate and must have an
27 approved disease pest control program during any year in which
28 it receives grants-in-aid. Notwithstanding the provisions of
29 any law to the contrary, no municipality shall be required to
30 have an approved disease control program after December 31, 1981.

31 Sec. 41. Minnesota Statutes 2004, section 18H.07,
32 subdivision 1, is amended to read:

33 Subdivision 1. [ESTABLISHMENT OF FEES.] The commissioner
34 shall establish fees sufficient to allow for the administration
35 and enforcement of this chapter and rules adopted under this
36 chapter, including the portion of general support costs and

1 statewide indirect costs of the agency attributable to that
2 function, with a reserve sufficient for up to six months. The
3 commissioner shall review the fee schedule annually in
4 consultation with the Minnesota Nursery and Landscape Advisory
5 Committee. For the certificate year beginning January 1, ~~2004~~
6 2006, the fees are as described in this section.

7 Sec. 42. Minnesota Statutes 2004, section 18H.07,
8 subdivision 2, is amended to read:

9 Subd. 2. [NURSERY STOCK GROWER CERTIFICATE.] (a) A nursery
10 stock grower must pay an annual fee based on the area of all
11 acreage on which nursery stock is grown for certification as
12 follows:

- 13 (1) less than one-half acre, \$150;
- 14 (2) from one-half acre to two acres, \$200;
- 15 (3) over two acres up to five acres, \$300;
- 16 (4) over five acres up to ten acres, \$350;
- 17 (5) over ten acres up to 20 acres, \$500;
- 18 (6) over 20 acres up to 40 acres, \$650;
- 19 (7) over 40 acres up to 50 acres, \$800;
- 20 (8) over 50 acres up to 200 acres, \$1,100;
- 21 (9) over 200 acres up to 500 acres, \$1,500; and
- 22 (10) over 500 acres, \$1,500 plus \$2 for each additional
23 acre.

24 (b) In addition to the fees in paragraph (a), a penalty of
25 ten percent of the fee due must be charged for each month, or
26 portion thereof, that the fee is delinquent up to a maximum of
27 30 percent for any application for renewal not received by
28 January 1 of the year following expiration of a certificate.

29 Sec. 43. Minnesota Statutes 2004, section 18H.07,
30 subdivision 3, is amended to read:

31 Subd. 3. [NURSERY STOCK DEALER CERTIFICATE.] (a) A nursery
32 stock dealer must pay an annual fee based on the dealer's gross
33 sales of certified nursery stock per location during the
34 preceding most recent certificate year. A certificate applicant
35 operating for the first time must pay the minimum fee. The fees
36 per sales location are:

- 1 (1) gross sales up to ~~\$20,000~~ \$5,000, \$150;
- 2 (2) gross sales over ~~\$20,000~~ \$5,000 up to ~~\$100,000~~ \$20,000,
- 3 \$175;
- 4 (3) gross sales over ~~\$100,000~~ \$20,000 up to
- 5 ~~\$250,000~~ \$50,000, \$300;
- 6 (4) gross sales over ~~\$250,000~~ \$50,000 up to
- 7 ~~\$500,000~~ \$75,000, \$425;
- 8 (5) gross sales over ~~\$500,000~~ \$75,000 up to
- 9 ~~\$1,000,000~~ \$100,000, \$550;
- 10 (6) gross sales over ~~\$1,000,000~~ \$100,000 up to
- 11 ~~\$2,000,000~~ \$200,000, \$675; and
- 12 (7) gross sales over ~~\$2,000,000~~ \$200,000, \$800.

13 (b) In addition to the fees in paragraph (a), a penalty of

14 ten percent of the fee due must be charged for each month, or

15 portion thereof, that the fee is delinquent up to a maximum of

16 30 percent for any application for renewal not received by

17 January 1 of the year following expiration of a certificate.

18 Sec. 44. Minnesota Statutes 2004, section 19.64,

19 subdivision 1, is amended to read:

20 Subdivision 1. [REGISTRATION.] Every person who owns,

21 leases, or possesses colonies of bees ~~or who intends to bring~~

22 ~~bees into the state under an entry permit~~ shall register the

23 bees with the commissioner on or before ~~April 15~~ June 1 of each

24 year or within 15 days of entry into Minnesota or taking

25 possession of hives, whichever comes first. The registration

26 application shall include the name and address of the applicant,

27 a description of the exact location of each of the applicant's

28 apiaries by county, township, range and quarter section, and

29 other information required by the commissioner. The fee for

30 registration under this subdivision is ~~\$10~~ \$25 for beekeepers

31 with less than 50 colonies and \$50 for beekeepers with 50

32 colonies or more maintained in the state. ~~The commissioner~~

33 ~~shall provide registered beekeepers with the Minnesota pest~~

34 ~~report.~~

35 The registration required by this section is not

36 transferable. At least one colony in each location must be

1 plainly and legibly marked with the owner's name and telephone
2 number and address, and other information required by the
3 commissioner. The department shall provide information on
4 colony locations as reported on the registrations on an Internet
5 Web site or through other appropriate measures.

6 Sec. 45. Minnesota Statutes 2004, section 25.341,
7 subdivision 2, is amended to read:

8 Subd. 2. [APPLICATION; FEE; TERM.] A person who is
9 required to have a commercial feed license shall submit an
10 application on a form provided or approved by the commissioner
11 accompanied by a license fee of \$25 paid to the commissioner for
12 each ~~facility~~ location. A license is not transferable from one
13 person to another, from one ownership to another, or from one
14 location to another. The license year is the calendar year. A
15 license expires on December 31 of the year for which it is
16 issued, except that a license is valid through January 31 of the
17 next year or until the issuance of the renewal license,
18 whichever comes first, if the licensee has filed a renewal
19 application with the commissioner on or before December 31 of
20 the year for which the current license was issued. ~~A new~~
21 ~~applicant-who~~ Any person who is required to have, but fails to
22 obtain a license within-15-working-days-of-notification-of-the
23 requirement-to-obtain-a-license, or a licensee who fails to
24 comply with license renewal requirements, shall pay a \$50 late
25 fee in addition to the license fee. ~~The-commissioner-may-issue~~
26 ~~a-withdrawal-from-distribution-order-on-any-commercial-feed-that~~
27 ~~an-unlicensed-person-produces-or-distributes-in-the-state-until~~
28 ~~a-license-is-issued.~~

29 Sec. 46. [25.342] [CERTIFICATES, FREE SALE.]

30 A nonrefundable application fee of \$25 must accompany all
31 free sale certificate requests to facilitate the movement of
32 Minnesota processed and manufactured feeds destined for export
33 from the state. Each label submitted for review must be
34 accompanied by a nonrefundable \$50 application fee.

35 Sec. 47. Minnesota Statutes 2004, section 25.39,
36 subdivision 1, is amended to read:

1 Subdivision 1. [AMOUNT OF FEE.] (a) An inspection fee at
 2 the rate of 16 cents per ton must be paid to the commissioner on
 3 commercial feeds distributed in this state by the person who
 4 first distributes the commercial feed, except that:

5 (1) ~~no fee needs-to~~ need be paid on:

6 ~~(1)~~ (i) a commercial feed if the payment has been made by a
 7 previous distributor; or

8 ~~(2)~~ (ii) customer formula feeds if the inspection fee is
 9 paid on the commercial feeds which are used as ingredients; or

10 ~~(3)-commercial-feeds-used-as-ingredients-for-the~~
 11 ~~manufacture-of-commercial-feeds-if-the-fee-has-been-paid-by-a~~
 12 ~~previous-distributor---If-the-fee-has-already-been-paid, credit~~
 13 ~~must-be-given-for-that-payment.~~ (2) a Minnesota feed distributor
 14 who distributes can substantiate that greater than 50 percent of
 15 the distribution of commercial feed is to purchasers outside the
 16 state may purchase commercial feeds, without payment by ~~any~~
 17 ~~person~~ of the inspection fee ~~required-on-those-purchases,~~ under
 18 a tonnage fee exemption permit issued by the commissioner. Such
 19 location specific permits shall ~~only~~ be issued on a calendar
 20 year basis to commercial feed distributors who submit a \$100
 21 nonrefundable application fee and comply with rules adopted by
 22 the commissioner relative to record keeping, tonnage of
 23 commercial feed distributed in Minnesota, total of all
 24 commercial feed tonnage distributed, and all other information
 25 which the commissioner may require so as to ensure that proper
 26 inspection fee payment has been made.

27 (b) In the case of pet food distributed in the state only
 28 in packages of ten pounds or less, a listing of each product and
 29 a current label for each product must be submitted annually on
 30 forms provided by the commissioner and accompanied by an annual
 31 fee of \$50 for each product in lieu of the inspection fee. This
 32 annual fee is due by July 1. The inspection fee required by
 33 paragraph (a) applies to pet food distributed in packages
 34 exceeding ten pounds.

35 (c) In the case of specialty pet food distributed in the
 36 state only in packages of ten pounds or less, a listing of each

1 product and a current label for each product must be submitted
2 annually on forms provided by the commissioner and accompanied
3 by an annual fee of \$25 for each product in lieu of the
4 inspection fee. This annual fee is due by July 1. The
5 inspection fee required by paragraph (a) applies to specialty
6 pet food distributed in packages exceeding ten pounds.

7 (d) The minimum inspection fee is \$10 per annual reporting
8 period.

9 Sec. 48. Minnesota Statutes 2004, section 25.39,
10 subdivision 4, is amended to read:

11 Subd. 4. [COMMERCIAL FEED INSPECTION ACCOUNT.] A
12 commercial feed inspection account is established in the
13 agricultural fund. Fees and penalties collected under ~~sections~~
14 ~~25.35-to-25.43~~ this chapter and interest attributable to money
15 in the account must be deposited in the agricultural fund and
16 credited to the commercial feed inspection account. Money in
17 the account, including interest earned, is appropriated to the
18 commissioner for the administration and enforcement of ~~sections~~
19 ~~25.341-to-25.43~~ this chapter.

20 Sec. 49. Minnesota Statutes 2004, section 41A.09,
21 subdivision 2a, is amended to read:

22 Subd. 2a. [DEFINITIONS.] For the purposes of this section,
23 the terms defined in this subdivision have the meanings given
24 them.

25 (a) "Ethanol" means fermentation ethyl alcohol derived from
26 agricultural products, including potatoes, cereal grains, cheese
27 whey, and sugar beets; forest products; or other renewable
28 resources, including residue and waste generated from the
29 production, processing, and marketing of agricultural products,
30 forest products, and other renewable resources, that:

31 (1) meets all of the specifications in ASTM specification
32 D4806-01; and

33 (2) is denatured as specified in Code of Federal
34 Regulations, title 27, parts 20 and 21.

35 (b) "Ethanol plant" means a plant at which ethanol is
36 produced.

1 (c) "Commissioner" means the commissioner of agriculture.

2 (d) "Rural economic infrastructure" means the development
3 activities that will enhance the value of agricultural crop or
4 livestock commodities or by-products or waste from farming
5 operations.

6 Sec. 50. Minnesota Statutes 2004, section 41A.09,
7 subdivision 3a, is amended to read:

8 Subd. 3a. [ETHANOL PRODUCER PAYMENTS.] (a) The
9 commissioner shall make cash payments to producers of ethanol
10 located in the state that have begun production at a specific
11 location by June 30, 2000. For the purpose of this subdivision,
12 an entity that holds a controlling interest in more than one
13 ethanol plant is considered a single producer. The amount of
14 the payment for each producer's annual production, except as
15 provided in paragraph (c), is 20 cents per gallon for each
16 gallon of ethanol produced at a specific location on or before
17 June 30, 2000, or ten years after the start of production,
18 whichever is later. Annually, within 90 days of the end of its
19 fiscal year, an ethanol producer receiving payments under this
20 subdivision must file a disclosure statement on a form provided
21 by the commissioner. The initial disclosure statement must
22 include a summary description of the organization of the
23 business structure of the claimant, a listing of the percentages
24 of ownership by any person or other entity with an ownership
25 interest of five percent or greater, and a copy of its annual
26 audited financial statements, including the auditor's report and
27 footnotes. The disclosure statement must include information
28 demonstrating what percentage of the entity receiving payments
29 under this section is owned by farmers or other entities
30 eligible to farm or own agricultural land in Minnesota under the
31 provisions of section 500.24. Subsequent annual reports must
32 reflect noncumulative changes in ownership of ten percent or
33 more of the entity. The report need not disclose the identity
34 of the persons or entities eligible to farm or own agricultural
35 land with ownership interests, individuals residing within 30
36 miles of the plant, or of any other entity with less than ten

1 percent ownership interest, but the claimant must retain
2 information within its files confirming the accuracy of the data
3 provided. This data must be made available to the commissioner
4 upon request. Not later than the 15th day of February in each
5 year the commissioner shall deliver to the chairs of the
6 standing committees of the senate and the house of
7 representatives that deal with agricultural policy and
8 agricultural finance issues an annual report summarizing
9 aggregated data from plants receiving payments under this
10 section during the preceding calendar year. Audited financial
11 statements and notes and disclosure statements submitted to the
12 commissioner are nonpublic data under section 13.02, subdivision
13 9. Notwithstanding the provisions of chapter 13 relating to
14 nonpublic data, summaries of the submitted audited financial
15 reports and notes and disclosure statements will be contained in
16 the report to the committee chairs and will be public data.

17 (b) No payments shall be made for ethanol production that
18 occurs after June 30, 2010. A producer of ethanol shall not
19 transfer the producer's eligibility for payments under this
20 section to an ethanol plant at a different location.

21 (c) If the level of production at an ethanol plant
22 increases due to an increase in the production capacity of the
23 plant, the payment under paragraph (a) applies to the additional
24 increment of production until ten years after the increased
25 production began. Once a plant's production capacity reaches
26 15,000,000 gallons per year, no additional increment will
27 qualify for the payment.

28 (d) Total payments under paragraphs (a) and (c) to a
29 producer in a fiscal year may not exceed \$3,000,000.

30 (e) By the last day of October, January, April, and July,
31 each producer shall file a claim for payment for ethanol
32 production during the preceding three calendar months. A
33 producer that files a claim under this subdivision shall include
34 a statement of the producer's total ethanol production in
35 Minnesota during the quarter covered by the claim. For each
36 claim and statement of total ethanol production filed under this

1 subdivision, the volume of ethanol production must be examined
2 by an independent certified public accountant in accordance with
3 standards established by the American Institute of Certified
4 Public Accountants.

5 (f) Payments shall be made November 15, February 15, May
6 15, and August 15. A separate payment shall be made for each
7 claim filed. Except as provided in paragraph (g), the total
8 quarterly payment to a producer under this paragraph may not
9 exceed \$750,000.

10 (g) Notwithstanding the quarterly payment limits of
11 paragraph (f), the commissioner shall make an additional payment
12 in the fourth quarter of each fiscal year to ethanol producers
13 for the lesser of: (1) 20 cents per gallon of production in the
14 fourth quarter of the year that is greater than 3,750,000
15 gallons; or (2) the total amount of payments lost during the
16 first three quarters of the fiscal year due to plant outages,
17 repair, or major maintenance. Total payments to an ethanol
18 producer in a fiscal year, including any payment under this
19 paragraph, must not exceed the total amount the producer is
20 eligible to receive based on the producer's approved production
21 capacity. The provisions of this paragraph apply only to
22 production losses that occur in quarters beginning after
23 December 31, 1999.

24 (h) The commissioner shall reimburse ethanol producers for
25 any deficiency in payments during earlier quarters if the
26 deficiency occurred because of unallotment or because
27 appropriated money was insufficient to make timely payments in
28 the full amount provided in paragraph (a). Notwithstanding the
29 quarterly or annual payment limitations in this subdivision, the
30 commissioner shall begin making payments for earlier
31 deficiencies in each fiscal year that appropriations for ethanol
32 payments exceed the amount required to make eligible scheduled
33 payments. Payments for earlier deficiencies must continue until
34 the deficiencies for each producer are paid in full.

35 (i) The commissioner may make direct payments to producers
36 of rural economic infrastructure with any amount of the annual

1 appropriation for ethanol producer payments and rural economic
2 infrastructure that is in excess of the amount required to make
3 scheduled ethanol producer payments and deficiency payments
4 under paragraphs (a) to (h).

5 Sec. 51. Minnesota Statutes 2004, section 41A.09, is
6 amended by adding a subdivision to read:

7 Subd. 9. [MOTOR VEHICLES; ETHANOL COMBUSTION EFFICIENCY
8 GRANTS.] From within the appropriation for each fiscal year to
9 the ethanol development program under this section, or from
10 other appropriated money, the commissioner shall make up to two
11 grants, each in an amount not exceeding \$50,000, to qualified
12 applicants proposing to do research on, but not limited to,
13 ethanol's effect on fuel system materials compatibility and ways
14 to improve the energy efficiency of ethanol fuel blends in motor
15 vehicles while meeting all requirements for control of tailpipe
16 emissions. A grant recipient may receive funding for no more
17 than two consecutive years. A research project must be matched
18 by \$2 of nonstate money for each \$3 of state grant money.

19 Sec. 52. Minnesota Statutes 2004, section 41A.09, is
20 amended by adding a subdivision to read:

21 Subd. 10. [GUIDELINES.] The commissioner shall establish
22 guidelines not subject to chapter 14 for the submission and
23 review of applications and the awarding of grants under
24 subdivision 9.

25 Sec. 53. Minnesota Statutes 2004, section 41B.046,
26 subdivision 5, is amended to read:

27 Subd. 5. [LOANS.] (a) The authority may participate in a
28 stock loan with an eligible lender to a farmer who is eligible
29 under subdivision 4. Participation is limited to 45 percent of
30 the principal amount of the loan or \$40,000, whichever is less.
31 The interest rates and repayment terms of the authority's
32 participation interest may differ from the interest rates and
33 repayment terms of the lender's retained portion of the loan,
34 but the authority's interest rate must not exceed 50 percent of
35 the lender's interest rate.

36 (b) No more than 95 percent of the purchase price of the

1 stock may be financed under this program.

2 (c) Security for stock loans must be the stock purchased, a
3 personal note executed by the borrower, and whatever other
4 security is required by the eligible lender or the authority.

5 (d) The authority may impose a reasonable nonrefundable
6 application fee for each application for a stock loan. The
7 authority may review the fee annually and make adjustments as
8 necessary. The application fee is initially \$50. Application
9 fees received by the authority must be deposited in the
10 value-added agricultural product revolving fund.

11 (e) Stock loans under this program will be made using money
12 in the value-added-agricultural-product revolving fund loan
13 account established under-subdivision-3 in section 41B.06.

14 (f) The authority may not grant stock loans in a cumulative
15 amount exceeding \$2,000,000 for the financing of stock purchases
16 in any one cooperative.

17 (g) Repayments of financial assistance under this section,
18 including principal and interest, must be deposited into the
19 revolving loan account established in section 41B.06.

20 Sec. 54. Minnesota Statutes 2004, section 41B.049,
21 subdivision 2, is amended to read:

22 Subd. 2. [~~REVOLVING-FUND DEPOSIT OF REPAYMENTS.~~] ~~There-is~~
23 ~~established-in-the-state-treasury-a-revolving-fund,which-is~~
24 ~~eligible-to-receive-appropriations-and-the-transfer-of-funds~~
25 ~~from-other-services.~~ All repayments of financial assistance
26 granted under subdivision 1, including principal and interest,
27 must be deposited into ~~this-fund,--interest-earned-on-money-in~~
28 ~~the-fund-accrues-to-the-fund,--and-money-in-the-fund-is~~
29 ~~appropriated-to-the-commissioner-of-agriculture-for-purposes-of~~
30 ~~the-manure-digester-loan-program,--including-costs-incurred-by~~
31 ~~the-authority-to-establish-and-administer-the-program~~ the
32 revolving loan account established in section 41B.06.

33 Sec. 55. [41B.055] [LIVESTOCK EQUIPMENT PILOT LOAN
34 PROGRAM.]

35 Subdivision 1. [ESTABLISHMENT.] The authority must
36 establish and implement a livestock equipment pilot loan program

1 to help finance the first purchase of livestock-related
2 equipment and make livestock facilities improvements.

3 Subd. 2. [ELIGIBILITY.] Notwithstanding section 41B.03, to
4 be eligible for this program a borrower must:

5 (1) be a resident of Minnesota or general partnership or a
6 family farm corporation, authorized farm corporation, family
7 farm partnership, or authorized farm partnership as defined in
8 section 500.24, subdivision 2;

9 (2) be the principal operator of a livestock farm;

10 (3) have a total net worth, including assets and
11 liabilities of the borrower's spouse and dependents, no greater
12 than the amount stipulated in section 41B.03, subdivision 3;

13 (4) demonstrate an ability to repay the loan; and

14 (5) hold an appropriate feedlot registration or be using
15 the loan under this program to meet registration requirements.

16 In addition to the requirements in clauses (1) to (5),
17 preference must be given to applicants who have farmed less than
18 ten years as evidenced by their filing of schedule F in their
19 federal tax returns.

20 Subd. 3. [LOANS.] (a) The authority may participate in a
21 livestock equipment loan equal to 90 percent of the purchased
22 equipment value with an eligible lender to a farmer who is
23 eligible under subdivision 2. Participation is limited to 45
24 percent of the principal amount of the loan or \$40,000,
25 whichever is less. The interest rates and repayment terms of
26 the authority's participation interest may differ from the
27 interest rates and repayment terms of the lender's retained
28 portion of the loan, but the authority's interest rate must not
29 exceed three percent. The authority may review the interest
30 annually and make adjustments as necessary.

31 (b) Standards for loan amortization must be set by the
32 rural finance authority and must not exceed seven years.

33 (c) Security for a livestock equipment loan must be a
34 personal note executed by the borrower and whatever other
35 security is required by the eligible lender or the authority.

36 (d) Refinancing of existing debt is not an eligible purpose.

1 (e) The authority may impose a reasonable, nonrefundable
2 application fee for a livestock equipment loan. The authority
3 may review the fee annually and make adjustments as necessary.
4 The initial application fee is \$50. Application fees received
5 by the authority must be deposited in the revolving loan account
6 established in section 41B.06.

7 (f) Loans under this program must be made using money in
8 the revolving loan account established in section 41B.06.

9 Subd. 4. [ELIGIBLE EXPENDITURES.] Money may be used for
10 loans for the acquisition of equipment for animal housing,
11 confinement, animal feeding, milk production, and waste
12 management, including the following, if related to animal
13 husbandry:

14 (1) fences;

15 (2) watering facilities;

16 (3) feed storage and handling equipment;

17 (4) milking parlors;

18 (5) milking equipment;

19 (6) scales;

20 (7) milk storage and cooling facilities;

21 (8) manure pumping and storage facilities; and

22 (9) capital investment in pasture.

23 Sec. 56. [41B.06] [RURAL FINANCE AUTHORITY REVOLVING LOAN
24 ACCOUNT.]

25 There is established in the rural finance administration
26 fund a rural finance authority revolving loan account that is
27 eligible to receive appropriations and the transfer of loan
28 funds from other programs. All repayments of financial
29 assistance granted from this account, including principal and
30 interest, must be deposited into this account. Interest earned
31 on money in the account accrues to the account, and the money in
32 the account is appropriated to the commissioner of agriculture
33 for purposes of the rural finance authority livestock equipment,
34 methane digester, and value-added agricultural product loan
35 programs, including costs incurred by the authority to establish
36 and administer the programs.

1 Sec. 57. Minnesota Statutes 2004, section 84.027,
2 subdivision 12, is amended to read:

3 Subd. 12. [PROPERTY DISPOSAL; GIFT ACKNOWLEDGMENT;
4 ADVERTISING SALES.] (a) The commissioner may give away to
5 members of the public items with a value of less than ~~\$10~~ \$50
6 that are intended to promote conservation of natural resources
7 or create awareness of the state and its resources or natural
8 resource management programs. The total value of items given to
9 the public under this paragraph may not exceed \$25,000 per year.

10 (b) The commissioner may recognize the contribution of
11 money or in-kind services on plaques, signs, publications,
12 audio-visual materials, and media advertisements by allowing the
13 organization's contribution to be acknowledged in print of
14 readable size.

15 (c) The commissioner may accept paid advertising for
16 departmental publications. Advertising revenues received are
17 appropriated to the commissioner to be used to defray costs of
18 publications, media productions, or other informational
19 materials. The commissioner may not accept paid advertising
20 from any elected official or candidate for elective office.

21 Sec. 58. Minnesota Statutes 2004, section 84.027,
22 subdivision 13, is amended to read:

23 Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of
24 natural resources may adopt rules under sections 97A.0451 to
25 97A.0459 and this subdivision that are authorized under:

26 (1) chapters 97A, 97B, and 97C to set open seasons and
27 areas, to close seasons and areas, to select hunters for areas,
28 to provide for tagging and registration of game and fish, to
29 prohibit or allow taking of wild animals to protect a species,
30 to prevent or control wildlife disease, and to prohibit or allow
31 importation, transportation, or possession of a wild animal;

32 (2) sections 84.093, 84.15, and 84.152 to set seasons for
33 harvesting wild ginseng roots and wild rice and to restrict or
34 prohibit harvesting in designated areas; and

35 (3) section 84D.12 to designate prohibited invasive
36 species, regulated invasive species, unregulated nonnative

1 species, and infested waters.

2 (b) If conditions exist that do not allow the commissioner
3 to comply with sections 97A.0451 to 97A.0459, the commissioner
4 may adopt a rule under this subdivision by submitting the rule
5 to the attorney general for review under section 97A.0455,
6 publishing a notice in the State Register and filing the rule
7 with the secretary of state and the Legislative Coordinating
8 Commission, and complying with section 97A.0459, and including a
9 statement of the emergency conditions and a copy of the rule in
10 the notice. The notice may be published after it is received
11 from the attorney general or five business days after it is
12 submitted to the attorney general, whichever is earlier.

13 (c) Rules adopted under paragraph (b) are effective upon
14 publishing in the State Register and may be effective up to
15 seven days before publishing and filing under paragraph (b), if:

16 (1) the commissioner of natural resources determines that
17 an emergency exists;

18 (2) the attorney general approves the rule; and

19 (3) for a rule that affects more than three counties the
20 commissioner publishes the rule once in a legal newspaper
21 published in Minneapolis, St. Paul, and Duluth, or for a rule
22 that affects three or fewer counties the commissioner publishes
23 the rule once in a legal newspaper in each of the affected
24 counties.

25 (d) Except as provided in paragraph (e), a rule published
26 under paragraph (c), clause (3), may not be effective earlier
27 than seven days after publication.

28 (e) A rule published under paragraph (c), clause (3), may
29 be effective the day the rule is published if the commissioner
30 gives notice and holds a public hearing on the rule within 15
31 days before publication.

32 (f) The commissioner shall attempt to notify persons or
33 groups of persons affected by rules adopted under paragraphs (b)
34 and (c) by public announcements, posting, and other appropriate
35 means as determined by the commissioner.

36 (g) Notwithstanding section 97A.0458, a rule adopted under

1 this subdivision is effective for the period stated in the
2 notice but not longer than 18 months after the rule is adopted.

3 Sec. 59. Minnesota Statutes 2004, section 84.027,
4 subdivision 15, is amended to read:

5 Subd. 15. [ELECTRONIC TRANSACTIONS.] (a) The commissioner
6 may receive an application for, sell, and issue any license,
7 stamp, permit, pass, sticker, duplicate safety training
8 certification, registration, or transfer under the jurisdiction
9 of the commissioner by electronic means, including by telephone.
10 Notwithstanding section 97A.472, electronic and telephone
11 transactions may be made outside of the state. The commissioner
12 may:

13 (1) provide for the electronic transfer of funds generated
14 by electronic transactions, including by telephone;

15 (2) assign ~~a license~~ an identification number to an
16 applicant who purchases a hunting or fishing license or
17 recreational vehicle registration by electronic means, to serve
18 as temporary authorization to engage in the ~~licensed~~ activity
19 requiring a license or registration until the license or
20 registration is received or expires;

21 (3) charge and permit agents to charge a fee of individuals
22 who make electronic transactions and transactions by
23 telephone or Internet, including the issuing ~~fee under section~~
24 ~~97A.4857-subdivision-67~~ fees and an additional transaction fee
25 not to exceed \$3.50;

26 (4) ~~collect-issuing-or-filing-fees-as-provided-under~~
27 ~~sections-84.7887-subdivision-37-paragraph-(e)7-84.7987~~
28 ~~subdivision-37-paragraph-(b)7-84.827-subdivision-27-paragraph~~
29 ~~(d)7-84.82057-subdivisions-5-and-67-84.9227-subdivision-27~~
30 ~~paragraph-(e)7-85.417-subdivision-57-86B.4157-subdivision-87-and~~
31 ~~97A.4857-subdivision-67-and-collect~~ establish, by written order,
32 an electronic licensing system commission on to be paid by
33 revenues generated from all sales of licenses-as-provided-under
34 sections-85.437-paragraph-(b)7-and-97A.4857-subdivision-7 made
35 through the electronic licensing system. The commissioner shall
36 establish the commission in a manner that neither significantly

1 overrecovers nor underrecovers costs involved in providing the
2 electronic licensing system; and

3 (5) adopt rules to administer the provisions of this
4 subdivision.

5 (b) Establishment-of The transaction-fee fees established
6 under paragraph (a), clause (3), and the commission established
7 under paragraph (a), clause (4), is are not subject to the
8 rulemaking procedures of chapter 14 and section 14.386 does not
9 apply.

10 (c) Money received from fees and commissions collected
11 under this subdivision, including interest earned, is annually
12 appropriated from the game and fish fund and the natural
13 resources fund to the commissioner for the cost of electronic
14 licensing.

15 [EFFECTIVE DATE.] This section is effective July 6, 2005.

16 Sec. 60. Minnesota Statutes 2004, section 84.0911,
17 subdivision 2, is amended to read:

18 Subd. 2. [RECEIPTS.] Money received from the sale of wild
19 rice licenses issued by the commissioner under section 84.091,
20 subdivision 3, paragraph (a), clauses (1), (3), and (4), and
21 subdivision 3, paragraph (b), except for the electronic
22 licensing system commission established by the commissioner
23 under section 84.027, subdivision 15, shall be credited to the
24 wild rice management account.

25 [EFFECTIVE DATE.] This section is effective July 1, 2006.

26 Sec. 61. Minnesota Statutes 2004, section 84.780, is
27 amended to read:

28 84.780 [OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.]

29 (a) The off-highway vehicle damage account is created in
30 the natural resources fund. Money in the off-highway vehicle
31 damage account is appropriated to the commissioner of natural
32 resources for the repair or restoration of property damaged by
33 the operation of off-highway vehicles in an unpermitted area
34 after August 1, 2003, and for the costs of administration for
35 this section.

36 Before the commissioner may make a payment from this

1 account, the commissioner must determine whether the damage to
2 the property was caused by the unpermitted use of off-highway
3 vehicles, that the applicant has made reasonable efforts to
4 identify the responsible individual and obtain payment from the
5 individual, and that the applicant has made reasonable efforts
6 to prevent reoccurrence. By June 30, ~~2005~~ 2007, the
7 commissioner of finance must transfer the remaining balance in
8 the account to the off-highway motorcycle account under section
9 84.794, the off-road vehicle account under section 84.803, and
10 the all-terrain vehicle account under section 84.927. The
11 amount transferred to each account must be proportionate to the
12 amounts received in the damage account from the relevant
13 off-highway vehicle accounts.

14 (b) Determinations of the commissioner under this section
15 may be made by written order and are exempt from the rulemaking
16 provisions of chapter 14. Section 14.386 does not apply.

17 (c) This section expires July 1, ~~2005~~ 2007.

18 Sec. 62. [84.785] [OFF-HIGHWAY VEHICLE SAFETY AND
19 CONSERVATION GRANT PROGRAM.]

20 Subdivision 1. [CREATION.] The commissioner of natural
21 resources shall establish an off-highway vehicle safety and
22 conservation grant program to make grants to organizations that
23 meet the eligibility requirements under subdivision 3.

24 Subd. 2. [PURPOSE.] The purpose of the off-highway vehicle
25 safety and conservation grant program is to encourage
26 off-highway vehicle clubs to assist in safety training;
27 environmental education; and improving, maintaining, and
28 monitoring public trails. This section does not grant law
29 enforcement authority.

30 Subd. 3. [ELIGIBILITY.] To be eligible for a grant under
31 this section, an organization must:

32 (1) be a statewide, nonprofit organization that promotes
33 the operation of off-highway vehicles in a manner that is safe
34 and responsible;

35 (2) support the safe operation of off-highway vehicles in a
36 manner that does not conflict with the laws and rules that

1 relate to the operation of off-highway vehicles;

2 (3) have an interest in the safe, lawful, and responsible
3 operation of off-highway vehicles;

4 (4) be governed by a board of directors that has a majority
5 of members who are representatives of off-highway vehicle clubs;

6 and

7 (5) provide support to off-highway vehicle clubs.

8 Subd. 4. [USE OF GRANT.] An organization receiving a grant
9 under this section shall use the grant money to promote and
10 provide support to the Department of Natural Resources by:

11 (1) training volunteers to assist in improving,
12 maintaining, and monitoring public trails and other public
13 lands;

14 (2) providing assistance to the department in locating,
15 recruiting, and training instructors;

16 (3) publishing a manual in cooperation with the
17 commissioner to be used to train volunteers in monitoring the
18 operation of off-highway vehicles for safety, environmental, and
19 other issues that relate to the responsible operation of
20 off-highway vehicles;

21 (4) collecting data on the operation of off-highway
22 vehicles in the state; and

23 (5) publishing an annual report outlining accomplishments
24 and annual costs related to the efforts under this subdivision.
25 The report must be approved by the commissioner.

26 Subd. 5. [VOLUNTEER STATUS.] Volunteers of the nonprofit
27 organization and any volunteers under this section are not
28 volunteers for purposes of section 84.089.

29 Subd. 6. [WORKER DISPLACEMENT PROHIBITED.] The
30 commissioner may not enter into any agreement that has the
31 purpose of or results in the displacement of public employees by
32 volunteers participating in the off-highway vehicle safety and
33 conservation grant program under this section. The commissioner
34 must certify to the appropriate bargaining agent that the work
35 performed by a volunteer will not result in the displacement of
36 currently employed workers or workers on seasonal layoff or

1 layoff from a substantially equivalent position, including
2 partial displacement such as reduction in hours of nonovertime
3 work, wages, or other employment benefits.

4 Sec. 63. Minnesota Statutes 2004, section 84.788,
5 subdivision 3, is amended to read:

6 Subd. 3. [APPLICATION; ISSUANCE; REPORTS.] (a) Application
7 for registration or continued registration must be made to the
8 commissioner or an authorized deputy registrar of motor vehicles
9 in a form prescribed by the commissioner. The form must state
10 the name and address of every owner of the off-highway
11 motorcycle.

12 (b) A person who purchases from a retail dealer an
13 off-highway motorcycle shall make application for registration
14 to the dealer at the point of sale. The dealer shall issue a
15 dealer temporary ten-day registration permit to each purchaser
16 who applies to the dealer for registration. The dealer shall
17 submit the completed registration applications and fees to the
18 deputy registrar at least once each week. No fee may be charged
19 by a dealer to a purchaser for providing the temporary permit.

20 (c) Upon receipt of the application and the appropriate
21 fee, the commissioner or deputy registrar shall issue to the
22 applicant, or provide to the dealer, ~~a-60-day-temporary-receipt~~
23 ~~and-shall-assign-a~~ an assigned registration number that or a
24 commissioner or deputy registrar temporary ten-day permit. Once
25 issued, the registration number must be affixed to the
26 ~~motorcycle in-a-manner-prescribed-by-the-commissioner~~ according
27 to paragraph (f). A dealer subject to paragraph (b) shall
28 provide the registration materials ~~and~~ or temporary ~~receipt~~
29 permit to the purchaser within the ten-day temporary permit
30 period.

31 (d) The commissioner shall develop a registration system to
32 register vehicles under this section. A deputy registrar of
33 motor vehicles acting under section 168.33, is also a deputy
34 registrar of off-highway motorcycles. The commissioner of
35 natural resources in agreement with the commissioner of public
36 safety may prescribe the accounting and procedural requirements

1 necessary to ensure efficient handling of registrations and
2 registration fees. Deputy registrars shall strictly comply with
3 the accounting and procedural requirements.

4 (e) In addition to other fees prescribed by law, a filing
5 fee of \$4.50 is charged for each off-highway motorcycle
6 registration renewal, duplicate or replacement registration
7 card, and replacement decal and a filing fee of \$7 is charged
8 for each off-highway motorcycle registration and registration
9 transfer issued by:

10 (1) a deputy registrar and must be deposited in the
11 treasury of the jurisdiction where the deputy is appointed, or
12 kept if the deputy is not a public official; or

13 (2) the commissioner and must be deposited in the state
14 treasury and credited to the off-highway motorcycle account.

15 (f) Unless exempted under paragraph (g), the owner of an
16 off-highway motorcycle must display a registration decal issued
17 by the commissioner. If the motorcycle is licensed as a motor
18 vehicle, a registration decal must be affixed on the upper left
19 corner of the rear license plate. If the motorcycle is not
20 licensed as a motor vehicle, the decal must be attached on the
21 side of the motorcycle and may be attached to the fork tube.
22 The decal must be attached so that it is visible while a rider
23 is on the motorcycle. The decals must not exceed three inches
24 high and three inches wide.

25 (g) Display of a registration decal is not required for an
26 off-highway motorcycle while being operated on private property
27 or while competing in a closed-course competition event.

28 Sec. 64. Minnesota Statutes 2004, section 84.788, is
29 amended by adding a subdivision to read:

30 Subd. 11. [REFUNDS.] The commissioner may issue a refund
31 on a registration, not including any issuing fees paid under
32 subdivision 3, paragraph (e), or section 84.027, subdivision 15,
33 paragraph (a), clause (3), if the refund request is received
34 within 12 months of the original registration and:

35 (1) the off-highway motorcycle was registered incorrectly
36 by the commissioner or the deputy registrar; or

1 (2) the off-highway motorcycle was registered twice, once
2 by the dealer and once by the customer.

3 Sec. 65. Minnesota Statutes 2004, section 84.791,
4 subdivision 2, is amended to read:

5 Subd. 2. [FEES.] For the purposes of administering the
6 program and to defray a portion of the expenses of training and
7 certifying vehicle operators, the commissioner shall collect a
8 fee not to exceed \$5 from each person who receives the training.
9 The commissioner shall collect a fee for issuing a duplicate
10 off-highway motorcycle safety certificate. The commissioner
11 shall establish the fee for a duplicate off-highway motorcycle
12 safety certificate, to include a \$1 issuing fee for licensing
13 agents, that neither significantly overrecovers nor
14 underrecovers costs, including overhead costs, involved in
15 providing the service. The fees must, except for the issuing
16 fee for licensing agents under this subdivision, shall be
17 deposited in the state treasury and credited to the off-highway
18 motorcycle account in the natural resources fund.

19 [EFFECTIVE DATE.] This section is effective July 1, 2005.

20 Sec. 66. Minnesota Statutes 2004, section 84.798, is
21 amended by adding a subdivision to read:

22 Subd. 10. [REFUNDS.] The commissioner may issue a refund
23 on a registration, not including any issuing fees paid under
24 subdivision 3, paragraph (b), or section 84.027, subdivision 15,
25 paragraph (a), clause (3), if the refund request is received
26 within 12 months of the original registration and the vehicle
27 was registered incorrectly by the commissioner or the deputy
28 registrar.

29 Sec. 67. Minnesota Statutes 2004, section 84.82,
30 subdivision 2, is amended to read:

31 Subd. 2. [APPLICATION, ISSUANCE, REPORTS, ADDITIONAL FEE.]
32 (a) Application for registration or reregistration shall be made
33 to the commissioner or an authorized deputy registrar of motor
34 vehicles in a format prescribed by the commissioner and shall
35 state the legal name and address of every owner of the
36 snowmobile.

1 (b) A person who purchases a snowmobile from a retail
2 dealer shall make application for registration to the dealer at
3 the point of sale. The dealer shall issue a dealer temporary
4 ten-day registration permit to each purchaser who applies to the
5 dealer for registration. ~~The temporary registration is valid~~
6 ~~for 60 days from the date of issue.~~ Each retail dealer shall
7 submit completed registration and fees to the deputy registrar
8 at least once a week. No fee may be charged by a dealer to a
9 purchaser for providing the temporary permit.

10 (c) Upon receipt of the application and the appropriate fee
11 as hereinafter provided, ~~such snowmobile shall be registered and~~
12 ~~a~~ the commissioner or deputy registrar shall issue to the
13 applicant, or provide to the dealer, an assigned registration
14 number assigned which shall or a commissioner or deputy
15 registrar temporary ten-day permit. Once issued, the
16 registration number must be affixed to the snowmobile in a
17 clearly visible and permanent manner for enforcement purposes as
18 the commissioner of natural resources shall prescribe. A dealer
19 subject to paragraph (b) shall provide the registration
20 materials or temporary permit to the purchaser within the
21 temporary ten-day permit period. The registration is not valid
22 unless signed by at least one owner.

23 ~~(c)~~ (d) Each deputy registrar of motor vehicles acting
24 pursuant to section 168.33, shall also be a deputy registrar of
25 snowmobiles. The commissioner of natural resources in agreement
26 with the commissioner of public safety may prescribe the
27 accounting and procedural requirements necessary to assure
28 efficient handling of registrations and registration fees.
29 Deputy registrars shall strictly comply with these accounting
30 and procedural requirements.

31 ~~(d)~~ (e) A fee of \$2 in addition to that otherwise
32 prescribed by law shall be charged for:

33 (1) each snowmobile registered by the registrar or a deputy
34 registrar and the additional fee shall be disposed of in the
35 manner provided in section 168.33, subdivision 2; or

36 (2) each snowmobile registered by the commissioner and the

1 additional fee shall be deposited in the state treasury and
2 credited to the snowmobile trails and enforcement account in the
3 natural resources fund.

4 Sec. 68. Minnesota Statutes 2004, section 84.82, is
5 amended by adding a subdivision to read:

6 Subd. 11. [REFUNDS.] The commissioner may issue a refund
7 on a registration, not including any issuing fees paid under
8 subdivision 2, paragraph (e), or section 84.027, subdivision 15,
9 paragraph (a), clause (3), if the refund request is received
10 within 12 months of the original registration and:

11 (1) the snowmobile was registered incorrectly by the
12 commissioner or the deputy registrar; or

13 (2) the snowmobile was registered twice, once by the dealer
14 and once by the customer.

15 Sec. 69. Minnesota Statutes 2004, section 84.8205,
16 subdivision 1, is amended to read:

17 Subdivision 1. [STICKER REQUIRED; FEE.] A person may not
18 operate a snowmobile ~~that-is-not-registered-in-this-state~~ on a
19 state or grant-in-aid snowmobile trail unless a snowmobile state
20 trail sticker is affixed to the snowmobile. The commissioner of
21 natural resources shall issue a sticker upon application and
22 payment of a \$15 fee. The fee for a three-year snowmobile state
23 trail sticker that is purchased at the time of snowmobile
24 registration is \$30. In addition to other penalties prescribed
25 by law, a person in violation of this subdivision must purchase
26 an annual state trail sticker for a fee of \$30. The sticker is
27 valid from November 1 through April 30. Fees collected under
28 this section, except for the issuing fee for licensing agents
29 under this section and for the electronic licensing system
30 commission established by the commissioner under section 84.027,
31 subdivision 15, shall be deposited in the state treasury and
32 credited to the snowmobile trails and enforcement account in the
33 natural resources fund and must be used for grants-in-aid or
34 acquisition of easements for permanent recreational snowmobile
35 trails.

36 [EFFECTIVE DATE.] This section is effective July 6, 2005.

1 Sec. 70. Minnesota Statutes 2004, section 84.8205,
2 subdivision 3, is amended to read:

3 Subd. 3. [~~LICENSE AGENTS.~~] ~~County-auditors-are-appointed~~
4 ~~agents-of-the-commissioner-for-the-sale-of-snowmobile-state~~
5 ~~trail-stickers.~~ The commissioner may appoint other-state
6 ~~agencies-as~~ agents for-the-sale-of-the to issue and sell state
7 trail stickers. ~~A-county-auditor-may-appoint-subagents-within~~
8 ~~the-county-or-within-adjacent-counties-to-sell-stickers.~~---Upon
9 ~~appointment-of-a-subagent,~~the-auditor-shall-notify-the
10 ~~commissioner-of-the-name-and-address-of-the-subagent.~~---The
11 ~~auditor-may-revoke-the-appointment-of-a-subagent,~~and The
12 commissioner may revoke the appointment of a-state-agency an
13 agent at any time. ~~The-commissioner-may-require-an-auditor-to~~
14 ~~revoke-a-subagent's-appointment.~~---The-auditor-shall-furnish
15 ~~stickers-on-consignment-to-any-subagent-who-furnishes-a-surety~~
16 ~~bond-in-favor-of-the-county-in-an-amount-at-least-equal-to-the~~
17 ~~value-of-the-stickers-to-be-consigned-to-that-subagent.~~---A
18 ~~surety-bond-is-not-required-for-a-state-agency-appointed-by-the~~
19 ~~commissioner.~~---The-county-auditor-shall-be-responsible-for-all
20 ~~stickers-issued-to-and-user-fees-received-by-agents-except-in-a~~
21 ~~county-where-the-county-auditor-does-not-retain-fees-paid-for~~
22 ~~license-purposes.~~---In-these-counties, the-responsibilities
23 ~~imposed-by-this-section-upon-the-county-auditor-are-imposed-upon~~
24 ~~the-county.~~ The commissioner may promulgate adopt additional
25 rules governing-the-accounting-and-procedures-for-handling-state
26 ~~trail-stickers~~ as provided in section 97A.485, subdivision 11.

27 ~~Any-resident-desiring-to-sell-snowmobile-state-trail~~
28 ~~stickers-may-either-purchase-for-cash-or-obtain-on-consignment~~
29 ~~stickers-from-a-county-auditor-in-groups-of-not-less-than-ten~~
30 ~~individual-stickers.~~---In-selling-stickers, the-resident-shall-be
31 ~~deemed-a-subagent-of-the-county-auditor-and-the-commissioner,~~
32 and An agent shall observe all rules promulgated adopted by the
33 commissioner for accounting and handling of ~~licenses-and~~
34 ~~stickers~~ pursuant to section 97A.485, subdivision 11.

35 ~~The-county-auditor~~ An agent shall promptly deposit and
36 remit all money received from the sale of the stickers with-the

1 ~~county-treasurer-and-shall-promptly-transmit-any-reports~~
 2 ~~required-by-the-commissioner,-plus-96-percent-of-the-price-paid~~
 3 ~~by-each-stickerholder, exclusive of the issuing fee, for-each~~
 4 ~~sticker-sold-or-consigned-by-the-auditor-and-subsequently-sold~~
 5 ~~to-a-stickerholder-during-the-accounting-period.--The-county~~
 6 ~~auditor-shall-retain-as-a-commission-four-percent-of-all-sticker~~
 7 ~~fees,-excluding-the-issuing-fee-for-stickers-consigned-to~~
 8 ~~subagents-and-the-issuing-fee-on-stickers-sold-by-the-auditor-to~~
 9 ~~stickerholders to the commissioner.~~

10 ~~Unsold-stickers-in-the-hands-of-any-subagent-shall-be~~
 11 ~~redeemed-by-the-commissioner-if-presented-for-redemption-within~~
 12 ~~the-time-prescribed-by-the-commissioner.--Any-stickers-not~~
 13 ~~presented-for-redemption-within-the-period-prescribed-shall-be~~
 14 ~~conclusively-presumed-to-have-been-sold,-and-the-subagent~~
 15 ~~possessing-the-same-or-to-whom-they-are-charged-shall-be~~
 16 ~~accountable.~~

17 [EFFECTIVE DATE.] This section is effective July 6, 2005.

18 Sec. 71. Minnesota Statutes 2004, section 84.8205,
 19 subdivision 4, is amended to read:

20 Subd. 4. [DISTRIBUTION ISSUANCE OF STICKERS.] The
 21 commissioner and agents shall provide issue and sell snowmobile
 22 state trail stickers to all agents authorized to issue stickers
 23 by the commissioner.

24 [EFFECTIVE DATE.] This section is effective July 6, 2005.

25 Sec. 72. Minnesota Statutes 2004, section 84.8205,
 26 subdivision 6, is amended to read:

27 Subd. 6. [DUPLICATE STATE TRAIL STICKERS.] The
 28 commissioner and agents shall issue a duplicate sticker to
 29 persons whose sticker is lost or destroyed using the process
 30 established under section 97A.405, subdivision 3, and rules
 31 promulgated thereunder. The fee for a duplicate state trail
 32 sticker is \$2, with an issuing fee of 50 cents.

33 [EFFECTIVE DATE.] This section is effective July 6, 2005.

34 Sec. 73. Minnesota Statutes 2004, section 84.83,
 35 subdivision 3, is amended to read:

36 Subd. 3. [PURPOSES FOR THE ACCOUNT.] The money deposited

1 in the account and interest earned on that money may be expended
2 only as appropriated by law for the following purposes:

3 (1) for a grant-in-aid program to counties and
4 municipalities for construction and maintenance of snowmobile
5 trails, including maintenance of trails on lands and waters of
6 Voyageurs National Park, on Lake of the Woods, on Rainy Lake,
7 and on the following lakes in St. Louis County: Burntside,
8 Crane, Little Long, Mud, Pelican, Shagawa, and Vermilion;

9 (2) for acquisition, development, and maintenance of state
10 recreational snowmobile trails;

11 (3) for snowmobile safety programs; and

12 (4) for the administration and enforcement of sections
13 84.81 to 84.91 and appropriated grants to local law enforcement
14 agencies.

15 Sec. 74. Minnesota Statutes 2004, section 84.83,
16 subdivision 4, is amended to read:

17 Subd. 4. [PROVISIONS APPLICABLE TO FUNDING RECIPIENTS.]

18 (a) Recipients of Minnesota trail assistance program funds must
19 be afforded the same protection and be held to the same standard
20 of liability as a political subdivision under chapter 466 for
21 activities associated with the administration, design,
22 construction, maintenance, and grooming of snowmobile trails.

23 (b) Recipients of Minnesota trail assistance program funds
24 who maintain ice trails on public waters listed under
25 subdivision 3, clause (1), or on waters of Voyageurs National
26 Park are expressly immune from liability under section 466.03,
27 subdivision 6e.

28 Sec. 75. Minnesota Statutes 2004, section 84.86,
29 subdivision 1, is amended to read:

30 Subdivision 1. [REQUIRED RULES.] With a view of achieving
31 maximum use of snowmobiles consistent with protection of the
32 environment the commissioner of natural resources shall adopt
33 rules in the manner provided by chapter 14, for the following
34 purposes:

35 (1) Registration of snowmobiles and display of registration
36 numbers.

1 (2) Use of snowmobiles insofar as game and fish resources
2 are affected.

3 (3) Use of snowmobiles on public lands and waters, or on
4 grant-in-aid trails.

5 (4) Uniform signs to be used by the state, counties, and
6 cities, which are necessary or desirable to control, direct, or
7 regulate the operation and use of snowmobiles.

8 (5) Specifications relating to snowmobile mufflers.

9 (6) A comprehensive snowmobile information and safety
10 education and training program, including but not limited to the
11 preparation and dissemination of snowmobile information and
12 safety advice to the public, the training of snowmobile
13 operators, and the issuance of snowmobile safety certificates to
14 snowmobile operators who successfully complete the snowmobile
15 safety education and training course. For the purpose of
16 administering such program and to defray expenses of training
17 and certifying snowmobile operators, the commissioner shall
18 collect a fee from each person who receives the youth or adult
19 training. The commissioner shall collect a fee, to include a \$1
20 issuing fee for licensing agents, for issuing a duplicate
21 snowmobile safety certificate. The commissioner shall establish
22 both fees in a manner that neither significantly overrecovers
23 nor underrecovers costs, including overhead costs, involved in
24 providing the services. The fees are not subject to the
25 rulemaking provisions of chapter 14 and section 14.386 does not
26 apply. The fees may be established by the commissioner
27 notwithstanding section 16A.1283. The fees must, except for the
28 issuing fee for licensing agents under this subdivision, shall
29 be deposited in the snowmobile trails and enforcement account in
30 the natural resources fund and the amount thereof, except for
31 the electronic licensing system commission established by the
32 commissioner under section 84.027, subdivision 15, and issuing
33 fees collected by the commissioner, is appropriated annually to
34 the Enforcement Division of the Department of Natural Resources
35 for the administration of such programs. In addition to the fee
36 established by the commissioner, instructors may charge each

1 person up to the established fee amount for class materials and
2 expenses. The commissioner shall cooperate with private
3 organizations and associations, private and public corporations,
4 and local governmental units in furtherance of the program
5 established under this clause. School districts may cooperate
6 with the commissioner and volunteer instructors to provide space
7 for the classroom portion of the training. The commissioner
8 shall consult with the commissioner of public safety in regard
9 to training program subject matter and performance testing that
10 leads to the certification of snowmobile operators.

11 (7) The operator of any snowmobile involved in an accident
12 resulting in injury requiring medical attention or
13 hospitalization to or death of any person or total damage to an
14 extent of \$500 or more, shall forward a written report of the
15 accident to the commissioner on such form as the commissioner
16 shall prescribe. If the operator is killed or is unable to file
17 a report due to incapacitation, any peace officer investigating
18 the accident shall file the accident report within ten business
19 days.

20 [EFFECTIVE DATE.] This section is effective July 6, 2005.

21 Sec. 76. Minnesota Statutes 2004, section 84.922,
22 subdivision 2, is amended to read:

23 Subd. 2. [APPLICATION, ISSUANCE, REPORTS.] (a) Application
24 for registration or continued registration shall be made to the
25 ~~commissioner of natural resources, the commissioner of public~~
26 ~~safety~~ or an authorized deputy registrar of motor vehicles in a
27 form prescribed by the commissioner. The form must state the
28 name and address of every owner of the vehicle.

29 (b) A person who purchases an all-terrain vehicle from a
30 retail dealer shall make application for registration to the
31 dealer at the point of sale. The dealer shall issue a dealer
32 temporary ten-day registration permit to each purchaser who
33 applies to the dealer for registration. The dealer shall submit
34 the completed registration application and fees to the deputy
35 registrar at least once each week. No fee may be charged by a
36 dealer to a purchaser for providing the temporary permit.

1 (c) Upon receipt of the application and the appropriate
2 fee, the commissioner or deputy registrar shall issue to the
3 applicant, or provide to the dealer, ~~a-60-day-temporary-receipt~~
4 ~~and-shall-assign-a~~ an assigned registration number ~~that or a~~
5 commissioner or deputy registrar temporary ten-day permit. Once
6 issued, the registration number must be affixed to the vehicle
7 in a manner prescribed by the commissioner. A dealer subject to
8 paragraph (b) shall provide the registration materials ~~and or~~
9 ~~temporary receipt~~ permit to the purchaser within the ten-day
10 temporary permit period. The commissioner shall use the
11 snowmobile registration system to register vehicles under this
12 section.

13 (d) Each deputy registrar of motor vehicles acting under
14 section 168.33, is also a deputy registrar of all-terrain
15 vehicles. The commissioner of natural resources in agreement
16 with the commissioner of public safety may prescribe the
17 accounting and procedural requirements necessary to assure
18 efficient handling of registrations and registration fees.
19 Deputy registrars shall strictly comply with the accounting and
20 procedural requirements.

21 (e) In addition to other fees prescribed by law, a filing
22 fee of \$4.50 is charged for each all-terrain vehicle
23 registration renewal, duplicate or replacement registration
24 card, and replacement decal and a filing fee of \$7 is charged
25 for each all-terrain vehicle registration and registration
26 transfer issued by:

27 (1) a deputy registrar and shall be deposited in the
28 treasury of the jurisdiction where the deputy is appointed, or
29 retained if the deputy is not a public official; or

30 (2) the commissioner and shall be deposited to the state
31 treasury and credited to the all-terrain vehicle account in the
32 natural resources fund.

33 Sec. 77. Minnesota Statutes 2004, section 84.922, is
34 amended by adding a subdivision to read:

35 Subd. 12. [REFUNDS.] The commissioner may issue a refund
36 on a registration, not including any issuing fees paid under

1 subdivision 2, paragraph (e), or section 84.027, subdivision 15,
2 paragraph (a), clause (3), if the refund request is received
3 within 12 months of the original registration and:

4 (1) the vehicle was registered incorrectly by the
5 commissioner or the deputy registrar; or

6 (2) the vehicle was registered twice, once by the dealer
7 and once by the customer.

8 Sec. 78. Minnesota Statutes 2004, section 84.925,
9 subdivision 1, is amended to read:

10 Subdivision 1. [PROGRAM ESTABLISHED.] (a) The commissioner
11 shall establish a comprehensive all-terrain vehicle
12 environmental and safety education and training program,
13 including the preparation and dissemination of vehicle
14 information and safety advice to the public, the training of
15 all-terrain vehicle operators, and the issuance of all-terrain
16 vehicle safety certificates to vehicle operators over the age of
17 12 years who successfully complete the all-terrain vehicle
18 environmental and safety education and training course.

19 (b) For the purpose of administering the program and to
20 defray a portion of the expenses of training and certifying
21 vehicle operators, the commissioner shall collect a fee of \$15
22 from each person who receives the training. The commissioner
23 shall collect a fee, to include a \$1 issuing fee for licensing
24 agents, for issuing a duplicate all-terrain vehicle safety
25 certificate. The commissioner shall establish the fee for a
26 duplicate all-terrain vehicle safety certificate that neither
27 significantly overrecovers nor underrecovers costs, including
28 overhead costs, involved in providing the service. Fee
29 proceeds, except for the issuing fee for licensing agents under
30 this subdivision, shall be deposited in the all-terrain vehicle
31 account in the natural resources fund.

32 (c) The commissioner shall cooperate with private
33 organizations and associations, private and public corporations,
34 and local governmental units in furtherance of the program
35 established under this section. School districts may cooperate
36 with the commissioner and volunteer instructors to provide space

1 for the classroom portion of the training. The commissioner
2 shall consult with the commissioner of public safety in regard
3 to training program subject matter and performance testing that
4 leads to the certification of vehicle operators. By June 30,
5 2003, the commissioner shall incorporate a riding component in
6 the safety education and training program.

7 [EFFECTIVE DATE.] This section is effective July 6, 2005.

8 Sec. 79. Minnesota Statutes 2004, section 84D.03,
9 subdivision 4, is amended to read:

10 Subd. 4. [COMMERCIAL FISHING AND TURTLE, FROG, AND
11 CRAYFISH HARVESTING RESTRICTIONS IN INFESTED AND NONINFESTED
12 WATERS.] (a) All nets, traps, buoys, anchors, stakes, and lines
13 used for commercial fishing or turtle, frog, or crayfish
14 harvesting in an infested waters, water that is designated
15 because the-waters-contain it contains invasive fish or
16 invertebrates, may not be used in noninfested any other waters.
17 If a commercial licensee operates in both noninfested-waters-and
18 an infested waters water designated because the-waters-contain
19 it contains invasive fish or invertebrates and other waters, all
20 nets, traps, buoys, anchors, stakes, and lines used for
21 commercial fishing or turtle, frog, or crayfish harvesting in
22 noninfested waters not designated as infested with invasive fish
23 or invertebrates must be tagged with tags provided by the
24 commissioner, as specified in the commercial licensee's license
25 or permit, and may not be used in infested waters designated
26 because the waters contain invasive fish or invertebrates.

27 ~~(b) In-infested-waters-designated-solely-because-the-waters~~
28 ~~contain-Eurasian-water-milfoil,~~ All nets, traps, buoys, anchors,
29 stakes, and lines used for commercial fishing or turtle, frog,
30 or crayfish harvesting in an infested water that is designated
31 solely because it contains Eurasian water milfoil must be dried
32 for a minimum of ten days or frozen for a minimum of two days
33 before they are used in noninfested any other waters, except as
34 provided in this paragraph. Commercial operators licensees must
35 notify the department's regional or area fisheries office or a
36 conservation officer when before removing nets or equipment from

1 an infested waters water designated solely because it contains
2 Eurasian water milfoil and before resetting those nets or
3 equipment in noninfested any other waters. All-aquatic
4 macrophytes Upon notification, the commissioner may authorize a
5 commercial licensee to move nets or equipment to another water
6 without freezing or drying, if that water is designated as
7 infested solely because it contains Eurasian water milfoil.

8 (c) A commercial licensee must be-removed remove all
9 aquatic macrophytes from nets and other equipment when the nets
10 and equipment are removed from infested waters of the state.

11 (d) The commissioner shall provide a commercial licensee
12 with a current listing of designated infested waters at the time
13 that a license or permit is issued.

14 Sec. 80. Minnesota Statutes 2004, section 85.054,
15 subdivision 1, is amended to read:

16 Subdivision 1. [STATE PARK OPEN HOUSE DAY.] (a) A state
17 park permit is not required for a motor vehicle to enter a state
18 park, state monument, state recreation area, or state wayside,
19 on one day each calendar year at each park, which the
20 commissioner may designate as State Park Open House Day. The
21 commissioner may designate two consecutive days as State Park
22 Open House Day, if the open house is held in conjunction with a
23 special pageant described in section 85.052, subdivision 2.

24 (b) The commissioner shall announce the date of each state
25 park open house day at least 30 days in advance of the date it
26 occurs.

27 (c) The state park open house day is to acquaint the
28 public with state parks, recreation areas, and waysides.

29 Sec. 81. Minnesota Statutes 2004, section 85.054, is
30 amended by adding a subdivision to read:

31 Subd. 11. [BIG BOG STATE RECREATION AREA.] A state park
32 permit is not required and a fee may not be charged for motor
33 vehicle entry or parking at the parking area located north of
34 Tamarac River in the southern unit of Big Bog State Recreation
35 Area, Beltrami County.

36 Sec. 82. Minnesota Statutes 2004, section 85.055, is

1 amended by adding a subdivision to read:

2 Subd. 1b. [DISCOUNTS.] Except as otherwise specified in
 3 law, and notwithstanding section 16A.1285, subdivision 2, the
 4 commissioner may by written order authorize waiver or reduction
 5 of state park entrance fees.

6 Sec. 83. Minnesota Statutes 2004, section 85.055,
 7 subdivision 2, is amended to read:

8 Subd. 2. [FEE DEPOSIT AND APPROPRIATION.] The fees
 9 collected under this section shall be deposited in the natural
 10 resources fund and credited to a the state parks account. Money
 11 in the account, except for the electronic licensing system
 12 commission established by the commissioner under section 84.027,
 13 subdivision 15, is annually appropriated to the commissioner to
 14 operate and maintain the state park system.

15 [EFFECTIVE DATE.] This section is effective July 6, 2005.

16 Sec. 84. Minnesota Statutes 2004, section 85.43, is
 17 amended to read:

18 85.43 [DISPOSITION OF RECEIPTS; PURPOSE.]

19 ~~(a)~~ Fees from cross-country ski passes shall be deposited
 20 in the state treasury and credited to a cross-country ski
 21 account in the natural resources fund and, ~~except as provided in~~
 22 ~~paragraph-(b)~~ for the electronic licensing system commission
 23 established by the commissioner under section 84.027,
 24 subdivision 15, are appropriated to the commissioner of natural
 25 resources for:

26 (1) grants-in-aid for cross-country ski trails sponsored by
 27 local units of government and special park districts as provided
 28 in section 85.44; and

29 (2) maintenance, winter grooming, and associated
 30 administrative costs for cross-country ski trails under the
 31 jurisdiction of the commissioner.

32 ~~(b)-The-commissioner-shall-retain-for-the-operation-of-the~~
 33 ~~electronic-licensing-system-a-commission-of-4.7-percent-of-all~~
 34 ~~cross-country-ski-pass-fees-collected-~~

35 [EFFECTIVE DATE.] This section is effective July 6, 2005.

36 Sec. 85. Minnesota Statutes 2004, section 86B.415, is

1 amended by adding a subdivision to read:

2 Subd. 11. [REFUNDS.] The commissioner may issue a refund
 3 on a license or title, not including any issuing fees paid under
 4 subdivision 8 or section 84.027, subdivision 15, paragraph (a),
 5 clause (3), or 86B.870, subdivision 1, paragraph (b), if the
 6 refund request is received within 12 months of the original
 7 license or title and:

8 (1) the watercraft was licensed or titled incorrectly by
 9 the commissioner or the deputy registrar;

10 (2) the customer was incorrectly charged a title fee; or

11 (3) the watercraft was licensed or titled twice, once by
 12 the dealer and once by the customer.

13 Sec. 86. [86B.706] [WATER RECREATION ACCOUNT; RECEIPTS AND
 14 PURPOSE.]

15 Subdivision 1. [CREATION.] The water recreation account is
 16 created in the state treasury in the natural resources fund.

17 Subd. 2. [MONEY DEPOSITED IN ACCOUNT.] The following shall
 18 be deposited in the state treasury and credited to the water
 19 recreation account:

20 (1) fees and surcharges from titling and licensing of
 21 watercraft under this chapter;

22 (2) fines, installment payments, and forfeited bail
 23 according to section 86B.705, subdivision 2;

24 (3) civil penalties according to section 84D.13;

25 (4) mooring fees and receipts from the sale of marine gas
 26 at state-operated or state-assisted small craft harbors and
 27 mooring facilities according to section 86A.21;

28 (5) the unrefunded gasoline tax attributable to watercraft
 29 use under section 296A.18; and

30 (6) fees for permits issued to control or harvest aquatic
 31 plants other than wild rice under section 103G.615, subdivision
 32 2.

33 Subd. 3. [PURPOSES.] The money in the account may be
 34 expended only as appropriated by law for the following purposes:

35 (1) as directed under section 296A.18, subdivision 2, for
 36 acquisition, development, maintenance, and rehabilitation of

1 public water access and boating facilities on public waters;
2 lake and river improvements; and boat and water safety;

3 (2) from the fees collected at state-operated or
4 state-assisted small craft harbors and mooring facilities from
5 daily and seasonal moorings and the sale of marine gas, for
6 maintenance, operation, replacement, and expansion of these
7 facilities and for the debt service on state bonds sold to
8 finance these facilities;

9 (3) for administration and enforcement of this chapter as
10 it pertains to titling and licensing of watercraft and use and
11 safe operation of watercraft; grants for county-sponsored and
12 administered boat and water safety programs; and state boat and
13 water safety efforts;

14 (4) for management of aquatic invasive species and the
15 implementation of chapter 84D as it pertains to aquatic invasive
16 species, including control, public awareness, law enforcement,
17 assessment and monitoring, management planning, and research;
18 and

19 (5) for management of aquatic plants and the implementation
20 of section 103G.615 as it pertains to aquatic plants, including
21 plant removal permitting, control, public awareness, law
22 enforcement, assessment and monitoring, management planning, and
23 research.

24 Sec. 87. [87A.01] [DEFINITIONS.]

25 Subdivision 1. [APPLICABILITY.] The definitions in this
26 section apply to sections 87A.01 to 87A.08.

27 Subd. 2. [PERSON.] "Person" means an individual,
28 association, proprietorship, partnership, corporation, club,
29 political subdivision, or other legal entity.

30 Subd. 3. [SHOOTING RANGE OR RANGE.] "Shooting range" or
31 "range" means an area or facility designated or operated
32 primarily for the use of firearms, as defined in section
33 97A.015, subdivision 19, or archery, and includes shooting
34 preserves as described in section 97A.115 or any other Minnesota
35 law.

36 Subd. 4. [SHOOTING RANGE PERFORMANCE STANDARDS.] "Shooting

1 range performance standards" means those rules adopted by the
2 commissioner of natural resources under section 87A.02 for the
3 safe operation of shooting ranges.

4 Subd. 5. [LOCAL UNIT OF GOVERNMENT.] "Local unit of
5 government" means a home rule charter or statutory city, county,
6 town, or other political subdivision.

7 [EFFECTIVE DATE.] This section is effective the day
8 following final enactment.

9 Sec. 88. [87A.02] [SHOOTING RANGE PERFORMANCE STANDARDS.]

10 Subdivision 1. [ADOPTION OF STANDARDS; REVIEW.] (a) The
11 commissioner of natural resources must develop and adopt
12 shooting range performance standards according to the expedited
13 rulemaking process under section 14.389. The shooting range
14 performance standards must provide for compliance with
15 applicable noise standards under section 87A.05 and for the safe
16 use of shooting ranges within their boundaries, including the
17 containment of projectiles.

18 (b) The shooting range performance standards must provide
19 for the operation of shooting preserves within the boundaries of
20 the preserve, including an exemption from any discharge distance
21 limitations generally applicable to hunting on other land, when
22 the shooting preserve is in compliance with all other applicable
23 laws and is in operation on or before the effective date of the
24 performance standards adopted under this section or prior to the
25 development of any structure that would cause the preserve to be
26 out of compliance with the discharge distance.

27 (c) The commissioner must review the shooting range
28 performance standards at least once every five years and revise
29 them if necessary for the safe operation of shooting ranges.

30 (d) In the adoption of any amendments to the shooting range
31 performance standards adopted under paragraph (a), the
32 commissioner shall follow all notice and public hearing
33 requirements for the regular rule adoption process under
34 sections 14.001 to 14.28.

35 Subd. 2. [INTERIM STANDARDS.] Until the commissioner of
36 natural resources adopts the shooting range performance

1 standards under subdivision 1, paragraph (a), the November 1999
2 revised edition of the National Rifle Association's Range Source
3 Book: A Guide to Planning and Construction shall serve as the
4 interim shooting range performance standards, having the full
5 effect of the shooting range performance standards for purposes
6 of this chapter. The interim shooting range performance
7 standards sunset and have no further effect under this chapter
8 upon the effective date of the shooting range performance
9 standards adopted under subdivision 1, paragraph (a).

10 [EFFECTIVE DATE.] This section is effective the day
11 following final enactment.

12 Sec. 89. [87A.03] [COMPLIANT RANGES; AUTHORIZED
13 ACTIVITIES.]

14 Subdivision 1. [AUTHORIZED ACTIVITIES.] A shooting range
15 that operates in compliance with the shooting range performance
16 standards must be permitted to do all of the following within
17 its geographic boundaries, under the same or different ownership
18 or occupancy, if done in accordance with shooting range
19 performance standards:

20 (1) operate the range and conduct activities involving the
21 discharge of firearms;

22 (2) expand or increase its membership or opportunities for
23 public participation related to the primary activity as a
24 shooting range;

25 (3) make those repairs or improvements desirable to meet or
26 exceed requirements of shooting range performance standards;

27 (4) increase events and activities related to the primary
28 activity as a shooting range;

29 (5) conduct shooting activities and discharge firearms
30 daily between 7:00 a.m. and 10:00 p.m. A local unit of
31 government with zoning jurisdiction over a shooting range may
32 extend the hours of operation by the issuance of a special or
33 conditional use permit; and

34 (6) acquire additional lands to be used for buffer zones or
35 noise mitigation efforts or to otherwise comply with this
36 chapter.

1 Subd. 2. [NONCONFORMING USE.] A shooting range that is a
2 nonconforming use shall be allowed to conduct additional
3 shooting activities within the range's lawful property
4 boundaries as of the date the range became a nonconforming use,
5 provided the shooting range remains in compliance with noise and
6 shooting range performance standards under this chapter.

7 Subd. 3. [COMPLIANCE WITH OTHER LAW.] Nothing in this
8 section exempts any newly constructed or remodeled building on a
9 shooting range from compliance with fire safety, handicapped
10 accessibility, elevator safety, bleacher safety, or other
11 provisions of the State Building Code that have mandatory
12 statewide application.

13 [EFFECTIVE DATE.] This section is effective the day
14 following final enactment.

15 Sec. 90. [87A.04] [MITIGATION AREA.]

16 (a) Except for those uses, developments, and structures in
17 existence or for which approval has been granted by October 1,
18 2005, no change in use, new development, or construction of a
19 structure shall be approved for any portion of property within
20 750 feet of the perimeter property line of an outdoor shooting
21 range if the change in use, development, or construction would
22 cause a preexisting outdoor shooting range in compliance with
23 this chapter to become out of compliance.

24 (b) A change in use, new development, or construction of a
25 structure may be approved under this section if the person
26 seeking approval agrees to provide any mitigation required to
27 keep the range in compliance with this chapter. The approving
28 authority, instead of the person requesting the change in use,
29 new development, or construction of a structure may provide any
30 mitigation required under this section. The person requesting
31 approval under this section is responsible for providing
32 documentation if no mitigation is required under this section.
33 Failure to provide the documentation or any mitigation required
34 under this section exempts the range from being out of
35 compliance with the shooting range performance and noise
36 standards of this chapter with regard to the property

1 responsible for the mitigation. Any action brought by the owner
 2 of the property against the range is subject to section 87A.06.
 3 With the permission of the range operator, any mitigation
 4 required under this section may be provided on the range
 5 property.

6 [EFFECTIVE DATE.] This section is effective the day
 7 following final enactment.

8 Sec. 91. [87A.05] [NOISE STANDARDS.]

9 Allowable noise levels for the operation of a shooting
 10 range are the levels determined by replacing the steady state
 11 noise L10 and L50 state standards for each period of time within
 12 each noise area's classification with a single Leq(h) standard
 13 for impulsive noise that is two dBA lower than that of the L10
 14 level for steady state noise. The noise level shall be measured
 15 outside of the range property at the location of the receiver's
 16 activity according to Minnesota Rules, parts 7030.0010 to
 17 7030.0080. For purposes of this section, "Leq(h)" means the
 18 energy level that is equivalent to a steady state level that
 19 contains the same amount of sound energy as the time varying
 20 sound level for a 60-minute time period.

21 [EFFECTIVE DATE.] This section is effective the day
 22 following final enactment.

23 Sec. 92. [87A.06] [NUISANCE ACTIONS; COMPLIANCE WITH
 24 SHOOTING RANGE PERFORMANCE STANDARDS.]

25 A person who owns, operates, or uses a shooting range in
 26 this state that is in compliance with shooting range performance
 27 standards is not subject to any nuisance action based on noise
 28 or other matters regulated by the shooting range performance
 29 standards. This section does not prohibit an action that seeks
 30 damages for personal physical injury or tangible damage to
 31 property caused by acts or omissions involving the operation of
 32 the range or by a person using the range.

33 [EFFECTIVE DATE.] This section is effective the day
 34 following final enactment.

35 Sec. 93. [87A.07] [CLOSURE OF SHOOTING RANGES.]

36 Subdivision 1. [CLOSURE.] Except as otherwise provided in

1 sections 87A.01 to 87A.08, a shooting range that is in
2 compliance with shooting range performance standards and the
3 requirements of sections 87A.01 to 87A.08 shall not be forced to
4 permanently close or permanently cease any activity related to
5 the primary use of the shooting range unless the range or
6 activity is found to be a clear and immediate safety hazard. In
7 any action brought to compel the permanent closure of any range
8 in compliance with shooting range performance standards and this
9 chapter, or to permanently cease any activity related to the
10 primary use of the shooting range, there is a rebuttable
11 presumption that the range or activity is not a clear and
12 immediate safety hazard. If the shooting range provides
13 evidence that the cause of a proven safety hazard can be
14 mitigated so as to eliminate the safety hazard, the court shall
15 not order the permanent closure of the range, or permanent
16 ceasing of the activity found to be a clear and immediate safety
17 hazard, unless the range operator fails to implement the
18 necessary mitigation to remove the safety hazard by the date
19 that is determined reasonable by the court.

20 Subd. 2. [PRELIMINARY INJUNCTIONS.] Nothing in this
21 section prohibits a court from granting a preliminary injunction
22 against any activity determined to be a probable clear and
23 immediate safety hazard, or against any individual determined to
24 be the probable cause of an alleged clear and immediate safety
25 hazard, pending the final determination of the existence of the
26 safety hazard.

27 Subd. 3. [PERMANENT INJUNCTIONS.] A court may grant a
28 permanent injunction only against a particular activity or
29 person instead of permanently closing the range unless the court
30 finds that the remaining operations also pose a safety hazard
31 under this section.

32 [EFFECTIVE DATE.] This section is effective the day
33 following final enactment.

34 Sec. 94. [87A.08] [APPLICABILITY OF OTHER LAWS.]

35 Subdivision 1. [PUBLIC SAFETY LAWS; ZONING.] (a) Nothing
36 in this chapter prohibits enforcement of any federal law. To

1 the extent consistent with this chapter, other state laws
 2 regarding the health, safety, and welfare of the public may be
 3 enforced. To the extent consistent with this chapter, a local
 4 unit of government with zoning authority jurisdiction over a
 5 shooting range may enforce its applicable ordinances and permits.

6 (b) If the operator of the shooting range shows evidence
 7 that the range can be brought into compliance with the
 8 applicable state law, local ordinance, or permit, the range may
 9 not be permanently closed unless the range operator fails to
 10 bring the range into compliance with the applicable law,
 11 ordinance, or permit under this section by the date that the
 12 court determines reasonable. Nothing in this section prohibits
 13 a court from granting a preliminary injunction against any
 14 activity determined to be a violation of a law, ordinance, or
 15 permit under this section or against any individual determined
 16 to be causing an alleged violation, pending the final
 17 determination of the existence of the violation.

18 Subd. 2. [PERMANENT INJUNCTIONS.] A court may grant a
 19 permanent injunction only against a particular activity or
 20 person instead of permanently closing the range unless the court
 21 finds that the remaining operations also create a violation
 22 under this section.

23 [EFFECTIVE DATE.] This section is effective the day
 24 following final enactment.

25 Sec. 95. Minnesota Statutes 2004, section 88.6435,
 26 subdivision 4, is amended to read:

27 Subd. 4. [FOREST BOUGH ACCOUNT; DISPOSITION OF PERMIT FEES
 28 AND-PENALTIES.] (a) The forest bough account is established in
 29 the state treasury within the natural resources fund.

30 (b) Fees for permits issued under this section shall be
 31 deposited in the state treasury and credited to the ~~special~~
 32 revenue-fund forest bough account and, except for the electronic
 33 licensing system commission established by the commissioner
 34 under section 84.027, subdivision 15, are annually appropriated
 35 to the commissioner of natural resources for costs associated
 36 with balsam bough educational programs for harvesters and buyers.

1 [EFFECTIVE DATE.] This section is effective July 6, 2005.

2 Sec. 96. Minnesota Statutes 2004, section 89.039,
3 subdivision 1, is amended to read:

4 Subdivision 1. [ACCOUNT ESTABLISHED; SOURCES.] The forest
5 management investment account is created in the natural
6 resources fund in the state treasury and money in the account
7 may be spent only for the purposes provided in subdivision 2.
8 The following revenue shall be deposited in the forest
9 management investment account:

10 (1) timber sales receipts transferred from the consolidated
11 conservation areas account as provided in section 84A.51,
12 subdivision 2;

13 (2) timber sales receipts from forest lands as provided in
14 section 89.035; and

15 (3) money transferred from the forest suspense account
16 according to section 16A.125, subdivision 5; and

17 (4) interest accruing from investment of the account.

18 Sec. 97. Minnesota Statutes 2004, section 89.37, is
19 amended by adding a subdivision to read:

20 Subd. 4a. [SURCHARGE.] For tree seedlings sold according
21 to this section, the commissioner may assess a 2.5 cent
22 surcharge on each tree seedling. All surcharges collected under
23 this subdivision must be deposited in the state treasury and
24 credited to the forest nursery account and are annually
25 appropriated to the commissioner for the purpose of forestry
26 education and technical assistance.

27 Sec. 98. Minnesota Statutes 2004, section 90.195, is
28 amended to read:

29 90.195 [SPECIAL USE PERMIT.]

30 The commissioner may issue a permit to salvage or cut not
31 to exceed 12 cords of fuelwood per year for personal use from
32 either or both of the following sources: (1) dead, down, and
33 diseased trees; (2) other trees that are of negative value under
34 good forest management practices. The permits may be issued for
35 a period not to exceed one year. The commissioner shall charge
36 a fee not less than \$57 in an amount up to the stumpage for the

1 permit that shall cover the commissioner's cost of issuing the
2 permit and shall not exceed the current market value of fuelwood
3 of similar species, grade, and volume that is being sold in the
4 area where the salvage or cutting is authorized under the permit.

5 Sec. 99. Minnesota Statutes 2004, section 97A.055,
6 subdivision 4b, is amended to read:

7 Subd. 4b. [CITIZEN OVERSIGHT SUBCOMMITTEES.] (a) The
8 commissioner shall appoint subcommittees of affected persons to
9 review the reports prepared under subdivision 4; review the
10 proposed work plans and budgets for the coming year; propose
11 changes in policies, activities, and revenue enhancements or
12 reductions; review other relevant information; and make
13 recommendations to the legislature and the commissioner for
14 improvements in the management and use of money in the game and
15 fish fund.

16 (b) The commissioner shall appoint the following
17 subcommittees, each comprised of at least three affected persons:

18 (1) a Fisheries Operations Subcommittee to review fisheries
19 funding, excluding activities related to trout and salmon stamp
20 funding;

21 (2) a Wildlife Operations Subcommittee to review wildlife
22 funding, excluding activities related to migratory waterfowl,
23 pheasant, and turkey stamp funding and excluding review of the
24 amounts available under section 97A.075, subdivision 1,
25 paragraphs (b) and (c);

26 (3) a Big Game Subcommittee to review the report required
27 in subdivision 4, paragraph (a), clause (2);

28 (4) an Ecological Services Operations Subcommittee to
29 review ecological services funding;

30 (5) a subcommittee to review game and fish fund funding of
31 enforcement, support services, and Department of Natural
32 Resources administration;

33 (6) a subcommittee to review the trout and salmon stamp
34 report and address funding issues related to trout and salmon;

35 (7) a subcommittee to review the report on the migratory
36 waterfowl stamp and address funding issues related to migratory

1 waterfowl;

2 (8) a subcommittee to review the report on the pheasant
3 stamp and address funding issues related to pheasants; and

4 (9) a subcommittee to review the report on the turkey stamp
5 and address funding issues related to wild turkeys.

6 (c) The chairs of each of the subcommittees shall form a
7 Budgetary Oversight Committee to coordinate the integration of
8 the subcommittee reports into an annual report to the
9 legislature; recommend changes on a broad level in policies,
10 activities, and revenue enhancements or reductions; provide a
11 forum to address issues that transcend the subcommittees; and
12 submit a report for any subcommittee that fails to submit its
13 report in a timely manner.

14 (d) The Budgetary Oversight Committee shall develop
15 recommendations for a biennial budget plan and report for
16 expenditures on game and fish activities. By August 15 of each
17 even-numbered year, the committee shall submit the budget plan
18 recommendations to the commissioner.

19 (e) Each subcommittee shall choose its own chair, except
20 that the chair of the Budgetary Oversight Committee shall be
21 appointed by the commissioner and may not be the chair of any of
22 the subcommittees.

23 (f) The Budgetary Oversight Committee must make
24 recommendations to the commissioner for outcome goals from
25 expenditures.

26 (g) Notwithstanding section 15.059, subdivision 5, or other
27 law to the contrary, the Budgetary Oversight Committee and
28 subcommittees do not expire until June 30, ~~2005~~ 2010.

29 [EFFECTIVE DATE.] This section is effective the day
30 following final enactment.

31 Sec. 100. Minnesota Statutes 2004, section 97A.061,
32 subdivision 1, is amended to read:

33 Subdivision 1. [APPLICABILITY; AMOUNT.] (a) The
34 commissioner shall annually make a payment to each county having
35 public hunting areas and game refuges. Money to make the
36 payments is annually appropriated for that purpose from the

1 general fund. Except as provided in paragraph (b), this section
2 does not apply to state trust fund land and other state land not
3 purchased for game refuge or public hunting purposes. Except as
4 provided in paragraph (b), the payment shall be the greatest of:

5 (1) 35 percent of the gross receipts from all special use
6 permits and leases of land acquired for public hunting and game
7 refuges;

8 (2) 50 cents per acre on land purchased actually used for
9 public hunting or game refuges; or

10 (3) three-fourths of one percent of the appraised value of
11 purchased land actually used for public hunting and game refuges.

12 (b) The payment shall be 50 percent of the dollar amount
13 adjusted for inflation as determined under section 477A.12,
14 subdivision 1, paragraph (a), clause (1), multiplied by the
15 number of acres of land in the county that are owned by another
16 state agency for military purposes and designated as a game
17 refuge under section 97A.085.

18 (c) The payment must be reduced by the amount paid under
19 subdivision 3 for croplands managed for wild geese.

20 ~~(e)~~ (d) The appraised value is the purchase price for five
21 years after acquisition. The appraised value shall be
22 determined by the county assessor every five years after
23 acquisition.

24 [EFFECTIVE DATE.] This section is effective for aids paid
25 in calendar year 2007 and thereafter.

26 Sec. 101. Minnesota Statutes 2004, section 97A.075,
27 subdivision 3, is amended to read:

28 Subd. 3. [TROUT AND SALMON STAMP.] (a) Ninety percent of
29 the revenue from trout and salmon stamps must be credited to the
30 trout and salmon management account. Money in the account may
31 be used only for:

32 (1) the development, restoration, maintenance, improvement,
33 protection, and preservation of habitat for trout and salmon in
34 trout streams and lakes, including, but not limited to,
35 evaluating habitat; stabilizing eroding stream banks; adding
36 fish cover; modifying stream channels; managing vegetation to

1 protect, shade, or reduce runoff on stream banks; and purchasing
 2 equipment to accomplish these tasks;

3 (2) rearing of trout and salmon and, including utility and
 4 service costs associated with coldwater hatchery buildings and
 5 systems; stocking of trout and salmon in streams and lakes and
 6 Lake Superior; and monitoring and evaluating stocked trout and
 7 salmon;

8 (3) acquisition of easements and fee title along trout
 9 waters;

10 (4) identifying easement and fee title areas along trout
 11 waters; and

12 (5) research and special management projects on trout
 13 streams, trout lakes, and Lake Superior and the-anadromous
 14 portions of its tributaries.

15 (b) Money in the account may not be used for costs unless
 16 they are directly related to a specific parcel of land or body
 17 of water under paragraph (a) or, to specific fish rearing
 18 activities under paragraph (a), clause (2), or for costs
 19 associated with supplies and equipment to implement trout and
 20 salmon management activities under paragraph (a).

21 Sec. 102. Minnesota Statutes 2004, section 97A.4742,
 22 subdivision 4, is amended to read:

23 Subd. 4. [ANNUAL REPORT.] By December 15 each year, the
 24 commissioner shall submit a report to the legislative committees
 25 having jurisdiction over environment and natural resources
 26 appropriations and environment and natural resources policy.
 27 The report shall state the amount of revenue received in and
 28 expenditures made from revenue transferred from the lifetime
 29 fish and wildlife trust fund to the game and fish fund ~~and shall~~
 30 ~~describe-projects-funded, locations-of-the-projects, and results~~
 31 ~~and-benefits-from-the-projects.~~ The report may be included in
 32 the game and fish fund report required by section 97A.055,
 33 subdivision 4. The commissioner shall make the annual report
 34 available to the public.

35 Sec. 103. Minnesota Statutes 2004, section 97A.482, is
 36 amended to read:

1 97A.482 [LICENSE APPLICATIONS; COLLECTION OF SOCIAL
2 SECURITY NUMBERS.]

3 (a) All applicants for individual noncommercial game and
4 fish licenses under this chapter and chapters 97B and 97C must
5 include the applicant's social security number on the license
6 application. If an applicant does not have a Social Security
7 number, the applicant must certify that the applicant does not
8 have a Social Security number.

9 (b) The Social Security numbers collected by the
10 commissioner on game and fish license applications are private
11 data under section 13.355, subdivision 1, and must be provided
12 by the commissioner to the commissioner of human services for
13 child support enforcement purposes. Title IV-D of the Social
14 Security Act, United States Code, title 42, section 666(a)(13),
15 requires the collection of Social Security numbers on game and
16 fish license applications for child support enforcement purposes.

17 (c) The commissioners of human services and natural
18 resources shall request a waiver from the secretary of health
19 and human services to exclude any applicant under the age of 16
20 from the requirement under this section to provide the
21 applicant's Social Security number. If a waiver is granted,
22 this section will be so amended effective January 1, 2006, or
23 upon the effective date of the waiver, whichever is later.

24 Sec. 104. Minnesota Statutes 2004, section 97A.485,
25 subdivision 7, is amended to read:

26 Subd. 7. [ELECTRONIC LICENSING SYSTEM COMMISSION.] The
27 commissioner shall retain for the operation of the electronic
28 licensing system ~~a-commission-of-4.7-percent-of~~ the commission
29 established under section 84.027, subdivision 15, and issuing
30 fees collected by the commissioner on all license fees
31 collected, excluding:

32 (1) the small game surcharge; and

33 (2) ~~all-issuing-fees,-and~~

34 ~~{3}~~ \$2.50 of the license fee for the licenses in section
35 97A.475, subdivisions 6, clauses (1), (2), and (4), 7, 8, 12,
36 and 13.

1 [EFFECTIVE DATE.] This section is effective July 6, 2005.

2 Sec. 105. Minnesota Statutes 2004, section 97A.551, is
3 amended by adding a subdivision to read:

4 Subd. 6. [TAGGING AND REGISTRATION.] The commissioner may,
5 by rule, require persons taking, possessing, and transporting
6 certain species of fish to tag the fish with a special fish
7 management tag and may require registration of tagged fish. A
8 person may not possess or transport a fish species taken in the
9 state for which a special fish management tag is required unless
10 a tag is attached to the fish in a manner prescribed by the
11 commissioner. The commissioner shall prescribe the manner of
12 issuance and the type of tag as authorized under section
13 97C.087. The tag must be attached to the fish as prescribed by
14 the commissioner immediately upon reducing the fish to
15 possession and must remain attached to the fish until the fish
16 is processed or consumed. Species for which a special fish
17 management tag is required must be transported undressed.

18 Sec. 106. Minnesota Statutes 2004, section 97B.015,
19 subdivision 7, is amended to read:

20 Subd. 7. [FEE FOR DUPLICATE CERTIFICATE.] The commissioner
21 shall collect a fee, to include a \$1 issuing fee for licensing
22 agents, for issuing a duplicate firearms safety certificate.
23 The commissioner shall establish a fee that neither
24 significantly overrecovers nor underrecovers costs, including
25 overhead costs, involved in providing the service. The fee is
26 not subject to the rulemaking provisions of chapter 14 and
27 section 14.386 does not apply. The commissioner may establish
28 the fee notwithstanding section 16A.1283. The duplicate
29 certificate fees, except for the issuing fee for licensing
30 agents under this subdivision, shall be deposited in the game
31 and fish fund and, except for the electronic licensing system
32 commission established by the commissioner under section 84.027,
33 subdivision 15, and issuing fees collected by the commissioner,
34 are appropriated annually to the Enforcement Division of the
35 Department of Natural Resources for the administration of the
36 firearm safety course program.

1 [EFFECTIVE DATE.] This section is effective July 6, 2005.

2 Sec. 107. Minnesota Statutes 2004, section 97B.025, is
3 amended to read:

4 97B.025 [HUNTER AND TRAPPER EDUCATION.]

5 (a) The commissioner may establish education courses for
6 hunters and trappers. The commissioner shall collect a fee from
7 each person attending a course. A fee, to include a \$1 issuing
8 fee for licensing agents, shall be collected for issuing a
9 duplicate certificate. The commissioner shall establish the
10 fees in a manner that neither significantly overrecovers nor
11 underrecovers costs, including overhead costs, involved in
12 providing the services. The fees are not subject to the
13 rulemaking provisions of chapter 14 and section 14.386 does not
14 apply. The commissioner may establish the fees notwithstanding
15 section 16A.1283. The fees, except for the issuing fee for
16 licensing agents under this subdivision, shall be deposited in
17 the game and fish fund and the amount thereof, except for the
18 electronic licensing system commission established by the
19 commissioner under section 84.027, subdivision 15, is
20 appropriated annually to the Enforcement Division of the
21 Department of Natural Resources for the administration of the
22 program. In addition to the fee established by the commissioner
23 for each course, instructors may charge each person up to the
24 established fee amount for class materials and expenses. School
25 districts may cooperate with the commissioner and volunteer
26 instructors to provide space for the classroom portion of the
27 training.

28 (b) The commissioner shall enter into an agreement with a
29 statewide nonprofit trappers association to conduct a trapper
30 education program. At a minimum, the program must include at
31 least six hours of classroom and in the field training. The
32 program must include a review of state trapping laws and
33 regulations, trapping ethics, the setting and tending of traps
34 and snares, tagging and registration requirements, and the
35 preparation of pelts. The association shall be responsible for
36 all costs of conducting the education program, and shall not

1 charge any fee for attending the course.

2 [EFFECTIVE DATE.] This section is effective July 6, 2005.

3 Sec. 108. Minnesota Statutes 2004, section 97C.085, is
4 amended to read:

5 97C.085 [PERMIT REQUIRED FOR TAGGING FISH.]

6 A person may not tag or otherwise mark a live fish for
7 identification without a permit from the commissioner, except
8 for special fish management tags as authorized under section
9 97A.551.

10 Sec. 109. [97C.087] [SPECIAL FISH MANAGEMENT TAGS.]

11 Subdivision 1. [TAGS TO BE ISSUED.] If the commissioner
12 determines it is necessary to require that a species of fish be
13 tagged with a special fish management tag, the commissioner
14 shall prescribe, by rule, the species to be tagged, tagging
15 procedures, and eligibility requirements.

16 Subd. 2. [APPLICATION FOR TAG.] Application for special
17 fish management tags must be accompanied by a \$5, nonrefundable
18 application fee for each tag. A person may not make more than
19 one tag application each year. If a person makes more than one
20 application, the person is ineligible for a special fish
21 management tag for that season after determination by the
22 commissioner, without a hearing.

23 Sec. 110. Minnesota Statutes 2004, section 103E.081, is
24 amended by adding a subdivision to read:

25 Subd 2a. [PLANTING TREES OVER PUBLIC TILE.] A person must
26 not knowingly plant trees over a public drain tile, unless the
27 person planting the trees receives permission from the drainage
28 authority.

29 Sec. 111. Minnesota Statutes 2004, section 103E.081, is
30 amended by adding a subdivision to read:

31 Subd. 2b. [PLANTING TREES OVER PRIVATE TILE.] A person
32 must not knowingly plant trees over a private drain tile that
33 provides for the drainage of land owned or leased by another
34 person, unless the person planting the trees receives permission
35 from all persons who receive drainage benefits from the drain
36 tile.

1 Sec. 112. [103F.950] [BEAVER DAMAGE CONTROL GRANTS.]

2 Subdivision 1. [ESTABLISHMENT.] The Board of Water and
3 Soil Resources shall establish a beaver damage control grant
4 program to provide grants for the control of beaver activities
5 causing damage to public waters, roads, and ditches and adjacent
6 private property. The grants may be made to:

7 (1) a joint powers board established under section 471.59
8 by two or more governmental units;

9 (2) soil and water conservation districts; and

10 (3) Indian tribal governments.

11 Subd. 2. [GRANT AMOUNT.] The board may provide up to 50
12 percent of the costs of implementing a beaver damage control
13 program by a joint powers board.

14 Subd. 3. [AWARDING OF GRANTS.] Applications for grants
15 must be made to the board on forms prescribed by the
16 commissioner. The board shall consult with town supervisors and
17 county commissioners representing different areas of the state
18 in developing the application form. A joint powers board
19 seeking a grant may be required to supply information on the
20 beaver control program it has adopted, the extent of the problem
21 in the geographic area covered by the joint powers agreement,
22 and the ability of the joint powers board to match the state
23 grant. The board may prioritize the grant applications based
24 upon the information requested as part of the grant application.

25 Subd. 4. [REPORT.] (a) Within one year after receiving a
26 grant under this section, a joint powers board must report to
27 the Board of Water and Soil Resources on the joint powers
28 board's efforts to control beaver in the area.

29 (b) By December 15 of each even-numbered year, the board
30 shall report to the senate and house environment and natural
31 resources policy and finance committees on the efforts under
32 this section to control beaver.

33 Sec. 113. Minnesota Statutes 2004, section 103G.271,
34 subdivision 6, is amended to read:

35 Subd. 6. [WATER USE PERMIT PROCESSING FEE.] (a) Except as
36 described in paragraphs (b) to (f), a water use permit

1 processing fee must be prescribed by the commissioner in
2 accordance with the schedule of fees in this subdivision for
3 each water use permit in force at any time during the year. The
4 schedule is as follows, with the stated fee in each clause
5 applied to the total amount appropriated:

6 (1) \$101 for amounts not exceeding 50,000,000 gallons per
7 year;

8 (2) \$3 per 1,000,000 gallons for amounts greater than
9 50,000,000 gallons but less than 100,000,000 gallons per year;

10 (3) \$3.50 per 1,000,000 gallons for amounts greater than
11 100,000,000 gallons but less than 150,000,000 gallons per year;

12 (4) \$4 per 1,000,000 gallons for amounts greater than
13 150,000,000 gallons but less than 200,000,000 gallons per year;

14 (5) \$4.50 per 1,000,000 gallons for amounts greater than
15 200,000,000 gallons but less than 250,000,000 gallons per year;

16 (6) \$5 per 1,000,000 gallons for amounts greater than
17 250,000,000 gallons but less than 300,000,000 gallons per year;

18 (7) \$5.50 per 1,000,000 gallons for amounts greater than
19 300,000,000 gallons but less than 350,000,000 gallons per year;

20 (8) \$6 per 1,000,000 gallons for amounts greater than
21 350,000,000 gallons but less than 400,000,000 gallons per year;

22 (9) \$6.50 per 1,000,000 gallons for amounts greater than
23 400,000,000 gallons but less than 450,000,000 gallons per year;

24 (10) \$7 per 1,000,000 gallons for amounts greater than
25 450,000,000 gallons but less than 500,000,000 gallons per year;

26 and

27 (11) \$7.50 per 1,000,000 gallons for amounts greater than
28 500,000,000 gallons per year.

29 (b) For once-through cooling systems, a water use
30 processing fee must be prescribed by the commissioner in
31 accordance with the following schedule of fees for each water
32 use permit in force at any time during the year:

33 (1) for nonprofit corporations and school districts, \$150
34 per 1,000,000 gallons; and

35 (2) for all other users, ~~\$200~~ \$300 per 1,000,000 gallons.

36 (c) The fee is payable based on the amount of water

1 appropriated during the year and, except as provided in
2 paragraph (f), the minimum fee is \$100.

3 (d) For water use processing fees other than once-through
4 cooling systems:

5 (1) the fee for a city of the first class may not exceed
6 \$250,000 per year;

7 (2) the fee for other entities for any permitted use may
8 not exceed:

9 (i) \$50,000 per year for an entity holding three or fewer
10 permits;

11 (ii) \$75,000 per year for an entity holding four or five
12 permits;

13 (iii) \$250,000 per year for an entity holding more than
14 five permits;

15 (3) the fee for agricultural irrigation may not exceed \$750
16 per year;

17 (4) the fee for a municipality that furnishes electric
18 service and cogenerates steam for home heating may not exceed
19 \$10,000 for its permit for water use related to the cogeneration
20 of electricity and steam; and

21 (5) no fee is required for a project involving the
22 appropriation of surface water to prevent flood damage or to
23 remove flood waters during a period of flooding, as determined
24 by the commissioner.

25 (e) Failure to pay the fee is sufficient cause for revoking
26 a permit. A penalty of two percent per month calculated from
27 the original due date must be imposed on the unpaid balance of
28 fees remaining 30 days after the sending of a second notice of
29 fees due. A fee may not be imposed on an agency, as defined in
30 section 16B.01, subdivision 2, or federal governmental agency
31 holding a water appropriation permit.

32 (f) The minimum water use processing fee for a permit
33 issued for irrigation of agricultural land is \$20 for years in
34 which:

35 (1) there is no appropriation of water under the permit; or

36 (2) the permit is suspended for more than seven consecutive

1 days between May 1 and October 1.

2 (g) A surcharge of \$20 per million gallons in addition to
3 the fee prescribed in paragraph (a) shall be applied to the
4 volume of water used in June, July, and August that exceeds the
5 volume of water used in January for municipal water use,
6 irrigation of golf courses, and landscape irrigation.

7 Sec. 114. Minnesota Statutes 2004, section 103G.301,
8 subdivision 2, is amended to read:

9 Subd. 2. [PERMIT APPLICATION FEES.] (a) An application for
10 a permit authorized under this chapter, and each request to
11 amend or transfer an existing permit, must be accompanied by a
12 permit application fee to defray the costs of receiving,
13 recording, and processing the application or request to amend or
14 transfer.

15 (b) The fee to apply for a permit to appropriate water, a
16 permit to construct or repair a dam that is subject to dam
17 safety inspection, or a state general permit or to apply for the
18 state water bank program is \$75 \$150. The application fee for a
19 permit to work in public waters or to divert waters for mining
20 must be at least \$75 \$150, but not more than ~~\$500~~ \$1,000,
21 according to a schedule of fees adopted under section 16A.1285.

22 Sec. 115. Minnesota Statutes 2004, section 103G.615,
23 subdivision 2, is amended to read:

24 Subd. 2. [FEES.] (a) The commissioner shall establish a
25 fee schedule for permits to control or harvest aquatic plants
26 other than wild rice. The fees must be set by rule, and section
27 16A.1283 does not apply. The fees may not exceed \$750 per
28 permit based upon the cost of receiving, processing, analyzing,
29 and issuing the permit, and additional costs incurred after the
30 application to inspect and monitor the activities authorized by
31 the permit, and enforce aquatic plant management rules and
32 permit requirements.

33 (b) The fee for a permit for the control of rooted aquatic
34 vegetation is \$35 for each contiguous parcel of shoreline owned
35 by an owner. This fee may not be charged for permits issued in
36 connection with purple loosestrife control or lakewide Eurasian

1 water milfoil control programs.

2 (c) A fee may not be charged to the state or a federal
3 governmental agency applying for a permit.

4 (d) The money received for the permits under this
5 subdivision shall be deposited in the treasury and credited to
6 the ~~game-and-fish-fund~~ water recreation account.

7 Sec. 116. Minnesota Statutes 2004, section 103I.681,
8 subdivision 11, is amended to read:

9 Subd. 11. [PERMIT FEE SCHEDULE.] (a) The commissioner of
10 natural resources shall adopt a permit fee schedule under
11 chapter 14. The schedule may provide minimum fees for various
12 classes of permits, and additional fees, which may be imposed
13 subsequent to the application, based on the cost of receiving,
14 processing, analyzing, and issuing the permit, and the actual
15 inspecting and monitoring of the activities authorized by the
16 permit, including costs of consulting services.

17 (b) A fee may not be imposed on a state or federal
18 governmental agency applying for a permit.

19 (c) The fee schedule may provide for the refund of a fee,
20 in whole or in part, under circumstances prescribed by the
21 commissioner of natural resources. Permit Fees received must be
22 deposited in the state treasury and credited to the general
23 fund. ~~The amount of money necessary to pay the refunds is~~
24 Permit fees received are appropriated annually from the general
25 fund to the commissioner of natural resources for the costs of
26 inspecting and monitoring the activities authorized by the
27 permit, including costs of consulting services.

28 Sec. 117. Minnesota Statutes 2004, section 115.03,
29 subdivision 4a, is amended to read:

30 Subd. 4a. [SECTION 401 CERTIFICATIONS.] (a) The following
31 definitions apply to this subdivision:

32 (1) "section 401 certification" means a water quality
33 certification required under section 401 of the federal Clean
34 Water Act, United States Code, title 33, section 1341; and

35 (2) "nationwide federal general permit" means a nationwide
36 general permit issued by the United States Army Corps of

1 ~~Engineers and listed in Code of Federal Regulations, title 40,~~
2 ~~part 330, appendix A~~ under section 404 of the federal Clean
3 Water Act, United States Code, title 33, section 1344; and

4 (3) "professional review" means review of federal permits
5 or licenses that require section 401 certification before
6 issuance by professional or technical agency staff experienced
7 with section 401 water quality certification.

8 (b) The agency commissioner is responsible for providing
9 section 401 certifications for nationwide federal permits or
10 licenses that require section 401 certification before issuance
11 of the federal permit or license.

12 (c) Before making a final decision on a section 401
13 certification for regional conditions on a nationwide federal
14 general permit, the agency commissioner shall hold at least one
15 public meeting outside the seven-county metropolitan area.

16 (d) In addition to other notice required by law, the agency
17 shall provide written notice of a meeting at which the agency
18 will be considering a section 401 certification for regional
19 conditions on a nationwide federal general permit at least 21
20 days before the date of the meeting to the members of the senate
21 and house of ~~representatives environment and natural resources~~
22 ~~committees, the senate Agriculture and Rural Development~~
23 ~~Committee, and the house of representatives Agriculture~~
24 Committee policy committees with jurisdiction over environment
25 and agriculture.

26 (e) Beginning July 1, 2005, the commissioner shall collect
27 a fee on individual section 401 certifications that are not
28 subject to a federal general permit or a letter of permission in
29 the amount of \$350 per certification and an additional \$200 for
30 each acre of wetland or surface water that is subject to the
31 section 401 certification. All fees collected by the
32 commissioner under this section shall be deposited in the
33 environmental fund and are appropriated to the agency for the
34 purpose of providing professional review and notification.

35 (f) A decision by the commissioner to waive review of
36 section 401 certification must include a written notice to

1 project applicants that they remain responsible for complying
2 with all water quality standards and other applicable statutes
3 and rules and that the commissioner retains the authority to
4 enforce violations of applicable standards, statutes, and rules,
5 including assessment of penalties.

6 (g) The commissioner shall provide access to all public
7 notices of applications for section 401 certification, their
8 status, and the decision to certify, deny, or waive any
9 application on the agency's Internet Web site, and may publish
10 these documents in any other appropriate public medium. All
11 public comments must be attached to the official public record
12 waiver decision and be available for review upon request. All
13 publications shall include the project's location, including
14 county, township, range and section, street address, or
15 directions.

16 [EFFECTIVE DATE.] This section is effective the day
17 following final enactment.

18 Sec. 118. Minnesota Statutes 2004, section 115.551, is
19 amended to read:

20 115.551 [TANK FEE.]

21 (a) An installer shall pay a fee of \$25 for each septic
22 system tank installed in the previous calendar year. The fees
23 required under this section must be paid to the commissioner by
24 January 30 of each year. The revenue derived from the fee
25 imposed under this section shall be deposited in the
26 environmental fund and is exempt from section 16A.1285.

27 (b) Notwithstanding paragraph (a), for the purposes of
28 performance-based individual sewage treatment systems, the tank
29 fee is limited to \$25 per household system installation.

30 Sec. 119. Minnesota Statutes 2004, section 115B.48,
31 subdivision 8, is amended to read:

32 Subd. 8. [FULL-TIME EQUIVALENCE.] "Full-time equivalence"
33 means 2,000 hours worked by employees, owners, and others in a
34 dry cleaning facility during a 12-month period beginning July 1
35 of the preceding year and running through June 30 of the year in
36 which the annual registration fee is due. For those dry

1 cleaning facilities that were in business less than the 12-month
2 period, full-time equivalence means the total of all of the
3 hours worked in the dry cleaning facility, divided by 2,000 and
4 multiplied by a fraction, the numerator of which is 50 and the
5 denominator of which is the number of weeks in business during
6 the reporting period. For the purposes of section 115B.49, an
7 owner working 2,000 hours or more shall be considered as one
8 full-time equivalent.

9 Sec. 120. Minnesota Statutes 2004, section 115B.49, is
10 amended by adding a subdivision to read:

11 Subd. 5. [FEE ADJUSTMENT.] Notwithstanding section
12 16A.1285, each fiscal year the commissioner shall adjust the
13 fees in subdivision 4 as necessary to maintain an annual income
14 to the account of \$650,000.

15 Sec. 121. [116H.55] [DEFINITIONS.]

16 Subdivision 1. [SCOPE.] For the purposes of this chapter,
17 the following terms have the meanings given.

18 Subd. 2. [CATHODE RAY TUBE OR CRT.] "Cathode ray tube" or
19 "CRT" means a vacuum tube or picture tube used to convert an
20 electronic signal into a visual image. It is composed primarily
21 of glass, and is the video display component of a television or
22 computer monitor, and includes other items integrally attached
23 to the CRT.

24 Subd. 3. [COMPUTER MONITOR.] "Computer monitor" means an
25 electronic device that is a cathode ray tube or flat panel
26 display primarily intended to display information from a central
27 processing unit or the Internet. Computer monitor includes a
28 laptop computer.

29 Subd. 4. [FULL TRUCKLOAD.] "Full truckload" means a
30 quantity weighing 25,000 pounds or more of video display devices.

31 Subd. 5. [HENNEPIN COUNTY STUDY.] "Hennepin County study"
32 means the Hennepin County Consumer Electronics Brand Tally,
33 published January 2005.

34 Subd. 6. [HOUSEHOLD.] "Household" means an occupant of a
35 single detached dwelling unit or a single unit of a multiple
36 dwelling unit who has used a video display device at a dwelling

1 unit primarily for personal use.

2 Subd. 7. [INTERMEDIATE CONSOLIDATION POINT.] "Intermediate
3 consolidation point" means a facility in the state approved by
4 the Office of Environmental Assistance pursuant to section
5 116H.65, paragraph (d), clause (3), where local governments and
6 households can deliver for consolidation video display devices
7 generated by households and destined for recycling,
8 refurbishment, or reuse. The facility may be operated by a
9 private entity or a local unit of government, and must be
10 capable of consolidating a full truckload of video display
11 devices from households in accordance with all applicable
12 federal, state, and local laws, rules, regulations, and
13 ordinances.

14 Subd. 8. [MANUFACTURER.] "Manufacturer" means a person
15 who: (1) manufactures video display devices to be sold under
16 its own brand as identified by its own brand label; or (2) sells
17 video display devices manufactured by others under its own brand
18 as identified by its own brand label.

19 Subd. 9. [MANUFACTURER'S BRANDS.] "Manufacturer's brands"
20 means a manufacturer's name, brand name, or brand label, and all
21 manufacturer's names, brand names, and brand labels for which
22 the manufacturer has legal responsibility, including those
23 manufacturer's names, brand names, and brand labels of companies
24 that have been acquired by the manufacturer.

25 Subd. 10. [OFFICE.] "Office" means the Office of
26 Environmental Assistance.

27 Subd. 11. [ORPHAN WASTE.] "Orphan waste" means a video
28 display device covered by this section for which (1) no
29 manufacturer can be identified, or (2) the manufacturer no
30 longer exists and no successor can be identified.

31 Subd. 12. [PRO RATA SHARE.] "Pro rata share" means the
32 percentage that is the proportion, multiplied by 100, of the
33 total weight of video display devices, of the manufacturer's
34 brands registered by a registrant, as required by section
35 116H.60, paragraph (e), received at intermediate consolidation
36 points divided by the total weight of video display devices

1 received at intermediate consolidation points, as determined by
2 the sampling program at intermediate consolidation points
3 pursuant to section 116H.65, paragraph (d), clause (1). The pro
4 rata share for the first program year shall be based on the
5 Hennepin County study.

6 Subd. 13. [REGISTRANT.] "Registrant" means a manufacturer
7 that submits the registration required by section 116H.60,
8 paragraph (a), or an independent party that submits the
9 registration required by section 116H.60, paragraph (a), in lieu
10 of a manufacturer.

11 Subd. 14. [SELL OR SALE.] "Sell" or "sale" means any
12 transfer for consideration of title or of the right to use, by
13 lease or sales contract, including, but not limited to,
14 transactions conducted through sales outlets, catalogs, or the
15 Internet, or any other similar electronic means either inside or
16 outside of the state, by a person who conducts the transaction
17 and controls the delivery of a video display device to a
18 consumer in the state, but does not include a wholesale
19 transaction with a distributor or a retailer.

20 Subd. 15. [TELEVISION.] "Television" means an electronic
21 device that is a cathode ray tube or flat panel display
22 primarily intended to receive video programming via broadcast,
23 cable, or satellite transmission or video from surveillance or
24 other similar cameras.

25 Subd. 16. [VIDEO DISPLAY DEVICE.] "Video display device"
26 means a computer monitor or television with a screen size
27 greater than eight inches measured diagonally. The term "video
28 display device" does not include a video display device that is
29 part of or contained in a motor vehicle; industrial, commercial,
30 or medical equipment; or any appliance.

31 Sec. 122. [116H.60] [REGISTRATION PROGRAM.]

32 (a) On and after July 1, 2006, a retailer or manufacturer
33 may not sell or offer for sale a new video display device to any
34 person in the state unless:

35 (1) the video display device is labeled with the
36 manufacturer's brand, which label is permanently affixed and

1 readily visible; and

2 (2) the video display device is subject to a registration
3 filed by a registrant with the office according to this section,
4 with the registration effective upon receipt by the office.

5 (b) A retailer or manufacturer who sells or offers for sale
6 a new video display device to a consumer in this state must,
7 before initial offer for sale of the device, submit to the
8 office a certification that the retailer or manufacturer has
9 reviewed the office's Web site specified in paragraph (h), and
10 has determined that all new video display devices that the
11 retailer or manufacturer is then offering for sale are labeled
12 with manufacturer's brands that are subject to registration
13 statements filed with the office. After the initial submittal,
14 the certification must be submitted to the office annually by
15 July 10 of each year, effective as of July 1 of each year. A
16 retailer is not responsible for an unlawful sale under this
17 paragraph if the registration expired or was revoked and the
18 retailer took possession of the video display device prior to
19 the expiration or revocation of the registration and the
20 unlawful sale occurred within six months after the expiration or
21 revocation.

22 (c) By February 1, 2006, a manufacturer of video display
23 devices sold to a consumer in this state must submit a
24 registration to the office that includes a certification that a
25 registrant will participate in the intermediate consolidation
26 point program as specified in paragraph (m) beginning July 1,
27 2006. A manufacturer who begins to sell or offer for sale video
28 display devices after February 1, 2006, and has not filed a
29 registration pursuant to this section must submit a registration
30 to the office within ten days of beginning to sell or offer for
31 sale video display devices to consumers in the state. The
32 registration is effective upon receipt by the office.

33 (d) The registration must list the manufacturer's brands.
34 The registration must be updated within ten days after a change
35 in the manufacturer's brands, such as in the event of an
36 acquisition, merger, or divestiture.

1 (e) A registrant may partner with one or more manufacturers
2 or other parties, collectively a "registrant," to prepare and
3 submit to the office a joint video display device recycling,
4 refurbishment, or reuse program.

5 (f) Each manufacturer who registers under this section must
6 pay an annual fee which is deposited in an electronic waste
7 account established in the environmental fund. The fee is equal
8 to \$2,000 multiplied by the manufacturer's pro rata share of
9 video display devices as determined under section 116H.55,
10 subdivision 12. A manufacturer registered under this section
11 whose pro rata share is less than 0.25 percent must pay a
12 minimum fee of \$500. Money in the electronic waste account is
13 appropriated to the office for the purpose of administering the
14 program.

15 (g) The office shall develop procedures to administer and
16 implement the registration program under this section and shall
17 present them to the legislature by January 15, 2006.

18 (h) The office must review each registration and notify the
19 registrant if the registration does not include the information
20 required by this section. Within 30 days of receipt of a
21 notification from the office, the registrant must file with the
22 office a revised registration providing the information noted by
23 the office.

24 (i) The office must maintain on its Web site the names of
25 the registrants and the manufacturers' brands that are listed in
26 registrations filed with the office. The office must update the
27 Web site information promptly upon receipt of a new registration
28 or an updated registration.

29 (j) The obligations of a manufacturer or registrant apply
30 only to video display devices received from households in this
31 state and do not apply to video display devices received from
32 owners other than households.

33 (k) Persons who receive a video display device for
34 recycling, refurbishment, or reuse pursuant to a registration
35 may recycle, refurbish, or reuse, including resell, the video
36 display device. Except to the extent otherwise required by law,

1 the persons have no responsibility for any data that may be on
2 the video display device if an information storage device is
3 included with the video display device.

4 (1) A city, county, or other public agency may not require
5 households to use the intermediate consolidation point program
6 to recycle their video display devices to the exclusion of other
7 programs legally available. Nothing in this chapter prohibits
8 or restricts any video display recycling programs that are in
9 addition to those provided by manufacturers or registrants or
10 prohibits or restricts any persons from receiving, storing,
11 transporting, or recycling video display devices.

12 (m) By October 1 of each year, each registrant must submit
13 a report to the office that describes the implementation of the
14 program during the preceding program year. The program year is
15 July 1 through June 30. The first report must be submitted by
16 October 1, 2007. The report must:

17 (1) identify the total weight of the video display devices
18 that the registrant has arranged for pickup from intermediate
19 consolidation points during the preceding year, and the total
20 weight of video display devices that the registrant has received
21 from households through other methods during the preceding year
22 and for which the registrant has used such video display devices
23 to satisfy all or a portion of its pro rata share responsibility
24 during the preceding year; and

25 (2) describe the processes and methods used to recycle,
26 refurbish, or reuse video display devices that the registrant
27 has arranged for pickup from intermediate collection points
28 during the preceding year and that the registrant has received
29 from households through other methods, and for which the
30 registrant has used such video display devices to satisfy all or
31 a portion of its pro rata share responsibility during the
32 preceding year; and, in particular, identify any disassembly,
33 physical recovery operation including crushing, shredding,
34 grinding, or glass to glass recycling, or any other operation
35 that was used and describe where it took place. The report must
36 also discuss whether these activities included procedures

1 described in the United States Environmental Protection Agency's
2 guidelines for the environmentally sound management of
3 electronic equipment.

4 (n) Participation in the intermediate consolidation point
5 program requires that a registrant must:

6 (1) arrange for the pickup and recycling of a full
7 truckload or full truckloads of computer monitor video display
8 devices or television video display devices received by
9 intermediate consolidation points after July 1, 2006, up to the
10 registrant's pro rata share of computer monitor video display
11 devices or television video display devices, from intermediate
12 consolidation points, pursuant to procedures developed under
13 paragraph (g), capable of consolidating a full truckload of
14 video display devices from households in accordance with all
15 applicable federal, state, and local laws, rules, regulations,
16 and ordinances; and

17 (2) arrange for the pickup and recycling of the
18 registrant's pro rata share of orphan waste by weight from
19 intermediate consolidation points, pursuant to procedures
20 developed under paragraph (g).

21 (o) Registrants are responsible for the costs of pickup and
22 recycling of the video display devices. A registrant may
23 satisfy a portion or all of its pro rata share responsibility by
24 receipt of video display devices from households through other
25 methods if the registrant has not charged for the recycling,
26 refurbishment, or reuse of the video display devices that the
27 registrant has received from households in this state through
28 the other methods. A registrant who intends to satisfy a
29 portion or all of its pro rata share responsibility by receipt
30 of the video display devices from households through other
31 methods must provide the office with a report of its receipt of
32 video display devices through the other methods on a quarterly
33 basis.

34 (p) After receipt of the report required by paragraph (m)
35 to be filed on October 1, 2009, the office must review the
36 performance of the program and may issue performance standards

1 related to the number of units collected per household.

2 Sec. 123. [116H.65] [DUTIES OF OFFICE.]

3 (a) The office must administer and enforce this chapter.

4 (b) The office must establish procedures for:

5 (1) receipt and maintenance of the registration statements
6 and certifications filed with the office pursuant to section
7 116H.60; and

8 (2) making the statements and certifications easily
9 available to registrants, manufacturers, distributors,
10 retailers, and members of the public.

11 (c) On or before December 1, 2010, and every three years
12 thereafter, the office must provide a report to the governor and
13 the legislature on the implementation of this chapter. For each
14 of the preceding three program years, the report must discuss
15 the total weight of video display devices received by all
16 registrants from intermediate consolidation points, the total
17 weight of video display devices received by each registrant from
18 intermediate consolidation points, the total weight of video
19 display devices that the registrant has received from households
20 through other methods during the preceding year and which the
21 registrant has used to satisfy all or a portion of its pro rata
22 share responsibility during the preceding year, and a summary of
23 information in the report submitted by registrants pursuant to
24 section 116H.60, paragraph (1). The report must also discuss
25 the various collection programs used to collect video display
26 devices and information received by the office regarding video
27 display devices that are not being collected by the
28 registrants. The report must include a description of
29 enforcement actions under this chapter and information about
30 video display devices, if any, being disposed of in landfills in
31 this state. The office may include in its report other
32 information received by the office regarding the implementation
33 of the chapter.

34 (d) The office must administer the intermediate
35 consolidation point program.

36 (e) The office must calculate pro rata shares for video

1 display devices on an annual program year basis for each
2 registrant. Pro rata shares for the first program year must be
3 determined by the office by May 1, 2006, using the Hennepin
4 County study. For each subsequent year, pro rata shares must be
5 determined by May 1 of the preceding year based upon an annual
6 sampling survey conducted by the office at intermediate
7 consolidation points during that preceding year. The sampling
8 survey must identify televisions and computer monitors
9 separately, and calculate the weight of televisions and computer
10 monitors separately. The office may provide registrants with
11 projections or estimates of the amount by weight of video
12 display devices for which the registrant may be responsible
13 during a given program year.

14 (f) The office must establish under section 116H.60,
15 paragraph (g), a system to coordinate among registrants pickups
16 from intermediate consolidation points after an intermediate
17 consolidation point has notified the office that a full
18 truckload of video display devices from households has been
19 consolidated. The office must provide a program year accounting
20 of the extent to which each registrant met its pro rata share
21 responsibility as established pursuant to section 116H.60,
22 paragraph (n), and methods for addressing amounts greater than
23 or less than a registrant's pro rata share responsibility that
24 were picked up and recycled by a registrant during the program
25 year.

26 (g) By February 1, 2006, the office must receive
27 applications for the establishment of intermediate consolidation
28 points. The director must seek to receive at least 15
29 applications with at least ten of the applications from outside
30 the metropolitan area. By April 30, 2006, the office must
31 establish a list of approved intermediate consolidation points
32 and must provide the list on its Web site. Manufacturers and
33 registrants have no responsibility for any costs of the
34 intermediate consolidation points. Applications for the
35 establishment of intermediate consolidation points must specify
36 any method that will be used to ensure that video display

1 devices will be collected only from households or that video
2 display devices from households will be segregated from other
3 video display devices.

4 (h) The Pollution Control Agency must establish a
5 multistakeholder Oversight and Advisory Committee within one
6 year following enactment of this chapter for the purpose of
7 overseeing producer electronic waste recycling program plan
8 implementation, reviewing producer plan annual reports, and
9 identifying and recommending additional products to be included
10 as electronic waste. An annual report consistent with this
11 section must be submitted to the chairs of the senate and house
12 environmental policy committees commencing in February 2006.

13 Sec. 124. [116H.75] [REQUIREMENTS FOR PURCHASES BY STATE
14 AGENCIES.]

15 (a) The Department of Administration must ensure that
16 acquisitions of video display devices under chapter 16C are
17 certified by the vendor to be in compliance with section 116H.60.

18 (b) The bid solicitation documents must specify that the
19 prospective bidder is required to cooperate fully in providing
20 reasonable access to its records and documents that evidence
21 compliance with paragraph (a) and section 116H.60.

22 (c) Any person awarded a contract under chapter 16C for
23 purchase or lease of video display devices that is found to be
24 in violation of paragraph (a) or section 116H.60 is subject to
25 the following sanctions:

26 (1) the contract must be voided;

27 (2) the contractor is ineligible to bid on any state
28 contract for a period of three years; and

29 (3) if the attorney general establishes that any money,
30 property, or benefit was obtained by a contractor as a result of
31 violating paragraph (a) or section 116H.60, the court may, in
32 addition to any other remedy, order the disgorgement of the
33 unlawfully obtained money, property, or benefit.

34 Sec. 125. [116H.80] [REGULATION OF CRT DEVICES.]

35 If the United States Environmental Protection Agency adopts
36 regulations under the Resource Conservation and Recovery Act

1 regarding the handling, storage, or treatment of cathode ray
 2 tube devices or video display devices being recycled, those
 3 regulations are automatically effective in this state on the
 4 same date and supersede any rules previously adopted by the
 5 office or the Pollution Control Agency regarding the handling,
 6 storage, or treatment of cathode ray tube devices or video
 7 display devices being recycled.

8 Sec. 126. [116H.85] [ENFORCEMENT.]

9 This chapter shall be enforced in the manner provided by
 10 sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072.

11 Sec. 127. [116H.90] [LIMITATIONS.]

12 This chapter expires if a federal law, or combination of
 13 federal laws, takes effect that is applicable to all video
 14 display devices sold in the United States and establishes a
 15 program for the collection and recycling or reuse of video
 16 display devices that is applicable to all video display devices
 17 discarded by households.

18 Sec. 128. Minnesota Statutes 2004, section 1160.09,
 19 subdivision 1a, is amended to read:

20 Subd. 1a. [BOARD OF DIRECTORS.] The board of directors of
 21 the Agricultural Utilization Research Institute is comprised of:

22 (1) the chairs of the senate and the house of
 23 representatives standing committees with jurisdiction over
 24 agriculture finance or the chair's designee;

25 (2) two representatives of statewide farm organizations;

26 (3) two representatives of agribusiness; and

27 (4) three representatives of the commodity promotion
 28 councils.

29 ~~A member of the board of directors under clauses (2) to~~
 30 ~~(4) including a member serving on July 17, 2003, may serve for a~~
 31 ~~maximum of two three-year terms. The board's compensation is~~
 32 ~~governed by section 15.0575, subdivision 3.~~

33 Sec. 129. Minnesota Statutes 2004, section 116P.05,
 34 subdivision 2, is amended to read:

35 Subd. 2. [DUTIES.] (a) The commission shall recommend a
 36 budget plan for expenditures from the environment and natural

1 resources trust fund and shall adopt a strategic plan as
2 provided in section 116P.08.

3 (b) The commission shall recommend expenditures to the
4 legislature from the state land and water conservation account
5 in the natural resources fund.

6 (c) It is a condition of acceptance of the appropriations
7 made from the Minnesota environment and natural resources trust
8 fund, and oil overcharge money under section 4.071, subdivision
9 2, that the agency or entity receiving the appropriation must
10 submit a work program and semiannual progress reports in the
11 form determined by the Legislative Commission on Minnesota
12 Resources, and comply with applicable reporting requirements
13 under section 116P.16. None of the money provided may be spent
14 unless the commission has approved the pertinent work program.

15 (d) The peer review panel created under section 116P.08
16 must also review, comment, and report to the commission on
17 research proposals applying for an appropriation from the oil
18 overcharge money under section 4.071, subdivision 2.

19 (e) The commission may adopt operating procedures to
20 fulfill its duties under chapter 116P.

21 [EFFECTIVE DATE.] This section is effective for interests
22 in land acquired after June 30, 2005.

23 Sec. 130. [116P.16] [REAL PROPERTY INTEREST REPORT.]

24 By December 1 each year, a recipient of an appropriation
25 from the trust fund, that is used for the acquisition of an
26 interest in real property, must submit annual reports on the
27 status of the real property to the Legislative Commission on
28 Minnesota Resources in a form determined by the commission. The
29 responsibility for reporting under this section may be
30 transferred by the recipient of the appropriation to another
31 person who holds the interest in the real property. To complete
32 the transfer of reporting responsibility, the recipient of the
33 appropriation must:

34 (1) inform the person to whom the responsibility is
35 transferred of that person's reporting responsibility;

36 (2) inform the person to whom the responsibility is

1 transferred of the property restrictions under section 116P.15;
2 and
3 (3) provide written notice to the commission of the
4 transfer of reporting responsibility, including contact
5 information for the person to whom the responsibility is
6 transferred.

7 After the transfer, the person who holds the interest in the
8 real property is responsible for reporting requirements under
9 this section.

10 [EFFECTIVE DATE.] This section is effective for interests
11 in land acquired after June 30, 2005.

12 Sec. 131. Minnesota Statutes 2004, section 160.232, is
13 amended to read:

14 160.232 [MOWING DITCHES OUTSIDE CITIES.]

15 (a) To provide enhanced roadside habitat for nesting birds
16 and other small wildlife, road authorities may not mow or till
17 the right-of-way of a highway located outside of a home rule
18 charter or statutory city except as allowed in this section and
19 section 160.23.

20 (b) On any highway, the first eight feet away from the road
21 surface, or shoulder if one exists, may be mowed at any time.

22 (c) An entire right-of-way may be mowed after July 31.
23 From August 31 to the following July 31, the entire right-of-way
24 may only be mowed if necessary for safety reasons, and but may
25 not be mowed to a height of less than 12 inches.

26 (d) A right-of-way may be mowed as necessary to maintain
27 sight distance for safety and may be mowed at other times under
28 rules of the commissioner, or by ordinance of a local road
29 authority not conflicting with the rules of the commissioner.

30 (e) A right-of-way may be mowed, burned, or tilled to
31 prepare the right-of-way for the establishment of permanent
32 vegetative cover or for prairie vegetation management.

33 (f) When feasible, road authorities are encouraged to
34 utilize low maintenance, native vegetation that reduces the need
35 to mow, provides wildlife habitat, and maintains public safety.

36 (g) The commissioner of natural resources shall cooperate

1 with the commissioner of transportation to provide enhanced
2 roadside habitat for nesting birds and other small wildlife.

3 Sec. 132. Minnesota Statutes 2004, section 168.1296,
4 subdivision 1, is amended to read:

5 Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a)

6 The registrar shall issue special critical habitat license
7 plates to an applicant who:

8 (1) is an owner or joint owner of a passenger automobile,
9 pickup truck, ~~or~~ van, or recreational equipment;

10 (2) pays a fee of \$10 to cover the costs of handling and
11 manufacturing the plates;

12 (3) pays the registration tax required under section
13 168.013;

14 (4) pays the fees required under this chapter;

15 (5) contributes a minimum of \$30 annually to the Minnesota
16 critical habitat private sector matching account established in
17 section 84.943; and

18 (6) complies with laws and rules governing registration and
19 licensing of vehicles and drivers.

20 (b) The critical habitat license application form must
21 clearly indicate that the annual contribution specified under
22 paragraph (a), clause (5), is a minimum contribution to receive
23 the license plate and that the applicant may make an additional
24 contribution to the account.

25 (c) Owners of recreational equipment under paragraph (a),
26 clause (1), are eligible only for special critical habitat
27 license plates for which the designs are selected under
28 subdivision 2, on or after January 1, 2006.

29 (d) Special critical habitat license plates, the designs
30 for which are selected under subdivision 2, on or after January
31 1, 2006, may be personalized according to section 168.12,
32 subdivision 2a.

33 Sec. 133. Minnesota Statutes 2004, section 223.17,
34 subdivision 3, is amended to read:

35 Subd. 3. [GRAIN BUYERS AND STORAGE ACCOUNT; FEES.] The
36 commissioner shall set the fees for inspections under sections

1 223.15 to 223.22 at levels necessary to pay the expenses of
2 administering and enforcing sections 223.15 to 223.22.

3 The fee for any license issued or renewed after June 30,
4 ~~2001~~ 2005, shall be set according to the following schedule:

5 (a) ~~\$125~~ \$140 plus ~~\$100~~ \$110 for each additional location
6 for grain buyers whose gross annual purchases are less than
7 \$100,000;

8 (b) ~~\$250~~ \$275 plus ~~\$100~~ \$110 for each additional location
9 for grain buyers whose gross annual purchases are at least
10 \$100,000, but not more than \$750,000;

11 (c) ~~\$375~~ \$415 plus ~~\$200~~ \$220 for each additional location
12 for grain buyers whose gross annual purchases are more than
13 \$750,000 but not more than \$1,500,000;

14 (d) ~~\$500~~ \$550 plus ~~\$200~~ \$220 for each additional location
15 for grain buyers whose gross annual purchases are more than
16 \$1,500,000 but not more than \$3,000,000; and

17 (e) ~~\$625~~ \$700 plus ~~\$200~~ \$220 for each additional location
18 for grain buyers whose gross annual purchases are more than
19 \$3,000,000.

20 A penalty amount not to exceed ten percent of the fees due
21 may be imposed by the commissioner for each month for which the
22 fees are delinquent.

23 There is created the grain buyers and storage account in
24 the agricultural fund. Money collected pursuant to sections
25 223.15 to 223.19 shall be paid into the state treasury and
26 credited to the grain buyers and storage account and is
27 appropriated to the commissioner for the administration and
28 enforcement of sections 223.15 to 223.22.

29 Sec. 134. Minnesota Statutes 2004, section 231.16, is
30 amended to read:

31 231.16 [WAREHOUSE OPERATOR OR HOUSEHOLD GOODS WAREHOUSE
32 OPERATOR TO OBTAIN LICENSE.]

33 A warehouse operator or household goods warehouse operator
34 must be licensed annually by the department. The department
35 shall prescribe the form of the written application. If the
36 department approves the license application and the applicant

1 files with the department the necessary bond, in the case of
 2 household goods warehouse operators, or proof of warehouse
 3 operators legal liability insurance coverage in an amount of
 4 \$50,000 or more, as provided for in this chapter, the department
 5 shall issue the license upon payment of the license fee required
 6 in this section. A warehouse operator or household goods
 7 warehouse operator to whom a license is issued shall pay a fee
 8 as follows:

9 Building square footage used for public storage

10	(1) 5,000 or less	\$100 <u>\$110</u>
11	(2) 5,001 to 10,000	\$200 <u>\$220</u>
12	(3) 10,001 to 20,000	\$300 <u>\$330</u>
13	(4) 20,001 to 100,000	\$400 <u>\$440</u>
14	(5) 100,001 to 200,000	\$500 <u>\$550</u>
15	(6) over 200,000	\$600 <u>\$660</u>

16 A penalty amount not to exceed ten percent of the fees due
 17 may be imposed by the commissioner for each month for which the
 18 fees are delinquent.

19 Fees collected under this chapter must be paid into the
 20 grain buyers and storage account established in section 232.22.

21 The license must be renewed annually on or before July 1,
 22 and always upon payment of the full license fee required in this
 23 section. No license shall be issued for any portion of a year
 24 for less than the full amount of the license fee required in
 25 this section. Each license obtained under this chapter must be
 26 publicly displayed in the main office of the place of business
 27 of the warehouse operator or household goods warehouse operator
 28 to whom it is issued. The license authorizes the warehouse
 29 operator or household goods warehouse operator to carry on the
 30 business of warehousing only in the one city or town named in
 31 the application and in the buildings therein described. The
 32 department, without requiring an additional bond and license,
 33 may issue permits from time to time to any warehouse operator
 34 already duly licensed under the provisions of this chapter to
 35 operate an additional warehouse in the same city or town for
 36 which the original license was issued during the term thereof,

1 upon the filing an application for a permit in the form
2 prescribed by the department.

3 A license may be refused for good cause shown and revoked
4 by the department for violation of law or of any rule adopted by
5 the department, upon notice and after hearing.

6 Sec. 135. Minnesota Statutes 2004, section 232.22,
7 subdivision 3, is amended to read:

8 Subd. 3. [FEES; GRAIN BUYERS AND STORAGE ACCOUNT.] There
9 is created in the agricultural fund an account known as the
10 grain buyers and storage account. The commissioner shall set
11 the fees for inspections, certifications and licenses under
12 sections 232.20 to 232.25 at levels necessary to pay the costs
13 of administering and enforcing sections 232.20 to 232.25. All
14 money collected pursuant to sections 232.20 to 232.25 and
15 chapters 233 and 236 shall be paid by the commissioner into the
16 state treasury and credited to the grain buyers and storage
17 account and is appropriated to the commissioner for the
18 administration and enforcement of sections 232.20 to 232.25 and
19 chapters 233 and 236. All money collected pursuant to chapter
20 231 shall be paid by the commissioner into the grain buyers and
21 storage account and is appropriated to the commissioner for the
22 administration and enforcement of chapter 231.

23 The fees for a license to store grain are as follows:

24 (a) For a license to store grain, \$110 for each home rule
25 charter or statutory city or town in which a public grain
26 warehouse is operated.

27 (b) A person with a license to store grain in a public
28 grain warehouse is subject to an examination fee for each
29 licensed location, based on the following schedule for one
30 examination:

31	<u>Bushel Capacity</u>	<u>Examination Fee</u>
32	<u>Less than 150,001</u>	<u>\$300</u>
33	<u>150,001 to 250,000</u>	<u>\$425</u>
34	<u>250,001 to 500,000</u>	<u>\$545</u>
35	<u>500,001 to 750,000</u>	<u>\$700</u>
36	<u>750,001 to 1,000,000</u>	<u>\$865</u>

1	<u>1,000,001 to 1,200,000</u>	<u>\$1,040</u>
2	<u>1,200,001 to 1,500,000</u>	<u>\$1,205</u>
3	<u>1,500,001 to 2,000,000</u>	<u>\$1,380</u>
4	<u>More than 2,000,000</u>	<u>\$1,555</u>

5 (c) The fee for the second examination is \$55 per hour per
6 examiner for warehouse operators who choose to have it performed
7 by the commissioner.

8 (d) A penalty amount not to exceed ten percent of the fees
9 due may be imposed by the commissioner for each month for which
10 the fees are delinquent.

11 Sec. 136. Minnesota Statutes 2004, section 236.02,
12 subdivision 4, is amended to read:

13 Subd. 4. [FEES.] The license fee is \$140 for each home
14 rule charter or statutory city or town in which a private grain
15 warehouse is operated and which will be used to operate a grain
16 bank. A penalty amount not to exceed ten percent of the fees
17 due may be imposed by the commissioner for each month for which
18 the fees are delinquent. The license fee must be set by the
19 commissioner in an amount sufficient to cover the costs of
20 administering and enforcing this chapter. Fees collected under
21 this chapter must be paid into the grain buyers and storage
22 account established in section 232.22.

23 Sec. 137. Minnesota Statutes 2004, section 282.08, is
24 amended to read:

25 282.08 [APPORTIONMENT OF PROCEEDS TO TAXING DISTRICTS.]

26 The net proceeds from the sale or rental of any parcel of
27 forfeited land, or from the sale of products from the forfeited
28 land, must be apportioned by the county auditor to the taxing
29 districts interested in the land, as follows:

30 (1) the amounts necessary to pay the state general tax levy
31 against the parcel for taxes payable in the year for which the
32 tax judgment was entered, and for each subsequent payable year
33 up to and including the year of forfeiture, must be apportioned
34 to the state;

35 (2) the portion required to pay any amounts included in the
36 appraised value under section 282.01, subdivision 3, as

1 representing increased value due to any public improvement made
2 after forfeiture of the parcel to the state, but not exceeding
3 the amount certified by the clerk of the municipality must be
4 apportioned to the municipal subdivision entitled to it;

5 (3) the portion required to pay any amount included in the
6 appraised value under section 282.019, subdivision 5,
7 representing increased value due to response actions taken after
8 forfeiture of the parcel to the state, but not exceeding the
9 amount of expenses certified by the Pollution Control Agency or
10 the commissioner of agriculture, must be apportioned to the
11 agency or the commissioner of agriculture and deposited in the
12 fund from which the expenses were paid;

13 (4) the portion of the remainder required to discharge any
14 special assessment chargeable against the parcel for drainage or
15 other purpose whether due or deferred at the time of forfeiture,
16 must be apportioned to the municipal subdivision entitled to it;
17 and

18 (5) any balance must be apportioned as follows:

19 (i) The county board may annually by resolution set aside
20 no more than 30 percent of the receipts remaining to be used for
21 timber forest development on tax-forfeited land and dedicated
22 memorial forests, to be expended under the supervision of the
23 county board. It must be expended only on projects ~~approved-by~~
24 ~~the-commissioner-of-natural-resources~~ improving the health and
25 management of the forest resource.

26 (ii) The county board may annually by resolution set aside
27 no more than 20 percent of the receipts remaining to be used for
28 the acquisition and maintenance of county parks or recreational
29 areas as defined in sections 398.31 to 398.36, to be expended
30 under the supervision of the county board.

31 (iii) Any balance remaining must be apportioned as
32 follows: county, 40 percent; town or city, 20 percent; and
33 school district, 40 percent, provided, however, that in
34 unorganized territory that portion which would have accrued to
35 the township must be administered by the county board of
36 commissioners.

1 Sec. 138. Minnesota Statutes 2004, section 282.38,
2 subdivision 1, is amended to read:

3 Subdivision 1. [DEVELOPMENT.] In any county where the
4 county board by proper resolution sets aside funds for ~~timber~~
5 forest development pursuant to section 282.08,
6 clause ~~(3)(a)~~ (5), item (i), or section 459.06, subdivision 2,
7 the ~~Commission~~ commissioner of Iron Range resources and
8 rehabilitation with the approval of the board may upon request
9 of the county board assist said county in carrying out any
10 project for the long range development of its ~~timber forest~~
11 resources through matching of funds or otherwise, ~~provided that~~
12 ~~any such project shall first be approved by the commissioner of~~
13 ~~natural resources.~~

14 Sec. 139. Minnesota Statutes 2004, section 296A.18,
15 subdivision 2, is amended to read:

16 Subd. 2. [MOTORBOAT.] Approximately 1-1/2 percent of all
17 gasoline received in this state and 1-1/2 percent of all
18 gasoline produced or brought into this state, except gasoline
19 used for aviation purposes, is being used as fuel for the
20 operation of motorboats on the waters of this state and of the
21 total revenue derived from the imposition of the gasoline fuel
22 tax for uses other than for aviation purposes, 1-1/2 percent of
23 ~~such revenues~~ the revenue is the amount of tax on fuel used in
24 motorboats operated on the waters of this state. The amount of
25 unrefunded tax paid on gasoline used for motor boat purposes as
26 computed in this chapter shall be paid into the state treasury
27 and credited to a water recreation account in the special
28 revenue fund for acquisition, development, maintenance, and
29 rehabilitation of sites for public access and boating facilities
30 on public waters; lake and river improvement; ~~state-park~~
31 ~~development~~; and boat and water safety.

32 Sec. 140. Minnesota Statutes 2004, section 462.357,
33 subdivision 1e, is amended to read:

34 Subd. 1e. [NONCONFORMITIES.] (a) Any nonconformity,
35 including the lawful use or occupation of land or premises
36 existing at the time of the adoption of an additional control

1 under this chapter, may be continued, including through repair,
2 replacement, restoration, maintenance, or improvement, but not
3 including expansion, unless:

4 (1) the nonconformity or occupancy is discontinued for a
5 period of more than one year; or

6 (2) any nonconforming use is destroyed by fire or other
7 peril to the extent of greater than 50 percent of its market
8 value, and no building permit has been applied for within 180
9 days of when the property is damaged. In this case, a
10 municipality may impose reasonable conditions upon a building
11 permit in order to mitigate any newly created impact on adjacent
12 property.

13 (b) Any subsequent use or occupancy of the land or premises
14 shall be a conforming use or occupancy. A municipality may, by
15 ordinance, permit an expansion or impose upon nonconformities
16 reasonable regulations to prevent and abate nuisances and to
17 protect the public health, welfare, or safety. This subdivision
18 does not prohibit a municipality from enforcing an ordinance
19 that applies to adults-only bookstores, adults-only theaters, or
20 similar adults-only businesses, as defined by ordinance.

21 (c) Notwithstanding paragraph (a), a municipality shall
22 regulate the repair, replacement, maintenance, improvement, or
23 expansion of nonconforming uses and structures in floodplain
24 areas to the extent necessary to maintain eligibility in the
25 National Flood Insurance Program and not increase flood damage
26 potential or increase the degree of obstruction to flood flows
27 in the floodway.

28 Sec. 141. [473.1565] [METROPOLITAN AREA WATER SUPPLY
29 PLANNING ACTIVITIES; ADVISORY COMMITTEE.]

30 Subdivision 1. [PLANNING ACTIVITIES.] (a) The Metropolitan
31 Council must carry out planning activities addressing the water
32 supply needs of the metropolitan area as defined in section
33 473.121, subdivision 2. The planning activities must include,
34 at a minimum:

35 (1) development and maintenance of a base of technical
36 information needed for sound water supply decisions including

1 surface and groundwater availability analyses, water demand
2 projections, water withdrawal and use impact analyses, modeling,
3 and similar studies;

4 (2) development and periodic update of a metropolitan area
5 master water supply plan that:

6 (i) provides guidance for local water supply systems and
7 future regional investments;

8 (ii) emphasizes conservation, interjurisdictional
9 cooperation, and long-term sustainability; and

10 (iii) addresses the reliability, security, and
11 cost-effectiveness of the metropolitan area water supply system
12 and its local and subregional components;

13 (3) recommendations for clarifying the appropriate roles
14 and responsibilities of local, regional, and state government in
15 metropolitan area water supply;

16 (4) recommendations for streamlining and consolidating
17 metropolitan area water supply decision-making and approval
18 processes; and

19 (5) recommendations for the ongoing and long-term funding
20 of metropolitan area water supply planning activities and
21 capital investments.

22 (b) The council must carry out the planning activities in
23 this subdivision in consultation with the metropolitan area
24 water supply advisory committee established in subdivision 2.

25 Subd. 2. [ADVISORY COMMITTEE.] (a) A metropolitan area
26 water supply advisory committee is established to assist the
27 council in its planning activities in subdivision 1. The
28 advisory committee has the following membership:

29 (1) the commissioner of agriculture or the commissioner's
30 designee;

31 (2) the commissioner of health or the commissioner's
32 designee;

33 (3) the commissioner of natural resources or the
34 commissioner's designee;

35 (4) the commissioner of the Pollution Control Agency or the
36 commissioner's designee;

1 (5) two officials of counties that are located in the
 2 metropolitan area, appointed by the governor;

3 (6) six officials of noncounty local governmental units
 4 that are located in the metropolitan area, appointed by the
 5 governor; and

6 (7) the chair of the Metropolitan Council or the chair's
 7 designee, who is chair of the advisory committee.

8 (b) Members of the advisory committee appointed by the
 9 governor serve at the pleasure of the governor and their terms
 10 end with the term of the governor. Members of the advisory
 11 committee serve without compensation but may be reimbursed for
 12 their reasonable expenses as determined by the Metropolitan
 13 Council. The advisory committee does not expire until repealed
 14 by law.

15 Subd. 3. [REPORTS TO LEGISLATURE.] The council must submit
 16 reports to the legislature regarding its continuing planning
 17 activities under subdivision 1. The first report must be
 18 submitted to the legislature by the date the legislature
 19 convenes in 2007 and subsequent reports must be submitted by
 20 such date every five years thereafter.

21 [EFFECTIVE DATE.] This section is effective the day
 22 following final enactment.

23 Sec. 142. Minnesota Statutes 2004, section 473.197,
 24 subdivision 4, is amended to read:

25 Subd. 4. [DEBT RESERVE; LEVY.] To provide money to pay
 26 debt service on bonds issued under the credit enhancement
 27 ~~program if pledged revenues are insufficient to pay debt service~~
 28 in repealed subdivision 1 of Minnesota Statutes 2004, section
 29 473.197, the council must maintain a debt reserve fund in the
 30 ~~manner and with the effect provided by section 118A.04 for~~
 31 public funds until the reserve is no longer pledged or otherwise
 32 needed to pay debt service on such bonds. To provide funds for
 33 ~~the debt reserve fund, the council may use up to \$3,000,000 of~~
 34 ~~the proceeds of solid waste bonds issued by the council under~~
 35 ~~section 473.831 before its repeal. To provide additional funds~~
 36 ~~for the debt reserve fund, the council may levy a tax on all~~

1 ~~taxable-property-in-the-metropolitan-area-and-must-levy-the-tax~~
 2 If sums in the debt reserve fund are insufficient to cure any
 3 deficiency in the debt service fund established for the bonds,
 4 the council must levy a tax on all taxable property in the
 5 metropolitan area in the amount needed to liquidate the
 6 deficiency. The tax authorized by this section does not affect
 7 the amount or rate of taxes that may be levied by the council
 8 for other purposes and is not subject to limit as to rate or
 9 amount.

10 [EFFECTIVE DATE.] This section is effective the day
 11 following final enactment.

12 Sec. 143. Laws 2003, chapter 128, article 1, section 9,
 13 subdivision 6, is amended to read:

14 Subd. 6. Recreation 7,622,000 5,870,000

15 Summary by Fund

16 Trust Fund 5,622,000 5,870,000

17 State Land and Conservation
 18 Account (LAWCON) 2,000,000

19 (a) State Park and Recreation Area Land
 20 Acquisition

21 \$750,000 the first year and \$750,000
 22 the second year are from the trust fund
 23 to the commissioner of natural
 24 resources to acquire in-holdings for
 25 state park and recreation areas. Land
 26 acquired with this appropriation must
 27 be sufficiently improved to meet at
 28 least minimum management standards as
 29 determined by the commissioner of
 30 natural resources. This appropriation
 31 is available until June 30, 2006, at
 32 which time the project must be
 33 completed and final products delivered,
 34 unless an earlier date is specified in
 35 the work program.

36 (b) LAWCON Federal Reimbursements

37 \$2,000,000 is from the state land and
 38 water conservation account (LAWCON) in
 39 the natural resources fund to the
 40 commissioner of natural resources for
 41 eligible state projects and
 42 administrative and planning activities
 43 consistent with Minnesota Statutes,
 44 section 116P.14, and the federal Land
 45 and Water Conservation Fund Act. This
 46 appropriation is contingent upon
 47 receipt of the federal obligation and
 48 remains available until June 30, 2006,
 49 at which time the project must be
 50 completed and final products delivered,
 51 unless an earlier date is specified in

1 the work program.

2 (c) Local Initiative Grants-Parks and
3 Natural Areas

4 \$1,290,000 the first year and
5 \$1,289,000 the second year are from the
6 trust fund to the commissioner of
7 natural resources for matching grants
8 to local governments for acquisition
9 and development of natural and scenic
10 areas and local parks as provided in
11 Minnesota Statutes, section 85.019,
12 subdivisions 2 and 4a, and regional
13 parks outside of the metropolitan
14 area. Grants may provide up to 50
15 percent of the nonfederal share of the
16 project cost, except nonmetropolitan
17 regional park grants may provide up to
18 60 percent of the nonfederal share of
19 the project cost. The commission will
20 monitor the grants for approximate
21 balance over extended periods of time
22 between the metropolitan area, under
23 Minnesota Statutes, section 473.121,
24 subdivision 2, and the nonmetropolitan
25 area through work program oversight and
26 periodic allocation decisions. For the
27 purposes of this paragraph, the match
28 must be a nonstate contribution, but
29 may be either cash or qualifying
30 in-kind. Recipients may receive
31 funding for more than one project in
32 any given grant period. This
33 appropriation is available until June
34 30, 2006, at which time the project
35 must be completed and final products
36 delivered.

37 (d) Metropolitan Regional Parks
38 Acquisition, Rehabilitation, and
39 Development

40 \$1,670,000 the first year and
41 \$1,669,000 the second year are from the
42 trust fund to the commissioner of
43 natural resources for an agreement with
44 the metropolitan council for subgrants
45 for the acquisition, development, and
46 rehabilitation in the metropolitan
47 regional park system, consistent with
48 the metropolitan council regional
49 recreation open space capital
50 improvement plan. This appropriation
51 may not be used for the purchase of
52 residential structures. This
53 appropriation may be used to reimburse
54 implementing agencies for acquisition
55 of nonresidential property as expressly
56 approved in the work program. This
57 appropriation is available until June
58 30, 2006, at which time the project
59 must be completed and final products
60 delivered, unless an earlier date is
61 specified in the work program. In
62 addition, if a project financed under
63 this program receives a federal grant,
64 the availability of the financing from
65 this paragraph for that project is
66 extended to equal the period of the
67 federal grant.

1 (e) Local and Regional Trail Grant
2 Initiative Program

3 \$160,000 the first year and \$160,000
4 the second year are from the trust fund
5 to the commissioner of natural
6 resources to provide matching grants to
7 local units of government for the cost
8 of acquisition, development,
9 engineering services, and enhancement
10 of existing and new trail facilities.
11 This appropriation is available until
12 June 30, 2006, at which time the
13 project must be completed and final
14 products delivered, unless an earlier
15 date is specified in the work program.
16 In addition, if a project financed
17 under this program receives a federal
18 grant, the availability of the
19 financing from this paragraph for that
20 project is extended to equal the period
21 of the federal grant.

22 (f) Gitchi-Gami State Trail

23 \$650,000 the first year and \$650,000
24 the second year are from the trust fund
25 to the commissioner of natural
26 resources, in cooperation with the
27 Gitchi-Gami Trail Association, for the
28 third biennium, to design and construct
29 approximately five miles of Gitchi-Gami
30 state trail segments. This
31 appropriation must be matched by at
32 least \$400,000 of nonstate money. The
33 availability of the financing from this
34 paragraph is extended to equal the
35 period of any federal money received.

36 (g) Water Recreation: Boat Access,
37 Fishing Piers, and Shore-fishing

38 \$450,000 the first year and \$700,000
39 the second year are from the trust fund
40 to the commissioner of natural
41 resources to acquire and develop public
42 water access sites statewide, construct
43 shore-fishing and pier sites, and
44 restore shorelands at public accesses.
45 This appropriation is available until
46 June 30, 2006, at which time the
47 project must be completed and final
48 products delivered, unless an earlier
49 date is specified in the work program.

50 (h) Mesabi Trail

51 \$190,000 the first year and \$190,000
52 the second year are from the trust fund
53 to the commissioner of natural
54 resources for an agreement with St.
55 Louis and Lake Counties Regional Rail
56 Authority for the sixth biennium to
57 acquire and develop segments of the
58 Mesabi trail. If a federal grant is
59 received, the availability of the
60 financing from this paragraph is
61 extended to equal the period of the
62 federal grant.

63 (i) Linking Communities Design,

1 Technology, and DNR Trail Resources

2 \$92,000 the first year and \$92,000 the
3 second year are from the trust fund to
4 the commissioner of natural resources
5 for an agreement with the University of
6 Minnesota to provide designs for up to
7 three state trails incorporating
8 recreation, natural, and cultural
9 features.

10 (j) Ft. Ridgley Historic Site
11 Interpretive Trail

12 \$75,000 the first year and \$75,000 the
13 second year are from the trust fund to
14 the Minnesota historical society to
15 construct a trail through the original
16 fort site and install interpretive
17 markers. This appropriation is
18 available until June 30, 2006, at which
19 time the project must be completed and
20 final products delivered, unless an
21 earlier date is specified in the work
22 program.

23 (k) Development and Rehabilitation of
24 Minnesota Shooting Ranges

25 \$120,000 the first year and \$120,000
26 the second year are from the trust fund
27 to the commissioner of natural
28 resources to provide technical
29 assistance and matching cost-share
30 grants to local recreational shooting
31 and archery clubs for the purpose of
32 developing or rehabilitating shooting
33 and archery facilities for public use.
34 Recipient facilities must be open to
35 the general public at reasonable times
36 and for a reasonable fee on a walk-in
37 basis. This appropriation is available
38 until June 30, 2006, at which time the
39 project must be completed and final
40 products delivered, unless an earlier
41 date is specified in the work program.

42 (l) Land Acquisition, Minnesota
43 Landscape Arboretum

44 \$175,000 the first year and \$175,000
45 the second year are from the trust fund
46 to the University of Minnesota for an
47 agreement with the University of
48 Minnesota Landscape Arboretum
49 Foundation for the fifth biennium to
50 ~~acquire in-holdings-within-the~~
51 ~~arboretum's-boundary~~ land from willing
52 sellers. This appropriation must be
53 matched by an equal amount of nonstate
54 money. This appropriation is available
55 until June 30, 2006, at which time the
56 project must be completed and final
57 products delivered, unless an earlier
58 date is specified in the work program.

59 Sec. 144. [CONTINUATION OF AGREEMENTS.]

60 An agreement entered into between the Metropolitan Council
61 and a participant in the credit enhancement program under

1 Minnesota Statutes 2004, section 473.197, subdivision 5, with
2 respect to bonds issued prior to the effective date of this
3 section, shall continue in effect in accordance with its terms;
4 provided that no provision in the agreement shall be construed
5 to require or allow the council to pledge its full faith and
6 credit and taxing powers to the payment of additional bonds
7 issued after the effective date of this section.

8 [EFFECTIVE DATE.] This section is effective the day
9 following final enactment.

10 Sec. 145. [USE OF CREDIT ENHANCEMENT PROGRAM FUNDS.]

11 The Metropolitan Council must transfer any funds
12 originating from the proceeds of solid waste bonds and available
13 for the credit enhancement program under Minnesota Statutes
14 2004, section 473.197, subdivision 4, to the council's general
15 fund to the extent that the funds are no longer pledged or
16 otherwise needed by the council to maintain a debt reserve fund
17 as provided for in ongoing Minnesota Statutes, section 473.197,
18 subdivision 4. The council must first use the transferred funds
19 for carrying out the metropolitan area water supply planning
20 activities required by Minnesota Statutes, section 473.1565, for
21 staff support of the advisory committee established under that
22 section, and for related purposes. If the council determines
23 that the transferred funds are no longer needed for those
24 purposes, the council may use any of the funds for any general
25 purposes of the council.

26 [EFFECTIVE DATE.] This section is effective the day
27 following final enactment.

28 Sec. 146. [TRANSFER OF FUNDS; DEPOSIT OF REPAYMENTS.]

29 The remaining balances in the revolving accounts in
30 Minnesota Statutes, sections 41B.046 and 41B.049, that are
31 dedicated to rural finance authority loan programs under those
32 sections, are transferred to the revolving loan account
33 established in Minnesota Statutes, section 41B.06, on the
34 effective date of this section. All future receipts from
35 value-added agricultural product loans and methane digester
36 loans originated under Minnesota Statutes, sections 41B.046 and

1 41B.049, must be deposited in the revolving loan account
2 established in Minnesota Statutes, section 41B.06.

3 Sec. 147. [REPEALER.]

4 (a) Minnesota Statutes 2004, sections 18B.065, subdivision
5 5; 19.64, subdivision 4a; 41B.046, subdivision 3; 84.901; and
6 115B.49, subdivision 4a, are repealed.

7 (b) Minnesota Statutes 2004, sections 473.156; and 473.197,
8 subdivisions 1, 2, 3, and 5, are repealed effective the day
9 following final enactment.

10 ARTICLE 2

11 ECONOMIC DEVELOPMENT

12 Section 1. [ECONOMIC DEVELOPMENT APPROPRIATIONS.]

13 The sums in the columns marked "APPROPRIATIONS" are added
14 to, or, if shown in parentheses, are subtracted from the
15 appropriations to the specified agencies in 2005 S.F. No. 1879,
16 article 5, if enacted. The appropriations are from the general
17 fund, unless another fund is named, and are available for the
18 fiscal year indicated for each purpose. The figures "2006" and
19 "2007," where used in this article, mean that the additions to
20 or subtractions from the appropriations listed under them are
21 for the fiscal year ending June 30, 2006, or June 30, 2007,
22 respectively. The "first year" is fiscal year 2006. The
23 "second year" is fiscal year 2007. The "biennium" is fiscal
24 years 2006 and 2007.

25 SUMMARY BY FUND

	2006	2007	TOTAL
27 General	\$ 9,188,000	\$ 2,713,000	\$ 11,901,000
28 Workers'			
29 Compensation	25,000	25,000	50,000
30 Workforce			
31 Development	5,000,000	7,950,000	12,950,000
32 Special Revenue	643,000	848,000	1,491,000
33 TOTAL	\$ 14,856,000	\$ 11,536,000	\$ 26,392,000

34 APPROPRIATIONS
35 Available for the Year
36 Ending June 30
37 2006 2007

38 Sec. 2. EMPLOYMENT AND
39 ECONOMIC DEVELOPMENT

1 Subdivision 1. Total
 2 Appropriation \$ 12,078,000 \$ 6,558,000

3 Summary by Fund

4 General	7,935,000	460,000
5 Workforce		
6 Development	2,750,000	4,500,000
7 Special		
8 Revenue	643,000	848,000

9 The amounts that may be spent from this
 10 appropriation for each program are
 11 specified in the following subdivisions.

12 Subd. 2. Business and Community
 13 Development

14 7,930,000 455,000

15 \$7,000,000 the first year is for the
 16 direct and indirect expenses of the
 17 collaborative research partnership
 18 between the University of Minnesota and
 19 the Mayo Foundation for research in
 20 biotechnology and medical genomics.
 21 This is a onetime appropriation. An
 22 annual report on the expenditure of
 23 this appropriation must be submitted to
 24 the governor and the chairs of the
 25 senate Higher Education Budget
 26 Division, the house of representatives
 27 Higher Education Finance Committee, the
 28 senate Environment, Agriculture, and
 29 Economic Development Budget Division,
 30 and the house of representatives Jobs
 31 and Economic Opportunity Policy and
 32 Finance Committee, by June 30 of each
 33 fiscal year until the appropriation is
 34 expended. This appropriation is
 35 available until expended.

36 \$100,000 the first year and \$100,000
 37 the second year are to help small
 38 businesses access federal funds through
 39 the federal Small Business Innovation
 40 Research Program and the federal Small
 41 Business Technology Transfer Program.
 42 Department services must include
 43 maintaining connections to 11 federal
 44 programs, assessment of specific
 45 funding opportunities, review of
 46 funding proposals, referral to specific
 47 consulting services, and training
 48 workshops throughout the state. The
 49 appropriation is added to the agency's
 50 base. The department must implement
 51 fees for services that help companies
 52 seek federal Phase II Small Business
 53 Innovation Research grants. The
 54 recommended fee schedule must be
 55 reported to the chairs of the house of
 56 representatives finance committee and
 57 senate budget division with
 58 jurisdiction over economic development
 59 by February 1, 2006.

60 \$50,000 the first year and \$50,000 the

1 second year are for a grant to the
2 Minnesota Inventors Congress.

3 \$250,000 the first year and \$250,000
4 the second year are to establish a
5 methamphetamine laboratory cleanup
6 revolving loan fund pursuant to
7 proposed Minnesota Statutes, section
8 446A.083. This appropriation is
9 available until spent.

10 \$125,000 the first year is for a grant
11 to the Northwest Regional Development
12 Commission at Warren to do field
13 research on the planting and production
14 of cold-hardy grape cultivars. This is
15 a onetime appropriation and is
16 available until expended.

17 This vineyard production research
18 project is to select cold-hardy
19 cultivars and cultural practices that
20 can diversify the agricultural
21 landscape of Minnesota and stimulate
22 economic development with subsequent
23 expansion into value-added businesses
24 and the winery industry. Treatments
25 used in this research project must
26 focus on development of cultural and
27 management practices that include
28 trials on planting depths, vine root
29 care, cultivation techniques, mulching,
30 and other methods that will enhance
31 productivity and winter survival in
32 subzero temperatures.

33 An annual report is required, including
34 an economic assessment that compares
35 the input requirements and feasibility
36 of each overwintering technique and its
37 contribution to the success of the
38 vines. The report must be submitted to
39 the chairs of the house of
40 representatives and senate policy
41 committees with jurisdiction over
42 agriculture. The Northwest Regional
43 Development Commission is encouraged to
44 work with the University of Minnesota
45 and the North Dakota State University
46 experiment stations and on-farm sites
47 to evaluate the suitability of
48 regionally developed grape cultivars in
49 areas of harsh winters and short
50 growing seasons.

51 \$55,000 the first year and \$55,000 the
52 second year are for a grant to the
53 Metropolitan Economic Development
54 Association for continuing minority
55 business development programs in the
56 metropolitan area. These programs
57 include one-on-one business consulting,
58 marketing assistance, providing and
59 arranging financing, and training and
60 leadership development. These
61 appropriations are part of the
62 department's budget base.

63 \$250,000 the first year is for a grant
64 to the Blandin Foundation for the "get
65 broadband" program. This appropriation

1 must be matched equally by nonstate
 2 funds and is available until expended.
 3 Expenditures made by the Blandin
 4 Foundation beginning December 1, 2004,
 5 may be used as match for this
 6 appropriation. The "get broadband"
 7 program must be designed to increase
 8 the use of broadband-based technologies
 9 by businesses, schools, health care
 10 organizations, government
 11 organizations, and the general public.

12 \$100,000 the first year is for a grant
 13 to the Children's Discovery Museum for
 14 furnishing and equipping the new
 15 Children's Discovery Museum in Grand
 16 Rapids.

17 Subd. 3. Workforce Partnerships

18 3,398,000 5,353,000

19 Summary by Fund

20 General	5,000	5,000
21 Workforce		
22 Development	2,750,000	4,500,000
23 Special Revenue	643,000	848,000

24 \$1,000,000 the first year and
 25 \$2,000,000 the second year are from the
 26 workforce development fund for a grant
 27 to the Minnesota Alliance of Boys and
 28 Girls Clubs to administer a statewide
 29 project of youth job skills
 30 development. This project, which may
 31 have career guidance components, is to
 32 encourage, train, and assist youth in
 33 job-seeking skills, workplace
 34 orientation, and job-site knowledge
 35 through coaching. This grant requires
 36 a 25 percent match from nonstate
 37 resources.

38 \$5,000 the first year and \$5,000 the
 39 second year are for a grant to the
 40 Northwest Regional Curfew Center under
 41 the youth intervention program in
 42 Minnesota Statutes, section 116L.30.

43 \$500,000 the first year and \$500,000
 44 the second year are from the workforce
 45 development fund for a grant to the
 46 Minnesota Opportunities
 47 Industrialization Centers State
 48 Council. The grant shall be used by
 49 the American Indian Opportunities
 50 Industrialization Centers of
 51 Minneapolis, and the Northwestern
 52 Opportunities Industrialization Centers
 53 of Bemidji, to provide training to
 54 American Indians on personal financial
 55 management and investment and to become
 56 small businesspersons. The
 57 opportunities industrialization centers
 58 may contract with any accredited state
 59 or private educational institution to
 60 deliver training. This appropriation
 61 is in addition to the base level

1 funding and shall become part of the
2 agency's budget base.

3 \$500,000 the first year and \$1,000,000
4 the second year are from the workforce
5 development fund for a grant to the
6 Minnesota Opportunity Industrialization
7 Centers State Council. The grant shall
8 be used to initiate and expand health
9 occupation training at Minnesota
10 Opportunity Industrialization Centers.
11 The grant shall be distributed evenly
12 among those Minnesota Opportunity
13 Industrialization Centers that have
14 plans to either initiate or expand
15 health occupations and career ladder
16 training programs for individuals
17 seeking employment as nurses, nursing
18 assistants, home health aides,
19 phlebotomists, or in the field of
20 medical coding. This appropriation is
21 in addition to the base level funding
22 and shall become part of the agency's
23 budget base.

24 Notwithstanding 2005 S.F. No. 1879,
25 article 7, section 2, subdivision 3,
26 paragraph (d), if enacted, of the total
27 appropriation in that subdivision, plus
28 this subdivision, \$843,000 the first
29 year and \$1,048,000 the second year are
30 for displaced homemaker programs under
31 Minnesota Statutes, section 116L.96.
32 These appropriations are from the
33 special revenue fund and are part of
34 agency budget base. The commissioner
35 of economic security shall report to
36 the legislature by February 15, 2007,
37 on the outcome of grants under this
38 paragraph.

39 \$750,000 the first year is from the
40 workforce development fund for a grant
41 to provide training to implement the
42 Ford Motor Company Ford Production
43 System at the Twin Cities Ford Assembly
44 Plant.

45 \$500,000 the first year and \$1,500,000
46 the second year are from the workforce
47 development fund for youth intervention
48 programs under Minnesota Statutes,
49 section 116L.30. This funding must be
50 used to help existing programs serve
51 unmet needs in their communities, and
52 to create new programs in underserved
53 areas of the state. This appropriation
54 is part of the department's budget
55 base. The appropriations are available
56 until expended.

57 \$8,500 in the first year and \$8,500 in
58 the second year are from the
59 department's base for a grant to the
60 Twin Cities Community Voice Mail to
61 maintain the toll-free telephone number
62 for the Greater Minnesota Project. The
63 commissioner must ensure that the
64 telephone number is not changed for the
65 2006-2007 biennium.

1 \$250,000 the first year and \$250,000
 2 the second year are from the workforce
 3 development fund for a grant to
 4 Lifetrack Resources for its immigrant
 5 and refugee collaborative programs,
 6 including those related to job-seeking
 7 skills and workplace orientation,
 8 intensive job development, functional
 9 work English, and on-site job coaching.

10 Subd. 4. Workforce Services

11 750,000 750,000

12 \$400,000 the first year and \$400,000
 13 the second year are from the workforce
 14 development fund for extended
 15 employment services for persons with
 16 severe disabilities or related
 17 conditions under Minnesota Statutes,
 18 section 268A.15.

19 \$150,000 the first year and \$150,000
 20 the second year are from the workforce
 21 development fund for grants to the
 22 Minnesota Employment Center for people
 23 who are deaf or hard-of-hearing. Money
 24 not expended the first year is
 25 available the second year.

26 \$200,000 the first year and \$200,000
 27 the second year are from the workforce
 28 development fund for grants for
 29 programs that provide employment
 30 support services to persons with mental
 31 illness under Minnesota Statutes,
 32 sections 268A.13 and 268A.14. Of the
 33 total appropriations for this program,
 34 up to \$84,000 each year may be used for
 35 administrative and salary expenses.

36 Sec. 3. MINNESOTA CONSERVATION CORPS 1,200,000 2,400,000

37 This appropriation is from the
 38 workforce development fund for the
 39 purposes of Minnesota Statutes, section
 40 84.991.

41 Sec. 4. EXPLORE MINNESOTA TOURISM 125,000 1,125,000

42 Notwithstanding 2005 S.F. No. 1879,
 43 article 7, section 3, if enacted, the
 44 appropriation in that section, plus the
 45 appropriation in this section, must be
 46 spent as provided in this section.

47 \$1,000,000 in the second year is to
 48 enhance the public/private funding
 49 partnership. To develop maximum
 50 private sector involvement in tourism,
 51 \$4,000,000 the first year and
 52 \$4,000,000 the second year of the
 53 amounts appropriated for marketing
 54 activities are contingent upon receipt
 55 of an equal contribution from nonstate
 56 sources that have been certified by the
 57 director. Up to one-half of the match
 58 may be given in in-kind contributions.

59 In order to maximize marketing grant
 60 benefits, the director must give

1 priority for joint venture marketing
 2 grants to organizations with year-round
 3 sustained tourism activities. For
 4 programs and projects submitted, the
 5 director must give priority to those
 6 that encompass two or more areas or
 7 that attract nonresident travelers to
 8 the state.

9 If an appropriation for either year for
 10 grants is not sufficient, the
 11 appropriation for the other year is
 12 available for it.

13 The director may use grant dollars or
 14 the value of in-kind services to
 15 provide the state contribution for the
 16 partnership program.

17 Any unexpended money from general fund
 18 appropriations governed by this section
 19 does not cancel but must be placed in a
 20 special advertising account for use by
 21 Explore Minnesota Tourism to purchase
 22 additional media.

23 \$125,000 the first year and \$125,000
 24 the second year of the appropriation in
 25 this section are for the Minnesota Film
 26 Board. The appropriation in each year
 27 is available only upon receipt by the
 28 board of \$1 in matching contributions
 29 of money or in kind from nonstate
 30 sources for every \$3 provided by this
 31 appropriation.

32 Sec. 5. HOUSING FINANCE AGENCY

33 As provided in Minnesota Statutes,
 34 section 462A.20, subdivision 3, the
 35 agency may transfer unencumbered
 36 balances from one appropriated account
 37 to another as necessary to implement
 38 the business plan of the working group
 39 on long-term homelessness established
 40 in Laws 2003, chapter 128, article 15,
 41 section 9.

42 The agency shall establish a priority
 43 for supportive housing projects that
 44 provide employment support and housing
 45 for offenders who are discharged from a
 46 correctional or detention facility. Up
 47 to \$1,400,000 of the appropriation to
 48 the housing trust fund in 2005 S.F. No.
 49 1879, if enacted, shall be awarded to
 50 projects that address this priority and
 51 the greatest number of priorities
 52 established under the rules governing
 53 the housing trust fund program.

54 Sec. 6. LABOR AND INDUSTRY

55	Subdivision 1. Total		
56	Appropriation	703,000	703,000

57 Summary by Fund

58	General	378,000	378,000
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59 Workers'

1	Compensation	25,000	25,000
2	Workforce		
3	Development	300,000	300,000

4 The amounts that may be spent from this
5 appropriation for each program are
6 specified in the following subdivisions.

7 Subd. 2. Workers' Compensation

8	25,000	25,000
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9 This appropriation is from the workers'
10 compensation fund for grants to the
11 Vinland Center for rehabilitation
12 service. These grants include the
13 Vinland employment program and must
14 address multiple barriers to
15 employment, a self-sufficiency
16 lifestyle, and physical, mental,
17 emotional, or cognitive work injuries
18 or disabilities. This appropriation is
19 part of the budget base for the
20 Department of Labor and Industry.

21 Subd. 3. Workplace Services

22	678,000	678,000
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23 Summary by Fund

24	General	378,000	378,000
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25	Workforce		
26	Development	300,000	300,000

27 \$378,000 the first year and \$378,000
28 the second year are to improve the
29 regulatory enforcement and safety of
30 boilers and high-pressure-piping
31 systems.

32 \$300,000 each year is from the
33 workforce development fund for the
34 apprenticeship program under Minnesota
35 Statutes, chapter 178.

36 The annual license fees authorized
37 under Minnesota Statutes, section
38 326.48, and detailed in Minnesota
39 Rules, part 5230.0100, subpart 3, shall
40 increase \$20 for a journeyman
41 high-pressure piping pipefitter
42 license, \$20 for a high-pressure piping
43 contracting pipefitter, \$10 for an
44 inactive license, and \$100 for a
45 high-pressure pipefitting business
46 license.

47 The permit filing and inspection fees
48 authorized under Minnesota Statutes,
49 section 326.47, and detailed in
50 Minnesota Rules, part 5230.0100,
51 subpart 4, shall be increased as
52 follows: the filing of a permit
53 application shall be increased \$50, the
54 minimum high-pressure piping inspection
55 fee shall be increased \$50, and the
56 schedule of inspection fee rates shall
57 be increased by ten percent.

1 Subd. 4. General Support

2 The commissioner of labor and industry
3 shall report to the 2006 legislature on
4 the safety and education program for
5 Minnesota loggers under Minnesota
6 Statutes, section 176.130.

7 Sec. 7. MINNESOTA HISTORICAL
8 SOCIETY

750,000

750,000

9 \$75,000 the first year and \$75,000 the
10 second year are to assist the Minnesota
11 Sesquicentennial Commission for
12 planning and support of its mission.
13 This is a onetime appropriation and is
14 available until January 30, 2009.

15 \$675,000 the first year and \$675,000
16 the second year are to operate historic
17 sites including: Kelley Farm, Hill
18 House, Lower Sioux Agency, Fort
19 Ridgely, Historic Forestville, the
20 Forest History Center, and the Comstock
21 House. Funding for these sites must be
22 matched on a \$1 of nonstate money to \$1
23 of state money basis. This
24 appropriation is in addition to any
25 other appropriation and is part of the
26 Minnesota Historical Society's budget
27 base.

28 Sec. 8. Minnesota Statutes 2004, section 11A.24,
29 subdivision 6, is amended to read:

30 Subd. 6. [OTHER INVESTMENTS.] (a) In addition to the
31 investments authorized in subdivisions 1 to 5, and subject to
32 the provisions in paragraph (b), the state board may invest
33 funds in:

34 (1) venture capital investment businesses through
35 participation in limited partnerships, trusts, private
36 placements, limited liability corporations, limited liability
37 companies, limited liability partnerships, and corporations;

38 (2) real estate ownership interests or loans secured by
39 mortgages or deeds of trust or shares of real estate investment
40 trusts through investment in limited partnerships, bank
41 sponsored collective funds, trusts, mortgage participation
42 agreements, and insurance company commingled accounts, including
43 separate accounts;

44 (3) regional and mutual funds through bank sponsored
45 collective funds and open-end investment companies registered
46 under the Federal Investment Company Act of 1940, and closed-end
47 mutual funds listed on an exchange regulated by a governmental

1 agency;

2 (4) resource investments through limited partnerships,
3 trusts, private placements, limited liability corporations,
4 limited liability companies, limited liability partnerships, and
5 corporations; and

6 (5) international securities.

7 (b) The investments authorized in paragraph (a) must
8 conform to the following provisions:

9 (1) the aggregate value of all investments made according
10 to paragraph (a), clauses (1) to (4), may not exceed 35 percent
11 of the market value of the fund for which the state board is
12 investing;

13 (2) there must be at least four unrelated owners of the
14 investment other than the state board for investments made under
15 paragraph (a), clause (1), (2), (3), or (4);

16 (3) state board participation in an investment vehicle is
17 limited to 20 percent thereof for investments made under
18 paragraph (a), clause (1), (2), (3), or (4); and

19 (4) state board participation in a limited partnership does
20 not include a general partnership interest or other interest
21 involving general liability. The state board may not engage in
22 any activity as a limited partner which creates general
23 liability.

24 (c) All financial or proprietary data received, prepared,
25 used, or retained by the state board in connection with
26 investments authorized by paragraph (a), clause (1), (2), or
27 (4), are nonpublic data under section 13.02, subdivision 9. As
28 used in this paragraph, "financial or proprietary data" means
29 information, as determined by the executive director, that is of
30 a financial or proprietary nature, the release of which could
31 cause competitive harm to the state board, the legal entity in
32 which the state board has invested or has considered an
33 investment, the managing entity of an investment, or a portfolio
34 company in which the legal entity holds an interest. Regardless
35 of whether they could be considered financial or proprietary
36 data, the following data received, prepared, used, or retained

1 by the state board in connection with investments authorized by
 2 paragraph (a), clause (1), (2), or (4), are public at all times:

3 (1) the name and industry group classification of the legal
 4 entity in which the state board has invested or in which the
 5 state board has considered an investment;

6 (2) the state board commitment amount, if any;

7 (3) the funded amount of the state board's commitment to
 8 date, if any;

9 (4) the market value of the investment by the state board;

10 (5) the state board's internal rate of return for the
 11 investment, including expenditures and receipts used in the
 12 calculation of the investment's internal rate of return; and

13 (6) the age of the investment in years.

14 Sec. 9. Minnesota Statutes 2004, section 13.635, is
 15 amended by adding a subdivision to read:

16 Subd. 1a. [STATE BOARD OF INVESTMENT.] Certain government
 17 data of the State Board of Investment related to venture capital
 18 investments are classified under section 11A.24, subdivision 6.

19 Sec. 10. Minnesota Statutes 2004, section 41A.09,
 20 subdivision 2a, is amended to read:

21 Subd. 2a. [DEFINITIONS.] For the purposes of this section,
 22 the terms defined in this subdivision have the meanings given
 23 them.

24 (a) "Ethanol" means fermentation ethyl alcohol derived from
 25 agricultural products, including potatoes, cereal grains, cheese
 26 whey, and sugar beets; forest products; or other renewable
 27 resources, including residue and waste generated from the
 28 production, processing, and marketing of agricultural products,
 29 forest products, and other renewable resources, that:

30 (1) meets all of the specifications in ASTM specification
 31 ~~D4806-01~~ D4806-04a; and

32 (2) is denatured as specified in Code of Federal
 33 Regulations, title 27, parts 20 and 21.

34 (b) "Ethanol plant" means a plant at which ethanol is
 35 produced.

36 (c) "Commissioner" means the commissioner of agriculture.

1 Sec. 11. [45.22] [LICENSE EDUCATION.]

2 The following fees must be paid to the commissioner:

3 (1) initial course approval, \$10 for each hour or fraction
4 of one hour of education course approval sought. Initial course
5 approval expires on the last day of the 24th month after the
6 course is approved;

7 (2) renewal of course approval, \$10 per course. Renewal of
8 course approval expires on the last day of the 24th month after
9 the course is renewed;

10 (3) initial coordinator approval, \$100. Initial
11 coordinator approval expires on the last day of the 24th month
12 after the coordinator is approved; and

13 (4) renewal of coordinator approval, \$10. Renewal of
14 coordinator approval expires on the last day of the 24th month
15 after the coordinator is renewed.

16 Sec. 12. [59B.01] [SCOPE AND PURPOSE.]

17 (a) The purpose of this chapter is to create a legal
18 framework within which service contracts may be sold in this
19 state.

20 (b) The following are exempt from this chapter:

21 (1) warranties;

22 (2) maintenance agreements;

23 (3) warranties, service contracts, or maintenance
24 agreements offered by public utilities, as defined in section
25 216B.02, subdivision 4, or an entity or operating unit owned by
26 or under common control with a public utility;

27 (4) service contracts sold or offered for sale to persons
28 other than consumers;

29 (5) service contracts on tangible property where the
30 tangible property for which the service contract is sold has a
31 purchase price of \$250 or less, exclusive of sales tax;

32 (6) motor vehicle service contracts as defined in section
33 65B.29, subdivision 1, paragraph (1);

34 (7) service contracts for home security equipment installed
35 by a licensed technology systems contractor; and

36 (8) motor club membership contracts that typically provide

1 roadside assistance services to motorists stranded for reasons
2 that include, but are not limited to, mechanical breakdown or
3 adverse road conditions.

4 (c) The types of agreements referred to in paragraph (b)
5 are not subject to chapters 60A to 79A, except as otherwise
6 specifically provided by law.

7 Sec. 13. [59B.02] [DEFINITIONS.]

8 Subdivision 1. [TERMS.] For the purposes of this chapter,
9 the terms defined in this section have the meanings given them.

10 Subd. 2. [ADMINISTRATOR.] "Administrator" means the person
11 who is responsible for the administration of the service
12 contracts or the service contracts plan or who is responsible
13 for any filings required by this chapter.

14 Subd. 3. [COMMISSIONER.] "Commissioner" means the
15 commissioner of commerce.

16 Subd. 4. [CONSUMER.] "Consumer" means a natural person who
17 buys, other than for purposes of resale, any tangible personal
18 property that is distributed in commerce and that is normally
19 used for personal, family, or household purposes and not for
20 business or research purposes.

21 Subd. 5. [MAINTENANCE AGREEMENT.] "Maintenance agreement"
22 means a contract of limited duration that provides for scheduled
23 maintenance only.

24 Subd. 6. [PERSON.] "Person" means an individual,
25 partnership, corporation, incorporated or unincorporated
26 association, joint stock company, reciprocal, syndicate, or any
27 similar entity or combination of entities acting in concert.

28 Subd. 7. [PREMIUM.] "Premium" means the consideration paid
29 to an insurer for a reimbursement insurance policy.

30 Subd. 8. [PROVIDER.] "Provider" means a person who is
31 contractually obligated to the service contract holder under the
32 terms of the service contract.

33 Subd. 9. [PROVIDER FEE.] "Provider fee" means the
34 consideration paid for a service contract.

35 Subd. 10. [REIMBURSEMENT INSURANCE POLICY.] "Reimbursement
36 insurance policy" means a policy of insurance issued to a

1 provider to either provide reimbursement to the provider under
2 the terms of the insured service contracts issued or sold by the
3 provider or, in the event of the provider's nonperformance, to
4 pay on behalf of the provider all covered contractual
5 obligations incurred by the provider under the terms of the
6 insured service contracts issued or sold by the provider.

7 Subd. 11. [SERVICE CONTRACT.] "Service contract" means a
8 contract or agreement for a separately stated consideration for
9 a specific duration to perform the repair, replacement, or
10 maintenance of property or indemnification for repair,
11 replacement, or maintenance, for the operational or structural
12 failure due to a defect in materials, workmanship, or normal
13 wear and tear, with or without additional provisions for
14 incidental payment of indemnity under limited circumstances.
15 Service contracts may provide for the repair, replacement, or
16 maintenance of property for damage resulting from power surges
17 and accidental damage from handling.

18 Subd. 12. [SERVICE CONTRACT HOLDER OR CONTRACT
19 HOLDER.] "Service contract holder" or "contract holder" means a
20 person who is the purchaser or holder of a service contract.

21 Subd. 13. [WARRANTY.] "Warranty" means a warranty made
22 solely by the manufacturer, importer, or seller of property or
23 services without consideration, that is not negotiated or
24 separated from the sale of the product, and is incidental to the
25 sale of the product, that guarantees indemnity for defective
26 parts, mechanical or electrical breakdown, labor, or other
27 remedial measures, such as repair or replacement of the property
28 or repetition of services.

29 Sec. 14. [59B.03] [REQUIREMENTS FOR TRANSACTING BUSINESS.]

30 Subdivision 1. [APPOINTMENT OF ADMINISTRATOR.] A provider
31 may, but is not required to, appoint an administrator or other
32 designee to be responsible for any or all of the administration
33 of service contracts and compliance with this chapter.

34 Subd. 2. [CONTRACT COPIES AND RECEIPTS.] Service contracts
35 must not be issued, sold, or offered for sale in this state
36 unless the provider has:

1 (1) provided a receipt for, or other written evidence of,
2 the purchase of the service contract to the contract holder;

3 (2) provided a copy of the service contract to the service
4 contract holder within a reasonable period of time from the date
5 of purchase; and

6 (3) complied with this chapter.

7 Subd. 3. [REGISTRATION.] Each provider of service
8 contracts sold in this state shall file a registration with the
9 commissioner on a form prescribed by the commissioner. Each
10 provider shall pay to the commissioner a fee in the amount of
11 \$200 annually.

12 Subd. 4. [FINANCIAL REQUIREMENTS.] In order to ensure the
13 faithful performance of a provider's obligations to its contract
14 holders, each provider is responsible for complying with the
15 requirements of one of the following:

16 (1) insure all service contracts under a reimbursement
17 insurance policy issued by an insurer authorized to transact
18 insurance in this state, a risk retention group, as that term is
19 defined in United States Code, title 15, section 3901(A)(4), as
20 long as that risk retention group is registered pursuant to
21 section 60E.03 or 60E.04 as applicable, and is in full
22 compliance with the federal Liability Risk Retention Act of
23 1986, United States Code, title 15, section 3901, et al., or
24 issued pursuant to sections 60A.195 to 60A.209, and either:

25 (i) the insurer or risk retention group shall, at the time
26 the policy is filed with the commissioner, and continuously
27 thereafter, maintain surplus as to policyholders and paid-in
28 capital of at least \$15,000,000, and annually file audited
29 financial statements with the commissioner; or

30 (ii) the commissioner may authorize an insurer or risk
31 retention group that has surplus as to policyholders and paid-in
32 capital of less than \$15,000,000 but at least equal to
33 \$10,000,000 to issue the insurance required by this section if
34 the insurer or risk retention group demonstrates to the
35 satisfaction of the commissioner that the company maintains a
36 ratio of direct written premiums, wherever written, to surplus

1 as to policyholders and paid-in capital of not greater than
2 3-to-1; or

3 (2)(i) maintain a funded reserve account for obligations
4 under contracts issued and outstanding in this state. The
5 reserves must not be less than 40 percent of gross consideration
6 received, less claims paid, on the sale of the service contract
7 for all in-force contracts. The reserve account is subject to
8 examination and review by the commissioner; and

9 (ii) place in trust with the commissioner a financial
10 security deposit, having a value of not less than five percent
11 of the gross consideration received, less claims paid, on the
12 sale of the service contract for all service contracts issued
13 and in force, but not less than \$25,000, consisting of one of
14 the following:

15 (A) a surety bond issued by an authorized surety;

16 (B) securities of the type eligible for deposit by
17 authorized insurers in this state;

18 (C) cash;

19 (D) a letter of credit issued by a qualified financial
20 institution containing an evergreen clause which prevents the
21 expiration of the letter without due notice from the issuer; or

22 (E) another form of security prescribed by rules of the
23 commissioner; or

24 (3)(i) maintain, or its parent company maintain, a net
25 worth or stockholders' equity of \$100,000,000; and

26 (ii) upon request, provide the commissioner with a copy of
27 the provider's or the provider's parent company's most recent
28 Form 10-K or Form 20-F filed with the Securities and Exchange
29 Commission (SEC) within the last calendar year, or if the
30 company does not file with the SEC, a copy of the company's
31 audited financial statements, which shows a net worth of the
32 provider or its parent company of at least \$100,000,000. If the
33 provider's parent company's Form 10-K, Form 20-F, or audited
34 financial statements are filed to meet the provider's financial
35 stability requirement, then the parent company shall agree to
36 guarantee the obligations of the provider relating to service

1 contracts sold by the provider in this state.

2 Subd. 5. [RIGHT OF RETURN.] Service contracts must require
3 the provider to permit the service contract holder to return the
4 service contract within 20 days of the date the service contract
5 was mailed to the service contract holder or within ten days of
6 delivery if the service contract is delivered to the service
7 contract holder at the time of sale or within a longer time
8 period permitted under the service contract. Upon return of the
9 service contract to the provider within the applicable time
10 period, if no claim has been made under the service contract
11 before its return to the provider, the service contract is void
12 and the provider shall refund to the service contract holder, or
13 credit the account of the service contract holder, with the full
14 purchase price of the service contract. The right to void the
15 service contract provided in this paragraph is not transferable
16 and applies only to the original service contract purchaser, and
17 only if no claim has been made before its return to the
18 provider. A ten percent penalty per month must be added to a
19 refund that is not paid or credited within 45 days after return
20 of the service contract to the provider.

21 Subd. 6. [PREMIUM TAXES.] (a) Provider fees collected on
22 service contracts are not subject to premium taxes.

23 (b) Premiums for reimbursement insurance policies are
24 subject to applicable taxes.

25 Subd. 7. [LICENSING EXEMPTION.] Except for the
26 registration requirements in subdivision 3, providers and
27 related service contract sellers, administrators, and other
28 persons marketing, selling, or offering to sell service
29 contracts are exempt from any licensing requirements of this
30 state.

31 Subd. 8. [INSURANCE EXEMPTION.] The marketing, sale,
32 offering for sale, issuance, making, proposing to make, and
33 administration of service contracts by providers and related
34 service contract sellers, administrators, and other persons are
35 exempt from all other provisions of the insurance laws of this
36 state, except as provided in section 72A.20, subdivision 38.

1 Sec. 15. [59B.04] [REQUIRED DISCLOSURES; REIMBURSEMENT
2 INSURANCE POLICY.]

3 Subdivision 1. [RIGHT TO PAYMENT OR
4 REIMBURSEMENT.] Reimbursement insurance policies insuring
5 service contracts issued, sold, or offered for sale in this
6 state shall state that the insurer that issued the reimbursement
7 insurance policy shall either reimburse or pay on behalf of the
8 provider any covered sums the provider is legally obligated to
9 pay or, in the event of the provider's nonperformance, shall
10 provide the service which the provider is legally obligated to
11 perform according to the provider's contractual obligations
12 under the service contracts issued or sold by the provider.

13 Subd. 2. [RIGHT TO APPLY TO COMPANY.] In the event covered
14 service is not provided by the service contract provider within
15 60 days of proof of loss by the service contract holder, the
16 contract holder is entitled to apply directly to the
17 reimbursement insurance company.

18 Sec. 16. [59B.05] [REQUIRED DISCLOSURE; SERVICE
19 CONTRACTS.]

20 Subdivision 1. [READABILITY AND GENERAL
21 DISCLOSURE.] Service contracts marketed, sold, offered for sale,
22 issued, made, proposed to be made, or administered in this state
23 must be written, printed, or typed in clear, understandable
24 language that is easy to read and must disclose the requirements
25 set forth in this section, as applicable.

26 Subd. 2. [IDENTITIES OF PARTIES.] Service contracts must
27 state the name and address of the provider, and must identify
28 any administrator if different from the provider, the service
29 contract seller, and the service contract holder to the extent
30 that the name of the service contract holder has been furnished
31 by the service contract holder. The identities of the parties
32 are not required to be preprinted on the service contract and
33 may be added to the service contract at the time of sale.

34 Subd. 3. [TOTAL PURCHASE PRICE AND SALES TERMS.] Service
35 contracts must state the total purchase price and the terms
36 under which the service contract is sold. The purchase price is

1 not required to be preprinted on the service contract and may be
2 negotiated at the time of sale with the service contract holder.

3 Subd. 4. [DEDUCTIBLES.] Service contracts must state the
4 existence of any deductible amount, if applicable.

5 Subd. 5. [COVERAGES, LIMITATIONS, AND EXCLUSIONS.] No
6 particular causes of loss of property are required to be
7 covered, but service contracts must specify the merchandise and
8 services to be provided and, with equal prominence, any
9 limitations, exceptions, or exclusions including, but not
10 limited to, any damage or breakdown not covered by the service
11 contract.

12 Subd. 6. [RESTRICTIONS ON TRANSFERABILITY.] Service
13 contracts must state any restrictions governing the
14 transferability of the service contract, if applicable.

15 Subd. 7. [CANCELLATION TERMS.] Service contracts must
16 state the terms, restrictions, or conditions governing
17 cancellation of the service contract prior to the termination or
18 expiration date of the service contract by either the provider
19 or the service contract holder. The provider of the service
20 contract shall mail a written notice to the contract holder at
21 the last known address of the service contract holder contained
22 in the records of the provider at least 15 days before
23 cancellation by the provider. Five days' notice is required if
24 the reason for cancellation is nonpayment of the provider fee, a
25 material misrepresentation by the service contract holder to the
26 provider, or a substantial breach of duties by the service
27 contract holder relating to the covered product or its use. The
28 notice must state the effective date of the cancellation and the
29 reason for the cancellation.

30 Subd. 8. [DUTIES OF CONTRACT HOLDER.] Service contracts
31 must set forth all of the obligations and duties of the service
32 contract holder, such as the duty to protect against any further
33 damage and any requirement to follow the owner's manual.

34 Subd. 9. [EXCLUSIONS; CONSEQUENTIAL DAMAGES AND
35 PREEXISTING CONDITIONS.] Service contracts may exclude coverage
36 for consequential damages or preexisting conditions. These

1 exclusions, if applicable, must be stated in the contract.

2 Sec. 17. [59B.06] [ADDITIONAL REQUIRED DISCLOSURE; SERVICE
3 CONTRACTS.]

4 Subdivision 1. [INSURANCE DISCLOSURE.] Service contracts
5 insured under a reimbursement insurance policy pursuant to
6 section 59B.03, subdivision 4, clause (1), must contain a
7 statement in substantially the following form: "Obligations of
8 the provider under this service contract are insured under a
9 service contract reimbursement insurance policy." The service
10 contract must also state the name and address of the insurer.

11 Subd. 2. [DISCLOSURE OF NO INSURANCE.] Service contracts
12 not insured under a reimbursement insurance policy pursuant to
13 section 59B.03, subdivision 4, clause (1), must contain a
14 statement in substantially the following form: "Obligations of
15 the provider under this service contract are backed by the full
16 faith and credit of the provider."

17 Sec. 18. [59B.07] [PROHIBITED ACTS.]

18 Subdivision 1. [DECEPTIVE NAMES.] A provider shall not use
19 in its name the words insurance, casualty, surety, mutual, or
20 any other words descriptive of the insurance, casualty, or
21 surety business; or a name deceptively similar to the name or
22 description of any insurance or surety corporation, or to the
23 name of any other provider. The word "guaranty" or similar word
24 may be used by a provider. This section does not apply to a
25 company that was using any of the prohibited language in its
26 name before the effective date of this chapter. However, a
27 company using the prohibited language in its name shall include
28 in its service contracts a statement in substantially the
29 following form: "This agreement is not an insurance contract."

30 Subd. 2. [FALSE OR MISLEADING STATEMENTS.] A provider or
31 its representative shall not in its service contracts,
32 literature, or otherwise make, permit, or cause to be made any
33 false or misleading statement or omit any material statement
34 that would be considered misleading if omitted.

35 Subd. 3. [REQUIRED PURCHASE.] A person, such as a bank,
36 savings association, lending institution, manufacturer, or

1 seller of any product, shall not require the purchase of a
2 service contract as a condition of a loan or a condition for the
3 sale of any property.

4 Sec. 19. [59B.08] [RECORD-KEEPING REQUIREMENTS.]

5 Subdivision 1. [GENERALLY.] The provider shall keep
6 accurate accounts, books, and records concerning transactions
7 regulated under this chapter.

8 The provider's accounts, books, and records include the
9 following:

10 (1) copies of each type of service contracts sold;

11 (2) the name and address of each service contract holder to
12 the extent that the name and address have been furnished by the
13 service contract holder;

14 (3) a list of the locations where service contracts are
15 marketed, sold, or offered for sale; and

16 (4) written claims files which shall contain information
17 regarding the services provided or claims payments for contracts
18 that provide for payments or reimbursement, including at least
19 the dates and description of claims related to the service
20 contracts.

21 Subd. 2. [RETENTION.] (a) Except as provided in paragraph
22 (b), the provider shall retain all records required to be
23 maintained by this section for at least three years after the
24 specified period of coverage has expired.

25 (b) A provider discontinuing business in this state shall
26 maintain its records until it furnishes the commissioner
27 satisfactory proof that it has discharged all obligations to
28 contract holders in this state.

29 Subd. 3. [MEDIUM.] The records required by this chapter
30 may be, but are not required to be, maintained on a computer
31 disk or other record-keeping technology. If the records are
32 maintained in other than hard copy, the records must be capable
33 of duplication to legible hard copy at the request of the
34 commissioner.

35 Sec. 20. [59B.09] [TERMINATION OF REIMBURSEMENT INSURANCE
36 POLICY.]

1 An insurer that issued a reimbursement insurance policy may
2 not terminate the policy unless the insurer mails or delivers
3 written notice of the termination to the commissioner at least
4 30 days before the effective date of termination. The
5 termination of a reimbursement insurance policy does not reduce
6 the issuer's responsibility for service contracts issued by
7 providers before the date of the termination.

8 Sec. 21. [59B.10] [OBLIGATION OF REIMBURSEMENT INSURANCE
9 POLICY INSURERS.]

10 Insurers issuing reimbursement insurance to providers are
11 deemed to have received the premiums for the insurance upon the
12 payment of provider fees by consumers for service contracts
13 issued by the insured providers.

14 Nothing in this chapter prevents or limits the right of an
15 insurer that issued a reimbursement insurance policy to seek
16 indemnification or subrogation against a provider if the issuer
17 pays or is obligated to pay the service contract holder sums
18 that the provider was obligated to pay pursuant to the
19 provisions of the service contract.

20 Sec. 22. [59B.11] [SEVERABILITY PROVISION.]

21 If any provision of this chapter or the application of the
22 provision to any person or circumstances are held invalid, the
23 remainder of this chapter and the application of the provision
24 to persons or circumstances other than those as to which it is
25 held invalid, must not be affected.

26 Sec. 23. Minnesota Statutes 2004, section 60A.14,
27 subdivision 1, is amended to read:

28 Subdivision 1. [FEES OTHER THAN EXAMINATION FEES.] In
29 addition to the fees and charges provided for examinations, the
30 following fees must be paid to the commissioner for deposit in
31 the general fund:

32 (a) by township mutual fire insurance companies;

33 (1) for filing certificate of incorporation \$25 and
34 amendments thereto, \$10;

35 (2) for filing annual statements, \$15;

36 (3) for each annual certificate of authority, \$15;

1 (4) for filing bylaws \$25 and amendments thereto, \$10;

2 (b) by other domestic and foreign companies including
3 fraternal and reciprocal exchanges;

4 (1) for filing an application for an initial certification
5 of authority to be admitted to transact business in this state,
6 \$1,500;

7 (2) for filing certified copy of certificate of articles of
8 incorporation, \$100;

9 ~~(2)~~ (3) for filing annual statement, \$225;

10 ~~(3)~~ (4) for filing certified copy of amendment to
11 certificate or articles of incorporation, \$100;

12 ~~(4)~~ (5) for filing bylaws, \$75 or amendments thereto, \$75;

13 ~~(5)~~ (6) for each company's certificate of authority, \$575,
14 annually;

15 (c) the following general fees apply:

16 (1) for each certificate, including certified copy of
17 certificate of authority, renewal, valuation of life policies,
18 corporate condition or qualification, \$25;

19 (2) for each copy of paper on file in the commissioner's
20 office 50 cents per page, and \$2.50 for certifying the same;

21 (3) for license to procure insurance in unadmitted foreign
22 companies, \$575;

23 (4) for valuing the policies of life insurance companies,
24 one cent per \$1,000 of insurance so valued, provided that the
25 fee shall not exceed \$13,000 per year for any company. The
26 commissioner may, in lieu of a valuation of the policies of any
27 foreign life insurance company admitted, or applying for
28 admission, to do business in this state, accept a certificate of
29 valuation from the company's own actuary or from the
30 commissioner of insurance of the state or territory in which the
31 company is domiciled;

32 (5) for receiving and filing certificates of policies by
33 the company's actuary, or by the commissioner of insurance of
34 any other state or territory, \$50;

35 (6) for each appointment of an agent filed with the
36 commissioner, \$10;

1 (7) for filing forms and rates, \$75 per filing, which may
2 be paid on a quarterly basis in response to an invoice. Billing
3 and payment may be made electronically;

4 (8) for annual renewal of surplus lines insurer license,
5 \$300;

6 (9) \$250 filing fee for a large risk alternative rating
7 option plan that meets the \$250,000 threshold requirement.

8 The commissioner shall adopt rules to define filings that
9 are subject to a fee.

10 Sec. 24. Minnesota Statutes 2004, section 60K.55,
11 subdivision 2, is amended to read:

12 Subd. 2. [LICENSING FEES.] (a) In addition to fees
13 provided for examinations, each insurance producer licensed
14 under this chapter shall pay to the commissioner a fee of:

15 (1) ~~\$40~~ \$50 for an initial life, accident and health,
16 property, or casualty license issued to an individual insurance
17 producer, and a fee of ~~\$40~~ \$50 for each renewal;

18 (2) ~~\$75~~ \$50 for an initial variable life and variable
19 annuity license issued to an individual insurance producer, and
20 a fee of \$50 for each renewal;

21 (3) ~~\$80~~ \$50 for an initial personal lines license issued to
22 an individual insurance producer, and a fee of ~~\$80~~ \$50 for each
23 renewal;

24 (4) ~~\$80~~ \$50 for an initial limited lines license issued to
25 an individual insurance producer, and a fee of ~~\$80~~ \$50 for each
26 renewal;

27 (5) \$200 for an initial license issued to a business
28 entity, and a fee of ~~\$150~~ \$200 for each renewal; and

29 (6) \$500 for an initial surplus lines license, and a fee of
30 \$500 for each renewal.

31 (b) Initial licenses issued under this chapter are valid
32 for a period not to exceed 24 months and expire on October 31 of
33 the renewal year assigned by the commissioner. Each renewal
34 insurance producer license is valid for a period of 24 months.
35 Licensees who submit renewal applications postmarked or
36 delivered on or before October 15 of the renewal year may

1 continue to transact business whether or not the renewal license
2 has been received by November 1. Licensees who submit
3 applications postmarked or delivered after October 15 of the
4 renewal year must not transact business after the expiration
5 date of the license until the renewal license has been received.

6 (c) All fees are nonreturnable, except that an overpayment
7 of any fee may be refunded upon proper application.

8 Sec. 25. Minnesota Statutes 2004, section 72A.20, is
9 amended by adding a subdivision to read:

10 Subd. 38. [UNFAIR CLAIMS SERVICE; SERVICE CONTRACTS.] No
11 person shall, in connection with a service contract regulated
12 under chapter 59B:

13 (1) attempt to settle claims on the basis of an application
14 or any other material document which was altered without notice
15 to, or knowledge or consent of, the service contract holder;

16 (2) make a material misrepresentation to the service
17 contract holder for the purpose and with the intent of effecting
18 settlement of the claims, loss, or damage under the contract on
19 less favorable terms than those provided in, and contemplated
20 by, the contract; or

21 (3) commit or perform with such frequency as to indicate a
22 general business practice any of the following practices:

23 (i) failure to properly investigate claims;

24 (ii) misrepresentation of pertinent facts or contract
25 provisions relating to coverages at issue;

26 (iii) failure to acknowledge and act upon communications
27 within a reasonable time with respect to claims;

28 (iv) denial of claims without conducting reasonable
29 investigations based upon available information;

30 (v) failure to affirm or deny coverage of claims upon
31 written request of the service contract holder within a
32 reasonable time after proof-of-loss statements have been
33 completed; or

34 (vi) failure to timely provide a reasonable explanation to
35 the service contract holder of the basis in the contract in
36 relation to the facts or applicable law for denial of a claim or

1 for the offer of a compromise settlement.

2 Sec. 26. Minnesota Statutes 2004, section 72B.04,
3 subdivision 10, is amended to read:

4 Subd. 10. [FEES.] A fee of ~~\$80~~ \$50 is imposed for each
5 initial license or temporary permit and ~~\$80~~ \$50 for each renewal
6 thereof or amendment thereto. A fee of \$20 is imposed for the
7 registration of each nonlicensed adjuster who is required to
8 register under section 72B.06. All fees shall be transmitted to
9 the commissioner and shall be payable to the Department of
10 Commerce.

11 Sec. 27. Minnesota Statutes 2004, section 82B.09,
12 subdivision 1, is amended to read:

13 Subdivision 1. [AMOUNTS.] The following fees must be paid
14 to the commissioner:

15 (1) \$150 for each initial individual real estate
16 appraiser's license: ~~---\$150-if-the-license-expires-more-than-12~~
17 ~~months-after-issuance,--\$100-if-the-license-expires-less-than-12~~
18 ~~months-after-issuance; and a-fee-of~~

19 (2) \$100 for each renewal.

20 Sec. 28. Minnesota Statutes 2004, section 115C.07,
21 subdivision 3, is amended to read:

22 Subd. 3. [RULES.] (a) The board shall adopt rules
23 regarding its practices and procedures, the form and procedure
24 for applications for compensation from the fund, procedures for
25 investigation of claims and specifying the costs that are
26 eligible for reimbursement from the fund.

27 (b) The board may adopt rules requiring certification of
28 environmental consultants.

29 (c) The board may adopt other rules necessary to implement
30 this chapter.

31 (d) The board may use section 14.389 to adopt rules
32 specifying the competitive bidding requirements for consultant
33 services proposals.

34 (e) The board may use section 14.389 to adopt rules
35 specifying the written proposal and invoice requirements for
36 consultant services.

1 Sec. 29. Minnesota Statutes 2004, section 115C.09,
2 subdivision 3h, is amended to read:

3 Subd. 3h. [REIMBURSEMENT; ABOVEGROUND TANKS IN BULK
4 PLANTS.] (a) As used in this subdivision, "bulk plant" means an
5 aboveground or underground tank facility with a storage capacity
6 of more than 1,100 gallons but less than 1,000,000 gallons that
7 is used to dispense petroleum into cargo tanks for
8 transportation and sale at another location.

9 (b) Notwithstanding any other provision in this chapter and
10 any rules adopted pursuant to this chapter, the board shall
11 reimburse 90 percent of an applicant's cost for bulk plant
12 upgrades or closures completed between June 1, 1998, and
13 November 1, 2003, to comply with Minnesota Rules, chapter 7151,
14 provided that the board determines the costs were incurred and
15 reasonable. The reimbursement may not exceed \$10,000 per bulk
16 plant. The board may provide reimbursement under this paragraph
17 for work completed after November 1, 2003, if the work was
18 contracted for prior to that date and was not completed by that
19 date as a result of an unanticipated situation, provided that an
20 application for reimbursement under this sentence, which may be
21 a renewal of an application previously denied, is submitted
22 prior to December 31, 2005.

23 (c) For corrective action at a bulk plant located on what
24 is or was railroad right-of-way, the board shall reimburse 90
25 percent of total reimbursable costs on the first \$40,000 of
26 reimbursable costs and 100 percent of any remaining reimbursable
27 costs when the applicant can document that more than one bulk
28 plant was operated on the same section of right-of-way, as
29 determined by the commissioner of commerce.

30 Sec. 30. Minnesota Statutes 2004, section 115C.09,
31 subdivision 3j, is amended to read:

32 Subd. 3j. [RETAIL LOCATIONS AND TRANSPORT VEHICLES.] (a)
33 As used in this subdivision, "retail location" means a facility
34 located in the metropolitan area as defined in section 473.121,
35 subdivision 2, where gasoline is offered for sale to the general
36 public for use in automobiles and trucks. "Transport vehicle"

1 means a liquid fuel cargo tank used to deliver gasoline into
2 underground storage tanks during 2002 and 2003 at a retail
3 location.

4 (b) Notwithstanding any other provision in this chapter,
5 and any rules adopted under this chapter, the board shall
6 reimburse 90 percent of an applicant's cost for retrofits of
7 retail locations and transport vehicles completed between
8 January 1, 2001, and January 1, 2006, to comply with section
9 116.49, subdivisions 3 and 4, provided that the board determines
10 the costs were incurred and reasonable. The reimbursement may
11 not exceed \$3,000 per retail location and \$3,000 per transport
12 vehicle.

13 Sec. 31. Minnesota Statutes 2004, section 115C.13, is
14 amended to read:

15 115C.13 [REPEALER.]

16 Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04,
17 115C.045, 115C.05, 115C.06, 115C.065, 115C.07, 115C.08, 115C.09,
18 115C.093, 115C.094, 115C.10, 115C.11, 115C.111, 115C.112,
19 115C.113, 115C.12, and 115C.13, are repealed effective June 30,
20 ~~2007~~ 2012.

21 Sec. 32. Minnesota Statutes 2004, section 116J.571, is
22 amended to read:

23 116J.571 [CREATION OF ACCOUNTS.]

24 Two ~~greater-Minnesota~~ redevelopment accounts are created,
25 one in the general fund and one in the bond proceeds fund.
26 Money in the accounts may be used to make grants as provided in
27 section 116J.575:---~~Money in the bond proceeds fund may only be~~
28 ~~used for eligible costs for publicly owned property.---Money in~~
29 ~~the general fund may be used~~ and to pay for the commissioner's
30 costs in reviewing the applications and making grants.

31 Sec. 33. Minnesota Statutes 2004, section 116J.572, is
32 amended to read:

33 116J.572 [DEFINITIONS.]

34 Subdivision 1. [SCOPE OF APPLICATION.] For purposes of
35 sections 116J.571 to 116J.575, the terms in this section have
36 the meanings given.

1 Subd. 2. [DEVELOPMENT AUTHORITY.] "Development authority"
 2 includes a statutory or home rule charter city, county, housing
 3 and redevelopment authority, economic development authority, or
 4 port authority ~~located-outside.~~

5 Subd. 2a. [METROPOLITAN AREA.] "Metropolitan area" means
 6 the seven-county metropolitan area, as defined in section
 7 473.121, subdivision 2.

8 Subd. 2b. [MUNICIPALITY.] "Municipality" means the
 9 statutory or home rule charter city, town, or, in the case of
 10 unorganized territory, county in which the redevelopment is
 11 located.

12 Subd. 3. [~~ELIGIBLE REDEVELOPMENT COSTS OR COSTS.~~]
 13 "~~Eligible Redevelopment~~ costs" or "costs" means the costs of
 14 land acquisition, stabilizing unstable soils when infill is
 15 required, demolition, infrastructure improvements, and ponding
 16 or other environmental infrastructure, ~~building-construction,~~
 17 ~~design-and-engineering,~~ and costs necessary for adaptive reuse
 18 of buildings, including remedial activities. ~~Eligible-costs-do~~
 19 ~~not-include-project-administration-and-legal-fees.~~

20 ~~Subd.-4.--[REDEVELOPMENT.]-"Redevelopment"-means-recycling~~
 21 ~~obsolete,-abandoned,-or-underutilized-properties-for-new~~
 22 ~~industrial,-commercial,-or-residential-uses.~~

23 Sec. 34. Minnesota Statutes 2004, section 116J.574, is
 24 amended to read:

25 116J.574 [GRANT APPLICATIONS.]

26 Subdivision 1. [APPLICATION REQUIRED.] To obtain a
 27 redevelopment grant, a development authority shall apply to the
 28 commissioner. The governing body of the municipality must
 29 approve the application by resolution.

30 Subd. 2. [REQUIRED CONTENT.] The commissioner shall
 31 prescribe and provide the application form. The application
 32 must include at least the following information:

- 33 (1) identification of the site;
 34 (2) a redevelopment plan for the site;
 35 (3) a detailed budget estimate, including along with
 36 necessary supporting evidence, of the total redevelopment costs

1 for the site ~~including the total eligible redevelopment costs;~~

2 ~~(3)-a-complete~~ (4) an assessment of the development
 3 potential or likely use of the site after completion of the
 4 redevelopment plan, including any specific commitments from
 5 third parties to construct improvements on the site;

6 ~~(4)-a-complete-financing-plan,-including~~ (5) the manner in
 7 which the development authority uses innovative financial
 8 partnerships between government, private-for-profit, and
 9 nonprofit sectors municipality will meet the local match
 10 requirement; and

11 ~~(5)~~ (6) any additional information or material that the
 12 commissioner prescribes.

13 Sec. 35. Minnesota Statutes 2004, section 116J.575, is
 14 amended to read:

15 116J.575 [GRANTS.]

16 Subdivision 1. [COMMISSIONER DISCRETION.] The commissioner
 17 may make a grant for up to 50 percent of the eligible costs of a
 18 project. The determination of whether to make a grant for a
 19 site is within the discretion of the commissioner, subject to
 20 this section and sections 116J.571 to 116J.574 and available
 21 unencumbered money in the ~~greater-Minnesota~~ redevelopment
 22 account. The commissioner's decisions and application of the
 23 priorities under this section are not subject to judicial
 24 review, except for abuse of discretion.

25 Subd. 1a. [PRIORITIES.] (a) If applications for grants
 26 exceed the available appropriations, grants shall be made for
 27 sites that, in the commissioner's judgment, provide the highest
 28 return in public benefits for the public costs incurred.
 29 "Public benefits" include job creation, bioscience development,
 30 environmental benefits to the state and region, efficient use of
 31 public transportation, efficient use of existing infrastructure,
 32 provision of affordable housing, multiuse development that
 33 constitutes community rebuilding rather than single-use
 34 development, crime reduction, blight reduction, community
 35 stabilization, and property tax base maintenance or
 36 improvement. In making this judgment, the commissioner shall

1 give priority to redevelopment projects with one or more of the
 2 following characteristics:

3 (1) the need for redevelopment in conjunction with
 4 contamination remediation needs;

5 (2) the redevelopment project meets current tax increment
 6 financing requirements for a redevelopment district and tax
 7 increments will contribute to the project;

8 (3) the redevelopment potential within the municipality;

9 (4) proximity to public transit if located in the
 10 metropolitan area; and

11 (5) multijurisdictional projects that take into account the
 12 need for affordable housing, transportation, and environmental
 13 impact.

14 (b) The factors in paragraph (a) are not listed in a rank
 15 order of priority; rather, the commissioner may weigh each
 16 factor, depending upon the facts and circumstances, as the
 17 commissioner considers appropriate.

18 Subd. 2. [APPLICATION CYCLES.] In making grants, the
 19 commissioner shall establish semiannual application deadlines in
 20 which grants will be authorized from all or part of the
 21 available money in the account.

22 Subd. 3. [MATCH REQUIRED.] In order to qualify for a grant
 23 under sections 116J.571 to 116J.575, the municipality must pay
 24 for at least one-half of the redevelopment costs as a local
 25 match from any money available to the municipality.

26 Sec. 36. Minnesota Statutes 2004, section 116L.20,
 27 subdivision 1, is amended to read:

28 Subdivision 1. [DETERMINATION AND COLLECTION OF SPECIAL
 29 ASSESSMENT.] (a) In addition to amounts due from an employer
 30 under the Minnesota unemployment insurance program, each
 31 employer, except an employer making reimbursements is liable for
 32 a special assessment levied at the rate of ~~seven-hundredths~~
 33 one-tenth of one percent per year on all taxable wages, as
 34 defined in section 268.035, subdivision 24. If the commissioner
 35 of employment and economic development determines that the need
 36 for services under the dislocated worker program substantially

1 exceeds the resources that will be available for that program,
2 the commissioner may increase the fee to no more than 12/100 of
3 one percent of taxable wages. The assessment shall become due
4 and be paid by each employer on the same schedule and in the
5 same manner as other amounts due from an employer under section
6 268.051, subdivision 1.

7 (b) The special assessment levied under this section shall
8 be subject to the same requirements and collection procedures as
9 any amounts due from an employer under the Minnesota
10 unemployment insurance program.

11 [EFFECTIVE DATE.] This section is effective January 1, 2006.

12 Sec. 37. Minnesota Statutes 2004, section 116L.30,
13 subdivision 1, is amended to read:

14 Subdivision 1. [GRANTS.] The commissioner may make grants
15 to nonprofit agencies administering youth intervention programs
16 in communities where the programs are or may be established.

17 "Youth intervention program" means a nonresidential
18 community-based program providing advocacy, education,
19 counseling, mentoring, and referral services to youth and their
20 families experiencing personal, familial, school, legal, or
21 chemical problems with the goal of resolving the present
22 problems and preventing the occurrence of the problems in the
23 future. The purpose of the youth intervention program is to
24 provide an ongoing, stable funding source to community-based
25 early intervention programs for youth. Program design may be
26 different for the grantees depending on youth needs in the
27 communities being served.

28 Sec. 38. Minnesota Statutes 2004, section 116L.30,
29 subdivision 2, is amended to read:

30 Subd. 2. [APPLICATIONS.] Applications for a grant-in-aid
31 shall be made by the administering agency to the commissioner.
32 The grant-in-aid is contingent upon the agency having obtained
33 from the community in which the youth intervention program is
34 established local matching money two times the amount of the
35 grant that is sought. The purpose of the matching requirement
36 is to leverage the investment of state and community dollars in

1 supporting the efforts of the grantees to provide early
2 intervention services to youth and their families.

3 The commissioner shall provide the application form,
4 procedures for making ~~application-form~~ applications, criteria
5 for review of the application, and kinds of contributions in
6 addition to cash that qualify as local matching money. No grant
7 to any agency may exceed \$50,000.

8 Sec. 39. Minnesota Statutes 2004, section 116L.30, is
9 amended by adding a subdivision to read:

10 Subd. 3. [GRANT ALLOCATION FORMULA.] Up to one percent of
11 the appropriations to the grants-in-aid to the youth
12 intervention program may be used for a grant to the Minnesota
13 Youth Intervention Programs Association for expenses in
14 providing collaborative training and technical assistance to
15 community-based grantees.

16 Sec. 40. Minnesota Statutes 2004, section 116L.30, is
17 amended by adding a subdivision to read:

18 Subd. 4. [ADMINISTRATIVE COSTS.] The commissioner may use
19 up to two percent of the biennial appropriation for
20 grants-in-aid to the youth intervention program to pay costs
21 incurred by the department in administering the grants.

22 Sec. 41. [116P.081] [MINNESOTA EARLY STAGE VENTURE CAPITAL
23 INVESTMENTS.]

24 (a) For purposes of this section, "Minnesota early stage
25 company" means an early stage company with its headquarters and
26 principal place of business located in this state.

27 (b) Until June 30, 2019, the State Board of Investment must
28 invest at least \$25,000,000 of the principal of the Minnesota
29 environmental and natural resources trust fund in early stage
30 venture capital investments, subject to the following conditions:

31 (1) the board may not make initial investments of more than
32 a total of \$50,000,000 under this section;

33 (2) each separate investment vehicle must commit 50 percent
34 or more of its assets to investments in Minnesota early stage
35 companies;

36 (3) the board's investment may not exceed 50 percent of the

1 total investment in an investment vehicle;

2 (4) no new investment vehicles may be purchased after June
3 30, 2008; and

4 (5) the board may reinvest returns from investments made
5 under this section.

6 The board may set evaluation criteria for investment
7 vehicles and fund managers of investments under this section
8 different from those it uses for other investments.

9 (c) This section expires August 1, 2019.

10 [EFFECTIVE DATE.] This section is effective the day
11 following final enactment.

12 Sec. 42. Minnesota Statutes 2004, section 129D.02,
13 subdivision 3, is amended to read:

14 Subd. 3. [COMPENSATION.] Members shall be compensated at
15 ~~the rate of \$35 per day spent on board activities. In addition,~~
16 ~~members shall receive reimbursement for expenses in the same~~
17 ~~manner and amount as state employees. Employees of the state or~~
18 ~~its political subdivisions shall not be entitled to the per~~
19 ~~diem, but they shall suffer no loss in compensation or benefits~~
20 ~~as a result of service on the board. Members not entitled to~~
21 ~~the per diem shall receive expenses as provided in this~~
22 ~~subdivision unless the expenses are reimbursed from another~~
23 source as provided in section 15.0575, subdivision 3.

24 Sec. 43. Minnesota Statutes 2004, section 176.136,
25 subdivision 1a, is amended to read:

26 Subd. 1a. [RELATIVE VALUE FEE SCHEDULE.] The liability of
27 an employer for services included in the medical fee schedule is
28 limited to the maximum fee allowed by the schedule in effect on
29 the date of the medical service, or the provider's actual fee,
30 whichever is lower. The medical fee schedule effective on
31 October 1, 1991, remains in effect until the commissioner adopts
32 a new schedule by permanent rule. The commissioner shall adopt
33 permanent rules regulating fees allowable for medical,
34 chiropractic, podiatric, surgical, and other health care
35 provider treatment or service, including those provided to
36 hospital outpatients, by implementing a relative value fee

1 schedule to be effective on October 1, 1993. The commissioner
2 may adopt by reference the relative value fee schedule adopted
3 for the federal Medicare program or a relative value fee
4 schedule adopted by other federal or state agencies. The
5 relative value fee schedule ~~must~~ may contain reasonable
6 classifications including, but not limited to, classifications
7 that differentiate among health care provider disciplines. The
8 ~~conversion-factors-for-the-original-relative-value-fee-schedule~~
9 ~~must-reasonably-reflect-a-15-percent-overall-reduction-from-the~~
10 ~~medical-fee-schedule-most-recently-in-effect.---The-reduction~~
11 ~~need-not-be-applied-equally-to-all-treatment-or-services,---but~~
12 ~~must-represent-a-gross-15-percent-reduction~~ The rules must
13 provide that chiropractors and physical therapists have the same
14 provider group designation as medical physicians and have the
15 same maximum fee allowed as medical physicians for the same
16 patient interventions.

17 After permanent rules have been adopted to implement this
18 section, the conversion factors must be adjusted annually on
19 October 1 by no more than the percentage change computed under
20 section 176.645, but without the annual cap provided by that
21 section. The commissioner shall annually give notice in the
22 State Register of the adjusted conversion factors and may also
23 give annual notice of any additions, deletions, or changes to
24 the relative value units or service codes adopted by the federal
25 Medicare program. The relative value units may be statistically
26 adjusted in the same manner as for the original workers'
27 compensation relative value fee schedule. The notices of the
28 adjusted conversion factors and additions, deletions, or changes
29 to the relative value units and service codes is in lieu of the
30 requirements of chapter 14. The commissioner shall follow the
31 requirements of section 14.386, paragraph (a). The annual
32 adjustments to the conversion factors and the medical fee
33 schedules adopted under this section, including all previous fee
34 schedules, are not subject to expiration under section 14.386,
35 paragraph (b).

36 Sec. 44. [181.722] [MISREPRESENTATION OF EMPLOYMENT

1 RELATIONSHIP PROHIBITED.]

2 Subdivision 1. [PROHIBITION.] No employer shall
3 misrepresent the nature of its employment relationship with its
4 employees to any federal, state, or local government unit, to
5 other employers or to its employees. An employer misrepresents
6 the nature of its employment relationship with its employees if
7 it makes any statement regarding the nature of the relationship
8 that the employer knows or has reason to know is untrue and if
9 it fails to report individuals as employees when legally
10 required to do so.

11 Subd. 2. [AGREEMENTS TO MISCLASSIFY PROHIBITED.] No
12 employer shall require or request any employee to enter into any
13 agreement, or sign any document, that results in
14 misclassification of the employee as an independent contractor
15 or otherwise does not accurately reflect the employment
16 relationship with the employer.

17 Subd. 3. [DETERMINATION OF EMPLOYMENT RELATIONSHIP.] For
18 purposes of this section, the nature of an employment
19 relationship is determined using the same tests and in the same
20 manner as employee status is determined under the applicable
21 workers' compensation and unemployment insurance program laws
22 and rules.

23 Subd. 4. [REPORTING OF VIOLATIONS.] Any court finding that
24 a violation of this section has occurred shall transmit a copy
25 of the documentation of the finding to the commissioner of labor
26 and industry. The commissioner of labor and industry shall
27 report the finding to relevant state and federal agencies,
28 including at least the commissioner of commerce, the
29 commissioner of employment and economic development, the
30 commissioner of revenue, the federal Internal Revenue Service,
31 and the United States Department of Labor.

32 Subd. 5. [CIVIL REMEDY.] An individual not a contractor
33 injured by a violation of this section may bring an action for
34 damages against the violator. The court may award attorney
35 fees, costs, and disbursements to a party recovering under this
36 section. If the individual injured is an employee of the

1 violator of this section, the employee's representative, as
 2 defined in section 179.01, subdivision 5, may bring an action
 3 for damages against the violator on behalf of the employee.

4 Sec. 45. Minnesota Statutes 2004, section 183.41, is
 5 amended by adding a subdivision to read:

6 Subd. 4. [ANNUAL PERMIT.] The commissioner shall issue an
 7 annual permit to a boat for the purpose of carrying passengers
 8 for hire on the inland waters of the state provided the boat
 9 satisfies the inspection requirements of this section. A boat
 10 subject to inspection under this chapter shall be registered
 11 with the Division of Boiler Inspection and shall be inspected
 12 before a permit may be issued.

13 Sec. 46. Minnesota Statutes 2004, section 183.411,
 14 subdivision 2a, is amended to read:

15 Subd. 2a. [INSPECTION FEES.] ~~The commissioner may set fees~~
 16 fee for inspecting traction engines, show boilers, and show
 17 engines shall be the hourly rate pursuant to section
 18 ~~16A-1285~~ 183.545, subdivision 3a.

19 Sec. 47. Minnesota Statutes 2004, section 183.411,
 20 subdivision 3, is amended to read:

21 Subd. 3. [LICENSES.] A license to operate steam farm
 22 traction engines, portable and stationary show engines and
 23 portable and stationary show boilers shall be issued to an
 24 applicant who:

25 ~~(a)~~ (1) is 18 years of age or older;

26 ~~(b)~~ (2) has a licensed second class or higher class
 27 engineer or steam traction (hobby) engineer sign the affidavit
 28 attesting to the applicant's competence in operating said
 29 devices;

30 ~~(c)~~ (3) passes a written test for competence in operating
 31 said devices;

32 ~~(d)~~ (4) has at least 25 hours of actual operating
 33 experience on said devices; and

34 ~~(e)~~ (5) pays the required fee.

35 A license shall be valid for the lifetime of the licensee.
 36 A onetime fee ~~set-by-the-commissioner~~ pursuant to section

1 ~~16A-1285~~ 183.545, subdivision 4, shall be charged for the
2 license.

3 Sec. 48. Minnesota Statutes 2004, section 183.42, is
4 amended to read:

5 183.42 [INSPECTION EACH-YEAR AND REGISTRATION.]

6 Subdivision 1. [INSPECTION.] Every owner, lessee, or other
7 person having charge of boilers, or pressure vessels, ~~or any~~
8 ~~boat~~ subject to inspection under this chapter shall cause them
9 to be inspected by the Division of Boiler Inspection.
10 Boilers ~~and boats~~ subject to inspection under this chapter must
11 be inspected at least annually and pressure vessels inspected at
12 least every two years except as provided under section
13 ~~183.45. A person who fails to have the inspection required by~~
14 ~~this section shall pay to the commissioner a penalty in the~~
15 ~~amount of the cost of inspection up to a maximum of \$1,000.~~ The
16 commissioner shall assess a \$250 penalty per applicable boiler
17 or pressure vessel for failure to have the inspection required
18 by this section and may seal the boiler or pressure vessel for
19 refusal to allow an inspection as required by this section.

20 Subd. 2. [REGISTRATION.] Every owner, lessee, or other
21 person having charge of boilers or pressure vessels subject to
22 inspection under this chapter shall register said objects with
23 the Division of Boiler Inspection. The registration shall be
24 renewed annually and is applicable to each object separately.
25 The fee for registration of a boiler or pressure vessel shall be
26 pursuant to section 183.545, subdivision 10. The Division of
27 Boiler Inspection may issue a billing statement for each boiler
28 and pressure vessel on record with the division, and may
29 determine a monthly schedule of billings to be followed for
30 owners, lessees, or other persons having charge of a boiler or
31 pressure vessel subject to inspection under this chapter.

32 Subd. 3. [CERTIFICATE OF REGISTRATION.] The Division of
33 Boiler Inspection shall issue a certificate of registration that
34 lists the boilers and pressure vessels at the location,
35 expiration date of the certificate of registration, last
36 inspection date of each boiler and pressure vessel, and maximum

1 allowable working pressure for each boiler and pressure vessel.
2 The commissioner may make an electronic certificate of
3 registration available to be printed by the owner, lessee, or
4 other person having charge of the boiler or pressure vessel.

5 Sec. 49. Minnesota Statutes 2004, section 183.44,
6 subdivision 1, is amended to read:

7 Subdivision 1. [MASTERS AND PILOTS.] ~~The Division of~~
8 ~~Boiler-Inspection~~ commissioner or the commissioner's designee
9 shall examine all masters ~~and-pilots~~ of boats and vessels
10 carrying passengers for hire on the inland waters of the state
11 as to their qualifications and fitness. If found ~~trustworthy~~
12 qualified and competent to perform their duties as a master ~~or~~
13 ~~pilot~~ of a boat carrying passengers for hire, they shall be
14 ~~given~~ issued a certificate license authorizing them to act as
15 such on the inland waters of the state. The license shall be
16 renewed annually. Fees for the original issue and renewal of
17 the license authorized under this section shall be pursuant to
18 section 183.545, subdivision 2.

19 Sec. 50. Minnesota Statutes 2004, section 183.51,
20 subdivision 2, is amended to read:

21 Subd. 2. [APPLICATIONS.] Any person who desires an
22 engineer's license shall make submit a written application, on
23 blanks furnished by the ~~inspector.--The-person-shall-also~~
24 ~~successfully-pass-a-written-examination-for-such-grade-of~~
25 ~~license-applied-for~~ commissioner or designee, at least 15 days
26 before the requested exam date. The application is valid for
27 one year from the date the commissioner or designee received the
28 application.

29 Sec. 51. Minnesota Statutes 2004, section 183.51, is
30 amended by adding a subdivision to read:

31 Subd. 2a. [EXAMINATIONS.] Each applicant for a license
32 must pass an examination approved by the commissioner. The
33 examinations shall be of sufficient scope to establish the
34 competency of the applicant to operate a boiler of the
35 applicable license class and grade.

36 Sec. 52. Minnesota Statutes 2004, section 183.545, is

1 amended to read:

2 183.545 [FEES FOR INSPECTION.]

3 Subdivision 1. [FEE AMOUNT; VESSELS OPERATED ON INLAND
4 WATERS.] The fees for the inspection of the hull, boiler,
5 machinery, and equipments of vessels ~~are to be set by the~~
6 ~~commissioner pursuant to section 16A:1285, for vessels of 50~~
7 ~~tons burden or over and vessels of less than 50 tons~~
8 ~~burden, operated on inland waters and that carry passengers for~~
9 ~~hire are as follows:~~

10 (1) annual operating permit and safety inspections shall be
11 \$200; and

12 (2) other inspections, including dry-dock inspections, boat
13 stability tests, and plan reviews, are billed at the hourly rate
14 set in subdivision 3a.

15 Subd. 2. [FEE AMOUNTS; MASTERS AND PILOTS.] The
16 ~~commissioner shall, pursuant to section 16A:1285, set~~
17 ~~the license and application fee for an examination of an~~
18 ~~applicant for a master's or pilot's license is \$50, for an or~~
19 ~~\$20 if the applicant possesses a valid, unlimited, current~~
20 ~~United States Coast Guard master's or pilot's license. The~~
21 ~~annual renewal of a master's or a pilot's license, and for an is~~
22 ~~\$20. The annual renewal if paid later than ten 30 days after~~
23 ~~expiration is \$35. The fee for replacement of a current, valid~~
24 ~~license is \$20.~~

25 Subd. 3. [BOILER AND PRESSURE VESSEL INSPECTION FEES.] The
26 fees for the annual inspection of boilers and biennial
27 inspection of pressure vessels are ~~to be set by the commissioner~~
28 ~~pursuant to section 16A:1285, for~~ as follows:

29 (a) (1) boiler inaccessible for internal inspection, \$55;

30 (b) (2) boiler accessible for internal inspection, \$55;

31 (c) (3) boiler internal inspection over 2,000 square feet
32 heating surface shall be billed at the hourly rate set in
33 subdivision 3a;

34 ~~(d) boiler internal inspection over 4,000 square feet~~
35 ~~heating surface;~~

36 ~~(e) boiler internal inspection over 10,000 square feet~~

1 ~~heating-surface;~~

2 ~~(f)~~ (4) boiler accessible for internal inspection requiring
3 one-half day or more of inspection time shall be billed at the
4 ~~established-shop-inspection-fee~~ hourly rate set in subdivision
5 3a;

6 ~~(g)~~ (5) pressure vessel for internal inspection via manhole
7 , \$35; and

8 ~~(h)~~ (6) pressure vessel inaccessible for internal
9 inspection, \$35.

10 ~~An-additional-fee-based-on-the-scale-of-fees-applicable-to~~
11 ~~an-inspection-shall-be-charged-when-it-is-necessary-to-make-a~~
12 ~~special-trip-for-a-hydrostatic-test-of-a-boiler-or-pressure~~
13 ~~vessel.~~

14 Subd. 3a. [HOURLY RATE.] The ~~commissioner-shall,~~ pursuant
15 to-section-16A-1285, ~~set-shop-inspection-fees~~ hourly rate for an
16 inspection not set elsewhere in this chapter is \$80 per hour.

17 Inspection time includes all time related to the shop
18 inspection. Travel time, billed at the hourly rate, and travel
19 expenses shall be billed for shop inspections, triennial audits,
20 boat stability tests, hydrostatic tests of a boiler or pressure
21 vessel, or any other inspection or consultation requiring a
22 special trip.

23 Subd. 4. [APPLICANTS BOILER ENGINEER LICENSE FEES.] The
24 ~~commissioner-shall,~~ pursuant-to-section-16A-1285, ~~set-the-fee~~
25 ~~for-an-examination-of-an-applicant~~ For the following licenses,
26 the nonrefundable license and application fee is:

27 ~~(a)~~ (1) chief engineer's license, \$50;

28 ~~(b)~~ (2) first class engineer's license, \$50;

29 ~~(c)~~ (3) second class engineer's license, \$50;

30 ~~(d)~~ (4) special engineer's license, \$20; and

31 ~~(e)~~ (5) traction or hobby boiler engineer's license, ~~and,~~
32 \$50.

33 ~~(f)~~ pilot's license.

34 ~~If-an-applicant,~~ after-an-examination, ~~is-entitled-to~~
35 ~~receive-a-license,~~ it-shall-be-issued-without-the-payment-of-any
36 ~~additional-charge.~~ Any-license-so-issued-expires-one-year-after

1 ~~the-date-of-its-issuance.~~ An engineer's license may be renewed
2 upon application therefor and the payment of an annual renewal
3 ~~fee as-set-by-the-commissioner-pursuant-to-section-16A-1285~~ of
4 \$20. The annual renewal, if paid later than 30 days after
5 expiration, is \$35. The fee for replacement of a current, valid
6 license is \$20.

7 Subd. 6. [NATIONAL BOARD INSPECTORS.] The fee for an
8 examination of an applicant for a National Board of Boiler and
9 Pressure Vessels Inspectors commission ~~shall-be-set-by-the~~
10 ~~commissioner-pursuant-to-section-16A-1285~~ is \$100.

11 Subd. 7. [NUCLEAR ENDORSEMENT.] The fee for each
12 examination of an applicant for a National Board of Boiler and
13 Pressure Vessels commissioned inspectors nuclear endorsement
14 ~~shall-be-set-by-the-commissioner-pursuant-to-section-16A-1285~~ is
15 \$100.

16 Subd. 8. [CERTIFICATE OF COMPETENCY.] The fee for issuance
17 of the original state of Minnesota certificate of competency for
18 inspectors ~~shall-be-set-by-the-commissioner-pursuant-to-section~~
19 ~~16A-1285~~ is \$50. This fee is waived for inspectors who paid the
20 examination fee. The fee for an annual renewal of the state of
21 Minnesota certificate of competency ~~shall-be-set-by-the~~
22 ~~commissioner-pursuant-to-section-16A-1285~~ is \$35, and is due
23 January 1 of each year. The fee for replacement of a current,
24 valid license is \$35.

25 Subd. 9. [DEPOSIT OF FEES.] Fees received under this
26 section ~~and-section-183-57~~ must be deposited in the state
27 treasury and credited to the general fund.

28 Subd. 10. [BOILER AND PRESSURE VESSEL REGISTRATION
29 FEE.] The annual registration fee for boilers and pressure
30 vessels in use and required to be inspected per section 183.42
31 shall be \$10 per boiler and pressure vessel.

32 Sec. 53. Minnesota Statutes 2004, section 183.57, is
33 amended to read:

34 183.57 [REPORT OF INSURER; EXEMPTION FROM INSPECTION.]

35 Subdivision 1. [REPORT REQUIRED.] Any insurance company
36 insuring boilers and pressure vessels in this state shall ~~make-a~~

1 written file a report thereof showing the date of inspection,
 2 the name of the person making the inspection, the condition of
 3 the boiler or pressure vessel as disclosed by the inspection,
 4 whether the ~~same-is~~ boiler was operated by a properly licensed
 5 engineer, and whether a policy of insurance has been issued by
 6 the company with reference to the boiler or pressure vessel, and
 7 other information as directed by the chief boiler inspector.
 8 Within ~~15~~ 21 days after the inspection, the insurance company
 9 shall ~~mail-a-copy-of~~ file the report to with the chief boiler
 10 inspector ~~and or designee.~~ The insurer shall provide a copy of
 11 the report to the person, firm, or corporation owning or
 12 operating the inspected boiler or pressure vessel ~~inspected.~~
 13 Such report shall be made annually for boilers and biennially
 14 for pressure vessels.

15 Subd. 2. [EXEMPTION.] Every boiler or pressure vessel as
 16 to which any insurance company authorized to do business in this
 17 state has issued a policy of insurance, after the inspection
 18 thereof, is exempt from inspection by the department made under
 19 sections 183.375 to 183.62, while the same continues to be
 20 insured and provided it continues to be inspected in accordance
 21 with the inspection schedule set forth in sections 183.42 and
 22 183.45, and the person, firm, or corporation owning or operating
 23 the same has an unexpired certificate of ~~exemption-from~~
 24 ~~inspection, issued by the chief boiler~~
 25 ~~inspector~~ registration. ~~The fee set by the commissioner~~
 26 ~~pursuant to section 16A:1285, on the first object inspected and~~
 27 ~~on each object thereafter shall apply to each exempt object. A~~
 28 ~~certificate of exemption expires one year from date of issue.~~
 29 ~~The certificate of exemption shall be posted in a conspicuous~~
 30 ~~place near the boiler or pressure vessel or in the plant office~~
 31 ~~or boiler room described therein and to which it relates. Every~~
 32 ~~insurance company shall give written notice to the chief boiler~~
 33 ~~inspector of the cancellation or expiration of every policy of~~
 34 ~~insurance issued by it with reference to policies in this state,~~
 35 ~~and the cause or reason for the cancellation or expiration.~~
 36 ~~These notices of cancellation or expiration shall show the date~~

1 ~~of-the-policy-and-the-date-when-the-cancellation-has-or-will~~
2 ~~become-effective.~~

3 ~~Subd. 4.---[CERTIFICATE-OF-EXEMPTION.]~~ The Division of
4 ~~Boiler-Inspection-may-issue-a-billing-and-exemption-certificate~~
5 ~~for-each-boiler-and-pressure-vessel-which-the-division-records~~
6 ~~indicate-shall-be-or-has-been-inspected-by-an-insurance-company~~
7 ~~which-is-providing-coverage-for-the-boilers-and-pressure~~
8 ~~vessels.--The-division-may-determine-the-monthly-schedule-of-the~~
9 ~~billings-to-be-followed-for-each-business-insured.~~

10 Subd. 5. [NOTICE OF INSURANCE COVERAGE.] The insurer shall
11 notify the commissioner or designee in writing of its policy to
12 insure and inspect boilers and pressure vessels at a location
13 within 30 days of the effective date of insurance coverage,
14 including binders. The insurer must also provide a duplicate of
15 the notification to the insured.

16 Subd. 6. [NOTICE OF DISCONTINUED COVERAGE.] The insurer
17 shall notify the commissioner or designee in writing, within 30
18 days of the effective date, of the discontinuation of insurance
19 coverage of the boilers and pressure vessels at a location and
20 the cause or reason for the discontinuation. This notice shall
21 show the effective date when the discontinued policy takes
22 effect.

23 Subd. 7. [PENALTIES.] The commissioner shall assess upon
24 the insurer a \$50 penalty, per applicable boiler and pressure
25 vessel, for failing to submit an inspection report or notify the
26 commissioner of insurance coverage or discontinuation of
27 insurance coverage as set forth in this section. The
28 commissioner shall assess upon the insurer a penalty of \$100,
29 per applicable boiler and pressure vessel, for failing to
30 conduct the required in-service inspection within 120 days after
31 the inspection was due in accordance with section 183.42.

32 Sec. 54. Minnesota Statutes 2004, section 216B.2424,
33 subdivision 1, is amended to read:

34 Subdivision 1. [FARM-GROWN CLOSED-LOOP BIOMASS.] (a) For
35 the purposes of this section, "farm-grown closed-loop biomass"
36 means biomass, as defined in section 216C.051, subdivision 7,

1 that:

2 (1) is intentionally cultivated, harvested, and prepared
3 for use, in whole or in part, as a fuel for the generation of
4 electricity;

5 (2) when combusted, releases an amount of carbon dioxide
6 that is less than or approximately equal to the carbon dioxide
7 absorbed by the biomass fuel during its growing cycle; and

8 (3) is fired in a new or substantially retrofitted electric
9 generating facility that is:

10 (i) located within 400 miles of the site of the biomass
11 production; and

12 (ii) designed to use biomass to meet at least 75 percent of
13 its fuel requirements.

14 (b) The legislature finds that the negative environmental
15 impacts within 400 miles of the facility resulting from
16 transporting and combusting the biomass are offset in that
17 region by the environmental benefits to air, soil, and water of
18 the biomass production.

19 (c) Among the biomass fuel sources that meet the
20 requirements of paragraph (a), ~~clause~~ clauses (1) and (2) are
21 poplar, aspen, willow, switch grass, sorghum, alfalfa, and
22 cultivated prairie grass and sustainably managed woody biomass.

23 (d) For the purpose of this section, "sustainably managed
24 woody biomass" means:

25 (1) brush, trees, and other biomass harvested from within
26 designated utility, railroad, and road rights-of-way;

27 (2) upland and lowland brush harvested from lands
28 incorporated into brushland habitat management activities of the
29 Minnesota Department of Natural Resources;

30 (3) upland and lowland brush harvested from lands managed
31 in accordance with Minnesota Department of Natural Resources
32 "Best Management Practices for Managing Brushlands";

33 (4) logging slash or waste wood that is created by harvest,
34 precommercial timber stand improvement to meet silvicultural
35 objectives, or by fire, disease, or insect control treatments,
36 and that is managed in compliance with the Minnesota Forest

1 Resources Council's "Sustaining Minnesota Forest Resources:
2 Voluntary Site-Level Forest Management Guidelines for
3 Landowners, Loggers and Resource Managers" as modified by the
4 requirement of this subdivision; and

5 (5) trees or parts of trees that do not meet the
6 utilization standards for pulpwood, posts, bolts, or sawtimber
7 as described in the Minnesota Department of Natural Resources
8 Division of Forestry Timber Sales Manual, 1998, as amended as of
9 May 1, 2005, and the Minnesota Department of Natural Resources
10 Timber Scaling Manual, 1981, as amended as of May 1, 2005,
11 except as provided in paragraph (a), clause (1), and this
12 paragraph, clauses (1) to (3).

13 Sec. 55. Minnesota Statutes 2004, section 216B.2424, is
14 amended by adding a subdivision to read:

15 Subd. 1a. [MUNICIPAL WASTE-TO-ENERGY PROJECT.] (a) This
16 subdivision applies only to a biomass project owned or
17 controlled, directly or indirectly, by two municipal utilities
18 as described in subdivision 5a, paragraph (b).

19 (b) Woody biomass from state-owned land must be harvested
20 in compliance with an adopted management plan and a program of
21 ecologically based third-party certification.

22 (c) The project must prepare a fuel plan on an annual basis
23 after commercial operation of the project as described in the
24 power contract between the project and the public utility, and
25 must also prepare annually certificates reflecting the types of
26 fuel used in the preceding year by the project, as described in
27 the power contract. The fuel plans and certificates shall also
28 be filed with the Minnesota Department of Natural Resources and
29 the Minnesota Department of Commerce within 30 days after being
30 provided to the public utility, as provided by the power
31 contract. Any person who believes the fuel plans, as amended,
32 and certificates show that the project does not or will not
33 comply with the fuel requirements of this subdivision may file a
34 petition with the commission seeking such a determination.

35 (d) The wood procurement process must utilize third-party
36 audit certification systems to verify that applicable best

1 management practices were utilized in the procurement of the
2 sustainably managed biomass. If there is a failure to so verify
3 in any two consecutive years during the original contract term,
4 the farm-grown closed-loop biomass requirements of subdivision 2
5 must be increased to 50 percent for the remaining contract term
6 period; however, if in two consecutive subsequent years after
7 the increase has been implemented, it is verified that the
8 conditions in this subdivision have been met, then for the
9 remaining original contract term the closed-loop biomass mandate
10 reverts to 25 percent. If there is a subsequent failure to
11 verify in a year after the first failure and implementation of
12 the 50 percent requirement, then the closed-loop percentage
13 shall remain at 50 percent for each remaining year of the
14 contract term.

15 (e) In the closed-loop plantation, no transgenic plants may
16 be used.

17 (f) No wood may be harvested from any lands identified by
18 the final or preliminary Minnesota County Biological Survey as
19 having statewide significance as native plant communities, large
20 populations or concentrations of rare species, or critical
21 animal habitat.

22 (g) A wood procurement plan must be prepared every five
23 years and public meetings must be held and written comments
24 taken on the plan and documentation must be provided on why or
25 why not the public inputs were used.

26 (h) Guidelines or best management practices for sustainably
27 managed woody biomass must be adopted by:

28 (1) the Minnesota Department of Natural Resources for
29 managing and maintaining brushland and open land habitat on
30 public and private lands, including, but not limited to,
31 provisions of sections 84.941, 84.942, and 97A.125; and

32 (2) the Minnesota Forest Resources Council for logging
33 slash, using the most recent available scientific information
34 regarding the removal of woody biomass from forest lands, to
35 sustain the management of forest resources as defined by section
36 89.001, subdivisions 8 and 9, with particular attention to soil

1 productivity, biological diversity as defined by section 89A.01,
2 subdivision 3, and wildlife habitat.

3 These guidelines must be completed by July 1, 2007, and the
4 process of developing them must incorporate public notification
5 and comment.

6 (i) The University of Minnesota Initiative for Renewable
7 Energy and the Environment is encouraged to solicit and fund
8 high-quality research projects to develop and consolidate
9 scientific information regarding the removal of woody biomass
10 from forest and brush lands, with particular attention to the
11 environmental impacts on soil productivity, biological
12 diversity, and sequestration of carbon. The results of this
13 research shall be made available to the public.

14 (j) The two utilities owning or controlling, directly or
15 indirectly, the biomass project described in subdivision 5a,
16 paragraph (b), shall fund or obtain funding from nonstate
17 sources of up to \$150,000 to complete the guidelines or best
18 management practices described in paragraph (h). The
19 expenditures to be funded under this paragraph do not include
20 any of the expenditures to be funded under paragraph (i).

21 Sec. 56. Minnesota Statutes 2004, section 216B.2424,
22 subdivision 2, is amended to read:

23 Subd. 2. [INTERIM EXEMPTION.] (a) A biomass project
24 proposing to use, as its primary fuel over the life of the
25 project, short-rotation woody crops, may use as an interim fuel
26 agricultural waste and other biomass which is not farm-grown
27 closed-loop biomass for up to six years after the project's
28 electric generating facility becomes operational; provided, the
29 project developer demonstrates the project will use the
30 designated short-rotation woody crops as its primary fuel after
31 the interim period and provided the location of the interim fuel
32 production meets the requirements of subdivision 1, paragraph
33 (a), clause (3).

34 (b) A biomass project proposing to use, as its primary fuel
35 over the life of the project, short-rotation woody crops, may
36 use as an interim fuel agricultural waste and other biomass

1 which is not farm-grown closed-loop biomass for up to three
2 years after the project's electric generating facility becomes
3 operational; provided, the project developer demonstrates the
4 project will use the designated short-rotation woody crops as
5 its primary fuel after the interim period.

6 (c) A biomass project that uses an interim fuel under the
7 terms of paragraph (b) may, in addition, use an interim fuel
8 under the terms of paragraph (a) for six years less the number
9 of years that an interim fuel was used under paragraph (b).

10 (d) A project developer proposing to use an exempt interim
11 fuel under paragraphs (a) and (b) must demonstrate to the public
12 utility that the project will have an adequate supply of
13 short-rotation woody crops which meet the requirements of
14 subdivision 1 to fuel the project after the interim period.

15 (e) If a biomass project using an interim fuel under this
16 subdivision is or becomes owned or controlled, directly or
17 indirectly, by two municipal utilities as described in
18 subdivision 5a, paragraph (b), the project is deemed to comply
19 with the requirement under this subdivision to use farm-grown
20 closed-loop biomass as its primary fuel if farm-grown
21 closed-loop biomass comprises no less than 25 percent of the
22 fuel used over the life of the project. For purposes of this
23 subdivision, "life of the project" means 20 years from the date
24 the project becomes operational or the term of the applicable
25 power purchase agreement between the project owner and the
26 public utility, whichever is longer.

27 Sec. 57. Minnesota Statutes 2004, section 216B.2424,
28 subdivision 5a, is amended to read:

29 Subd. 5a. [REDUCTION OF BIOMASS MANDATE.] (a)
30 Notwithstanding subdivision 5, the biomass electric energy
31 mandate ~~shall~~ must be reduced from 125 megawatts to 110
32 megawatts.

33 (b) The Public Utilities Commission shall approve a request
34 pending before the ~~Public-Utilities~~ commission as of May 15,
35 2003, for ~~an-amendment~~ amendments to and assignment of a
36 ~~contract-for-power-from~~ power purchase agreement with the owner

1 of a facility that uses short-rotation, woody crops as its
2 primary fuel previously approved to satisfy a portion of the
3 biomass mandate if the developer owner of the project agrees to
4 reduce the size of its project from 50 megawatts to 35
5 megawatts, while maintaining a an average price for energy at-or
6 ~~below-the-current-contract-price-~~ in nominal dollars measured
7 over the term of the power purchase agreement at or below \$104
8 per megawatt-hour, exclusive of any price adjustments that may
9 take effect subsequent to commission approval of the power
10 purchase agreement, as amended. The commission shall also
11 approve, as necessary, any subsequent assignment or sale of the
12 power purchase agreement or ownership of the project to an
13 entity owned or controlled, directly or indirectly, by two
14 municipal utilities located north of Constitutional Route No. 8,
15 as described in section 161.114, which currently own electric
16 and steam generation facilities using coal as a fuel and which
17 propose to retrofit their existing municipal electrical
18 generating facilities to utilize biomass fuels in order to
19 perform the power purchase agreement.

20 (c) If the power purchase agreement described in paragraph
21 (b) is assigned to an entity that is, or becomes, owned or
22 controlled, directly or indirectly, by two municipal entities as
23 described in paragraph (b), and the power purchase agreement
24 meets the price requirements of paragraph (b), the commission
25 shall approve any amendments to the power purchase agreement
26 necessary to reflect the changes in project location and
27 ownership and any other amendments made necessary by those
28 changes. The commission shall also specifically find that:

29 (1) the power purchase agreement complies with and fully
30 satisfies the provisions of this section to the full extent of
31 its 35-megawatt capacity;

32 (2) all costs incurred by the public utility and all
33 amounts to be paid by the public utility to the project owner
34 under the terms of the power purchase agreement are fully
35 recoverable pursuant to section 216B.1645;

36 (3) subject to prudence review by the commission, the

1 public utility may recover from its Minnesota retail customers
2 the Minnesota jurisdictional portion of the amounts that may be
3 incurred and paid by the public utility during the full term of
4 the power purchase agreement; and

5 (4) if the purchase power agreement meets the requirements
6 of this subdivision, it is reasonable and in the public interest.

7 (d) The commission shall specifically approve recovery by
8 the public utility of any and all Minnesota jurisdictional costs
9 incurred by the public utility to improve, construct, install,
10 or upgrade transmission, distribution, or other electrical
11 facilities owned by the public utility or other persons in order
12 to permit interconnection of the retrofitted biomass-fueled
13 generating facilities or to obtain transmission service for the
14 energy provided by the facilities to the public utility pursuant
15 to section 216B.1645, and shall disapprove any provision in the
16 power purchase agreement that requires the developer or owner of
17 the project to pay the jurisdictional costs or that permit the
18 public utility to terminate the power purchase agreement as a
19 result of the existence of those costs or the public utility's
20 obligation to pay any or all of those costs.

21 Sec. 58. Minnesota Statutes 2004, section 216B.2424,
22 subdivision 6, is amended to read:

23 Subd. 6. [REMAINING MEGAWATT COMPLIANCE PROCESS.] (a) If
24 there remain megawatts of biomass power generating capacity to
25 fulfill the mandate in subdivision 5 after the commission has
26 taken final action on all contracts filed by September 1, 2000,
27 by a public utility, as amended and assigned, this subdivision
28 governs final compliance with the biomass energy mandate in
29 subdivision 5 subject to the requirements of subdivisions 7 and
30 8.

31 (b) To the extent not inconsistent with this subdivision,
32 the provisions of subdivisions 2, 3, 4, and 5 apply to proposals
33 subject to this subdivision.

34 (c) A public utility must submit proposals to the
35 commission to complete the biomass mandate. The commission
36 shall require a public utility subject to this section to issue

1 a request for competitive proposals for projects for electric
2 generation utilizing biomass as defined in paragraph (f) of this
3 subdivision to provide the remaining megawatts of the mandate.
4 The commission shall set an expedited schedule for submission of
5 proposals to the utility, selection by the utility of proposals
6 or projects, negotiation of contracts, and review by the
7 commission of the contracts or projects submitted by the utility
8 to the commission.

9 (d) Notwithstanding the provisions of subdivisions 1 to 5
10 but subject to the provisions of subdivisions 7 and 8, a new or
11 existing facility proposed under this subdivision that is fueled
12 either by biomass or by co-firing biomass with nonbiomass may
13 satisfy the mandate in this section. Such a facility need not
14 use biomass that complies with the definition in subdivision 1
15 if it uses biomass as defined in paragraph (f) of this
16 subdivision. Generating capacity produced by co-firing of
17 biomass that is operational as of April 25, 2000, does not meet
18 the requirements of the mandate, except that additional
19 co-firing capacity added at an existing facility after April 25,
20 2000, may be used to satisfy this mandate. Only the number of
21 megawatts of capacity at a facility which co-fires biomass that
22 are directly attributable to the biomass and that become
23 operational after April 25, 2000, count toward meeting the
24 biomass mandate in this section.

25 (e) Nothing in this subdivision precludes a facility
26 proposed and approved under this subdivision from using fuel
27 sources that are not biomass in compliance with subdivision 3.

28 (f) Notwithstanding the provisions of subdivision 1, for
29 proposals subject to this subdivision, "biomass" includes
30 farm-grown closed-loop biomass; agricultural wastes, including
31 animal, poultry, and plant wastes; and waste wood, including
32 chipped wood, bark, brush, residue wood, and sawdust.

33 (g) Nothing in this subdivision affects in any way
34 contracts entered into as of April 25, 2000, to satisfy the
35 mandate in subdivision 5.

36 (h) Nothing in this subdivision requires a public utility

1 to retrofit its own power plants for the purpose of co-firing
2 biomass fuel, nor is a utility prohibited from retrofitting its
3 own power plants for the purpose of co-firing biomass fuel to
4 meet the requirements of this subdivision.

5 Sec. 59. Minnesota Statutes 2004, section 216B.2424,
6 subdivision 8, is amended to read:

7 Subd. 8. [AGRICULTURAL BIOMASS REQUIREMENT.] Of the 125
8 megawatts mandated in subdivision 5, or 110 megawatts mandated
9 in subdivision 5a, at least 75 megawatts of the generating
10 capacity must be generated by facilities that use agricultural
11 biomass as the principal fuel source. For purposes of this
12 subdivision, agricultural biomass includes only farm-grown
13 closed-loop biomass and agricultural waste, including animal,
14 poultry, and plant wastes. For purposes of this subdivision,
15 "principal fuel source" means a fuel source that satisfies at
16 least 75 percent of the fuel requirements of an electric power
17 generating facility. Nothing in this subdivision is intended to
18 expand the fuel source requirements of subdivision 5.

19 Sec. 60. [219.552] [OBSTRUCTING TREATMENT OF INJURED
20 WORKER.]

21 It is unlawful for a railroad company or person employed by
22 a railroad company to:

23 (1) deny, delay, or interfere with medical treatment or
24 first aid treatment to an employee of a railroad who has been
25 injured during employment; or

26 (2) discipline or threaten to discipline an employee who
27 has been injured during employment for requesting medical
28 treatment or first aid treatment.

29 Sec. 61. [219.553] [ENFORCEMENT.]

30 Subdivision 1. [PENALTY.] A person who believes that the
31 person has been affected by a violation of section 219.552 may
32 file a complaint with the commissioner of labor and industry who
33 shall refer it to the Office of Administrative Hearings for
34 consideration as a contested case. Upon finding a violation,
35 the administrative law judge may assess a penalty to the
36 violating railroad company of up to \$10,000 for a violation of

1 section 219.552. In determining the amount of the penalty, the
2 administrative law judge shall consider those factors that must
3 be considered in determining a monetary penalty under section
4 221.036, subdivision 3. The contents of the order must include
5 the provisions specified in section 221.036, subdivision 4.

6 Subd. 2. [ADMINISTRATIVE HEARING OR JUDICIAL REVIEW.] A
7 railroad company against which a penalty is imposed under
8 subdivision 1 may request judicial review in district court.
9 Judicial review under this subdivision is as provided in section
10 221.036, subdivision 8.

11 Subd. 3. [ENFORCEMENT OF PENALTY.] A penalty ordered under
12 subdivision 1 and due and payable under this section may be
13 enforced by the attorney general in the manner provided under
14 section 221.036, subdivision 11.

15 Sec. 62. Minnesota Statutes 2004, section 237.11, is
16 amended to read:

17 237.11 [INSPECTING RECORDS AND PROPERTY; REPORTS REQUIRED.]

18 Every telephone company subject to the provisions of this
19 chapter, wherever organized, shall keep an office in this state,
20 and make such reports to the department as it shall from time to
21 time require. All books, records, and files, whether they
22 relate to competitive or noncompetitive services, and all of its
23 property shall be at all times subject to inspection by the
24 commission and the department. It shall close its accounts and
25 take therefrom a balance sheet on December 31 of each year, and
26 on or before May 1 following, such balance sheet, together with
27 such other information as the department shall require, verified
28 by an officer of the telephone company, shall be filed with the
29 commission and the department, except that a telephone company,
30 competitive local exchange carrier, or independent telephone
31 company is only required to file an annual report that includes
32 the company's name, contact person, annual revenue, and status
33 of its 911 update plan.

34 In the event that any telephone company shall fail to file
35 its annual report, as provided by this section, the department
36 is authorized to make such an examination of the books, records,

1 and vouchers of the company as is necessary to procure the
 2 necessary data for the annual report and cause the same to be
 3 prepared. The expense of procuring this data and preparing this
 4 report shall be paid by the telephone company failing to report,
 5 and the amount paid shall be credited by the commissioner of
 6 finance to funds appropriated for the expense of the department.

7 The department is authorized to force collection of such
 8 sum by an action at law in the name of the department.

9 Sec. 63. Minnesota Statutes 2004, section 237.295,
 10 subdivision 1, is amended to read:

11 Subdivision 1. [~~PAYMENT-FOR-INVESTIGATION FILING FEE FOR~~
 12 ~~NEW AUTHORITY.~~] ~~(a)-Whenever-the-department-or-commissioner,-in-a~~
 13 ~~proceeding-upon-its-own-motion,-on-complaint,-or-upon-an~~
 14 ~~application-to-it,-considers-it-necessary,-in-order-to-carry-out~~
 15 ~~the-duties-imposed-on-it,-to-investigate-the-books,-accounts,-~~
 16 ~~practices,-and-activities-of-any-company,-parties-to-the~~
 17 ~~proceeding-shall-pay-the-expenses-reasonably-attributable-to-the~~
 18 ~~proceeding.--The-department-and-commissioner-shall-ascertain-the~~
 19 ~~expenses,-and-the-department-shall-render-a-bill-for-those~~
 20 ~~expenses-to-the-parties,-at-the-conclusion-of-the-proceeding.~~
 21 ~~The-department-is-authorized-to-submit-billings-to-parties-at~~
 22 ~~intervals-selected-by-the-department-during-the-course-of-a~~
 23 ~~proceeding.~~

24 ~~(b)-The-allocation-of-costs-may-be-adjusted-for-cause-by~~
 25 ~~the-commissioner-during-the-course-of-the-proceeding,-or-upon-the~~
 26 ~~closing-of-the-docket-and-issuance-of-an-order.--In-addition-to~~
 27 ~~the-rights-granted-in-subdivision-3,-parties-to-a-proceeding-may~~
 28 ~~object-to-the-allocation-at-any-time-during-the-proceeding.~~
 29 ~~Withdrawal-by-a-party-to-a-proceeding-does-not-absolve-the-party~~
 30 ~~from-paying-allocated-costs-as-determined-by-the-commissioner.~~
 31 ~~The-commissioner-may-decide-that-a-party-should-not-pay-any~~
 32 ~~allocated-costs-of-the-proceeding.~~

33 ~~(c)-The-bill-constitutes-notice-of-the-assessment-and-a~~
 34 ~~demand-for-payment.--The-amount-of-the-bills-assessed-by-the~~
 35 ~~department-under-this-subdivision-must-be-paid-by-the-parties~~
 36 ~~into-the-state-treasury-within-30-days-from-the-date-of~~

1 assessment.---The-total-amount,--in-a-calendar-year,--for-which-a
2 telephone-company-may-become-liable,--by-reason-of-costs-incurred
3 by-the-department-and-commission-within-that-calendar-year,--may
4 not-exceed-two-fifths-of-one-percent-of-the-gross-jurisdictional
5 operating-revenue-of-the-telephone-company-in-the-last-preceding
6 calendar-year.---Direct-charges-may-be-assessed-without-regard-to
7 this-limitation-until-the-gross-jurisdictional-operating-revenue
8 of-the-telephone-company-for-the-preceding-calendar-year-has
9 been-reported-for-the-first-time.---Where,--under-this
10 subdivision,--costs-are-incurred-within-a-calendar-year-that-are
11 in-excess-of-two-fifths-of-one-percent-of-the-gross
12 jurisdictional-operating-revenues,--the-excess-costs-are-not
13 chargeable-as-part-of-the-remainder-under-subdivision-2.

14 (d)-Except-as-otherwise-provided-in-paragraph-(e),--for
15 purposes-of-assessing-the-cost-of-a-proceeding-to-a-party,
16 "party"-means-any-entity-or-group-subject-to-the-laws-and-rules
17 of-this-state,--however-organized,--whether-public-or-private,
18 whether-domestic-or-foreign,--whether-for-profit-or-nonprofit,
19 and-whether-natural,--corporate,--or-political,--such-as-a-business
20 or-commercial-enterprise-organized-as-any-type-or-combination-of
21 corporation,--limited-liability-company,--partnership,--limited
22 liability-partnership,--proprietorship,--association,--cooperative,
23 joint-venture,--carrier,--or-utility,--and-any-successor-or
24 assignee-of-any-of-them,--a-social-or-charitable-organization,
25 and-any-type-or-combination-of-political-subdivision,--which
26 includes-the-executive,--judicial,--or-legislative-branch-of-the
27 state,--a-local-government-unit,--an-agency-of-the-state-or-a
28 local-government-unit,--or-a-combination-of-any-of-them.

29 (e)-For-assessment-and-billing-purposes,--"party"-does-not
30 include-the-Department-of-Commerce-or-the-Residential-Utilities
31 Division-of-the-Office-of-Attorney-General,--any-entity-or-group
32 instituted-primarily-for-the-purpose-of-mutual-help-and-not
33 conducted-for-profit,--intervenor-awarded-compensation-under
34 section-237.075,--subdivision-10,--or-any-individual-or-group-or
35 counsel-for-the-individual-or-group-representing-the-interests
36 of-end-users-or-classes-of-end-users-of-services-provided-by

1 ~~telephone-companies-or-telecommunications-carriers~~ as
2 ~~determined-by-the-commission~~ An application for a new authority
3 must be accompanied by a payment not to exceed \$2,000 as
4 determined by the Public Utilities Commission. This fee will be
5 reviewed annually and adjusted accordingly.

6 Sec. 64. Minnesota Statutes 2004, section 237.295,
7 subdivision 2, is amended to read:

8 Subd. 2. [ASSESSMENT OF COSTS.] The department and
9 commission shall quarterly, at least 30 days before the start of
10 each quarter, estimate the total of their expenditures in the
11 performance of their duties relating to telephone companies,
12 other than amounts chargeable to telephone companies under
13 subdivision 1, 5, or 6. The remainder must be assessed by the
14 department to the telephone companies operating in this state in
15 proportion to their respective gross jurisdictional operating
16 revenues during the last calendar year. The assessment must be
17 paid into the state treasury within 30 days after the bill has
18 been mailed to the telephone companies. The bill constitutes
19 notice of the assessment and demand of payment. The total
20 amount that may be assessed to the telephone companies under
21 this subdivision may not exceed ~~one-eighth~~ three-eighths of one
22 percent of the total gross jurisdictional operating revenues
23 during the calendar year. The assessment for the third quarter
24 of each fiscal year must be adjusted to compensate for the
25 amount by which actual expenditures by the commission and
26 department for the preceding fiscal year were more or less than
27 the estimated expenditures previously assessed. A telephone
28 company with gross jurisdictional operating revenues of less
29 than \$5,000 is exempt from assessments under this subdivision.

30 Sec. 65. [237.491] [COMBINED PER NUMBER FEE.]

31 Subdivision 1. [DEFINITIONS.] (a) The definitions in this
32 subdivision apply to this section.

33 (b) "911 emergency and public safety communications program"
34 means the program governed by chapter 403.

35 (c) "Minnesota telephone number" means a ten-digit
36 telephone number being used to connect to the public switched

1 telephone network and starting with area code 218, 320, 507,
2 612, 651, 763, or 952, or any subsequent area code assigned to
3 this state.

4 (d) "Service provider" means a provider doing business in
5 this state who provides real time, two-way voice service with a
6 Minnesota telephone number.

7 (e) "Telecommunications access Minnesota program" means the
8 program governed by sections 237.50 to 237.55.

9 (f) "Telephone assistance program" means the program
10 governed by sections 237.69 to 237.711.

11 Subd. 2. [PER NUMBER FEE.] (a) By January 15, 2006, the
12 commissioner of commerce shall report to the legislature and to
13 the senate Committee on Jobs, Energy, and Community Development
14 and the house Committee on Regulated Industries, recommendations
15 for the amount of and method for assessing a fee that would
16 apply to each service provider based upon the number of
17 Minnesota telephone numbers in use by current customers of the
18 service provider. The fee would be set at a level calculated to
19 generate only the amount of revenue necessary to fund:

20 (1) the telephone assistance program and the
21 telecommunications access Minnesota program at the levels
22 established by the commission under sections 237.52, subdivision
23 2, and 237.70; and

24 (2) the 911 emergency and public safety communications
25 program at the levels appropriated by law to the commissioner of
26 public safety and the commissioner of finance for purposes of
27 sections 403.11, 403.113, 403.27, 403.30, and 403.31 for each
28 fiscal year.

29 (b) The recommendations must include any changes to
30 Minnesota Statutes necessary to establish the procedures whereby
31 each service provider, to the extent allowed under federal law,
32 would collect and remit the fee proceeds to the commissioner of
33 revenue. The commissioner of revenue would allocate the fee
34 proceeds to the three funding areas in paragraph (a) and credit
35 the allocations to the appropriate accounts.

36 (c) The recommendations must be designed to allow the

1 combined per telephone number fee to be collected beginning July
2 1, 2006. The per access line fee used to collect revenues to
3 support the TAP, TAM, and 911 programs remains in effect until
4 the statutory changes necessary to implement the per telephone
5 number fee have become effective.

6 (d) As part of the process of developing the
7 recommendations and preparing the report to the legislature
8 required under paragraph (a), the commissioner of commerce must,
9 at a minimum, consult regularly with the Departments of Public
10 Safety, Finance, and Administration, the Public Utilities
11 Commission, service providers, the chairs and ranking minority
12 members of the senate and house committees, subcommittees, and
13 divisions having jurisdiction over telecommunications and public
14 safety, and other affected parties.

15 Sec. 66. Minnesota Statutes 2004, section 237.701,
16 subdivision 1, is amended to read:

17 Subdivision 1. [FUND CREATED; AUTHORIZED EXPENDITURES.]
18 The telephone assistance fund is created as a separate account
19 in the state treasury to consist of amounts received by the
20 commissioner of public safety representing the surcharge
21 authorized by section 237.70, subdivision 6, and amounts earned
22 on the fund assets. Money in the fund may be used only for:

23 (1) reimbursement to local service providers for expenses
24 and credits allowed in section 237.70, subdivision 7, paragraph
25 (d), clause (5);

26 (2) reimbursement of the reasonable administrative expenses
27 of the commission ~~not to exceed \$25,000 annually~~, a portion of
28 which may be used for periodic promotional activities,
29 including, but not limited to, radio or newspaper
30 advertisements, to inform eligible households of the
31 availability of the telephone assistance program; and

32 (3) reimbursement of the statewide indirect cost of the
33 commission.

34 Sec. 67. Minnesota Statutes 2004, section 239.011,
35 subdivision 2, is amended to read:

36 Subd. 2. [DUTIES AND POWERS.] To carry out the

1 responsibilities in section 239.01 and subdivision 1, the
2 director:

3 (1) shall take charge of, keep, and maintain in good order
4 the standard of weights and measures of the state and keep a
5 seal so formed as to impress, when appropriate, the letters
6 "MINN" and the date of sealing upon the weights and measures
7 that are sealed;

8 (2) has general supervision of the weights, measures, and
9 weighing and measuring devices offered for sale, sold, or in use
10 in the state;

11 (3) shall maintain traceability of the state standards to
12 the national standards of the National Institute of Standards
13 and Technology;

14 (4) shall enforce this chapter;

15 (5) shall grant variances from department rules, within the
16 limits set by rule, when appropriate to maintain good commercial
17 practices or when enforcement of the rules would cause undue
18 hardship;

19 (6) shall conduct investigations to ensure compliance with
20 this chapter;

21 (7) may delegate to division personnel the
22 responsibilities, duties, and powers contained in this section;

23 (8) shall test annually, and approve when found to be
24 correct, the standards of weights and measures used by the
25 division, by a town, statutory or home rule charter city, or
26 county within the state, or by a person using standards to
27 repair, adjust, or calibrate commercial weights and measures;

28 (9) shall inspect and test weights and measures kept,
29 offered, or exposed for sale;

30 (10) shall inspect and test, to ascertain if they are
31 correct, weights and measures commercially used to:

32 (i) determine the weight, measure, or count of commodities
33 or things sold, offered, or exposed for sale, on the basis of
34 weight, measure, or count; and

35 (ii) compute the basic charge or payment for services
36 rendered on the basis of weight, measure, or count;

1 (11) shall approve for use and mark weights and measures
2 that are found to be correct;

3 (12) shall reject, and mark as rejected, weights and
4 measures that are found to be incorrect and may seize them if
5 those weights and measures:

6 (i) are not corrected within the time specified by the
7 director;

8 (ii) are used or disposed of in a manner not specifically
9 authorized by the director; or

10 (iii) are found to be both incorrect and not capable of
11 being made correct, in which case the director shall condemn
12 those weights and measures;

13 (13) shall weigh, measure, or inspect packaged commodities
14 kept, offered, or exposed for sale, sold, or in the process of
15 delivery, to determine whether they contain the amount
16 represented and whether they are kept, offered, or exposed for
17 sale in accordance with this chapter and department rules. In
18 carrying out this section, the director must employ recognized
19 sampling procedures, such as those contained in National
20 Institute of Standards and Technology Handbook 133, "Checking
21 the Net Contents of Packaged Goods";

22 (14) shall prescribe the appropriate term or unit of weight
23 or measure to be used for a specific commodity when an existing
24 term or declaration of quantity does not facilitate value
25 comparisons by consumers, or creates an opportunity for consumer
26 confusion;

27 (15) shall allow reasonable variations from the stated
28 quantity of contents, including variations caused by loss or
29 gain of moisture during the course of good distribution practice
30 or by unavoidable deviations in good manufacturing practice,
31 only after the commodity has entered commerce within the state;

32 (16) shall inspect and test petroleum products in
33 accordance with this chapter and chapter 296A;

34 (17) shall distribute and post notices for used motor oil
35 and used motor oil filters and lead acid battery recycling in
36 accordance with sections 239.54, 325E.11, and 325E.115;

1 (18) shall collect inspection fees in accordance with
2 sections 239.10 and 239.101; and

3 (19) shall provide metrological services and support to
4 businesses and individuals in the United States who wish to
5 market products and services in the member nations of the
6 European Economic Community, and other nations outside of the
7 United States by:

8 (i) meeting, to the extent practicable, the measurement
9 quality assurance standards described in the International
10 Standards Organization ISO 9000~~7~~-~~Guide-25~~ 17025;

11 (ii) maintaining, to the extent practicable, certification
12 of the metrology laboratory by ~~a-governing-body-appointed-by-the~~
13 ~~European-Economic-Community~~ an internationally accepted
14 accrediting body such as the National Voluntary Laboratory
15 Accreditation Program (NVLAP); and

16 (iii) providing calibration and consultation services to
17 metrology laboratories in government and private industry in the
18 United States.

19 Sec. 68. Minnesota Statutes 2004, section 239.05, is
20 amended by adding a subdivision to read:

21 Subd. 3a. [AUTOMOTIVE FUEL.] For the purpose of enforcing
22 the gasoline octane requirements in section 239.792, "automotive
23 fuel" has the meaning given it in Code of Federal Regulations,
24 title 16, section 306.0.

25 Sec. 69. Minnesota Statutes 2004, section 239.05,
26 subdivision 10b, is amended to read:

27 Subd. 10b. [OXYGENATE ETHANOL BLENDER.] "Oxygenate Ethanol
28 blender" means a person who has-registered-with-the-division-to
29 blend-and-distribute~~7~~-transport~~7~~-sell~~7~~-or-offer blends and
30 distributes, transports, sells, or offers to sell gasoline
31 containing a-minimum-of-2.0-percent~~7~~-and-an-average-of-2.7 ten
32 percent oxygen ethanol by weight volume.

33 Sec. 70. Minnesota Statutes 2004, section 239.09, is
34 amended to read:

35 239.09 [SPECIAL POLICE POWERS.]

36 When necessary to enforce this chapter or rules adopted

1 under the authority granted by section 239.06, the director is:

2 (1) authorized and empowered to arrest, without formal
3 warrant, any violator of sections 325E.11 and 325E.115 or of the
4 statute in relation to weights and measures;

5 (2) empowered to seize for use as evidence and without
6 formal warrant, any false weight, measure, weighing or measuring
7 device, package, or commodity found to be used, retained, or
8 offered or exposed for sale or sold in violation of law;

9 (3) during normal business hours, authorized to enter
10 commercial premises;

11 (4) if the premises are not open to the public, authorized
12 to enter commercial premises only after presenting credentials
13 and obtaining consent or after obtaining a search warrant;

14 (5) empowered to issue stop-use, hold, and removal orders
15 with respect to weights and measures commercially used, and
16 packaged commodities or bulk commodities kept, offered, or
17 exposed for sale, that do not comply with the weights and
18 measures laws; and

19 (6) empowered, upon reasonable suspicion of a violation of
20 the weights and measures laws, to stop a commercial vehicle and,
21 after presentation of credentials, inspect the contents of the
22 vehicle, require that the person in charge of the vehicle
23 produce documents concerning the contents, and require the
24 person to proceed with the vehicle to some specified place for
25 inspection; and

26 (7) empowered, after written warning, to issue citations of
27 not less than \$100 and not more than \$500 to a person who
28 violates any provision of this chapter, any provision of the
29 rules adopted under the authority contained in this chapter, or
30 any provision of statutes enforced by the division of weights
31 and measures.

32 Sec. 71. Minnesota Statutes 2004, section 239.101,
33 subdivision 3, is amended to read:

34 Subd. 3. [PETROLEUM INSPECTION FEE.] (a) An inspection fee
35 is imposed (1) on petroleum products when received by the first
36 licensed distributor, and (2) on petroleum products received and

1 held for sale or use by any person when the petroleum products
2 have not previously been received by a licensed distributor.
3 The petroleum inspection fee is \$1 for every 1,000 gallons
4 received. The commissioner of revenue shall collect the fee.
5 The revenue from 81 cents of the fee must-first-be-applied-to
6 ~~cover-the-amounts-appropriated---~~Fifteen-cents-of-the-inspection
7 ~~fee-must-be-deposited-in-an-account-in-the-special-revenue-fund~~
8 and is appropriated to the commissioner of commerce for the cost
9 of ~~petroleum-product-quality-inspection-expenses-and-for-the~~
10 ~~inspection-and-testing-of-petroleum-product-measuring~~
11 equipment operations of the Division of Weights and Measures,
12 petroleum supply monitoring, and the oil burner retrofit
13 program. The remainder of the fee must be deposited in the
14 general fund.

15 (b) The commissioner of revenue shall credit a person for
16 inspection fees previously paid in error or for any material
17 exported or sold for export from the state upon filing of a
18 report as prescribed by the commissioner of revenue.

19 (c) The commissioner of revenue may collect the inspection
20 fee along with any taxes due under chapter 296A.

21 Sec. 72. Minnesota Statutes 2004, section 239.75,
22 subdivision 1, is amended to read:

23 Subdivision 1. [INSPECTION TO BE MADE.] The director shall:

24 (1) take samples, free of charge, of petroleum products
25 wherever processed, blended, held, stored, imported,
26 transferred, offered for sale or use, or sold in Minnesota,
27 limiting each sample to:

28 ~~(i)-two-tenths-of-one~~ one-half gallon, ~~except-when-an~~
29 ~~octane-test-is-planned, or~~

30 ~~(ii)-seven-tenths-of-one-gallon-for-an-octane-test;~~

31 (2) inspect and test petroleum product samples according to
32 the methods of ASTM or other valid test methods adopted by rule,
33 to determine whether the products comply with the specifications
34 in section 239.761;

35 (3) inspect petroleum product storage tanks to ensure that
36 the products are free from water and impurities;

1 (4) inspect and test samples submitted to the department by
2 a licensed distributor, making the test results available to the
3 distributor;

4 (5) inspect the labeling, price posting, and price
5 advertising of petroleum product dispensers and advertising
6 signs at businesses or locations where petroleum products are
7 sold, offered for sale or use, or dispensed into motor vehicles;

8 (6) maintain records of all inspections and tests according
9 to the records retention policies of the Department of
10 Administration;

11 (7) delegate to division personnel, at the director's
12 discretion, any or all of the responsibilities, duties, and
13 powers in sections 239.75 to 239.80;

14 (8) publish octane test data and information to assist
15 persons who use, produce and, distribute, or sell gasoline-and
16 gasoline-oxygenate-blends petroleum-based heating and engine
17 fuels;

18 ~~(9) register-gasoline-oxygenate-blenders-according-to-the~~
19 ~~requirements-of-the-EPA;~~

20 ~~(10)~~ audit the records of any person responsible for the
21 product to determine compliance with sections 239.75 to 239.792;

22 ~~(11)~~ (10) after consulting with the commissioner ~~of-the~~
23 ~~Pollution-Control-Agency,~~ grant a temporary exemption from the
24 oxygenated-gasoline gasoline-ethanol blending requirements in
25 section 239.791 if the supply of oxygenate ethanol is
26 insufficient to produce gasoline-oxygenate gasoline-ethanol
27 ~~blends during-an-EPA-designated-carbon-monoxide-control-period;~~
28 and

29 ~~(12)~~ (11) adopt, as an enforcement policy for the division,
30 reasonable margins of uncertainty for the tests used to
31 determine compliance with the specifications in section 239.761,
32 the oxygen percentages in section 239.791, and the octane
33 requirements in section 239.792 and apply the margins of
34 uncertainty to only tests performed by the division, not by
35 adding the margins to uncertainties in tests performed by any
36 person responsible for the product.

1 Sec. 73. Minnesota Statutes 2004, section 239.75,
2 subdivision 5, is amended to read:

3 Subd. 5. [PRODUCT QUALITY, RESPONSIBILITY.] After a
4 ~~gasoline-product~~ petroleum-based engine fuel is purchased,
5 transferred, or otherwise removed from a refinery or terminal,
6 the person responsible for the product shall:

7 (1) keep the product free from contamination with water and
8 impurities;

9 (2) not blend the product with dissimilar petroleum
10 products, for example, gasoline must not be blended with diesel
11 fuel;

12 (3) not blend the product with any contaminant, dye,
13 chemical, or additive, except:

14 (i) agriculturally derived, denatured ethanol that complies
15 with the specifications in this chapter;

16 (ii) an antiknock additive, or an additive designed to
17 replace tetra-ethyl lead, that is registered by the EPA; or

18 (iii) a dye to distinguish heating fuel from low sulfur
19 diesel fuel; and or

20 (iv) biodiesel fuel that complies with the specifications
21 in this chapter; and

22 (4) maintain a record of the name or chemical composition
23 of the additive, with the product shipping manifest or bill of
24 lading for one year after the date of the manifest or bill.

25 Sec. 74. Minnesota Statutes 2004, section 239.761, is
26 amended to read:

27 239.761 [PETROLEUM PRODUCT SPECIFICATIONS.]

28 Subdivision 1. [APPLICABILITY.] A person responsible for
29 the product must meet the specifications in this section. The
30 specifications apply to petroleum products processed, held,
31 stored, imported, transferred, distributed, offered for
32 distribution, offered for sale or use, or sold in Minnesota.

33 Subd. 2. [COORDINATION WITH DEPARTMENTS OF REVENUE AND
34 AGRICULTURE.] The petroleum product specifications in this
35 section are intended to match the definitions and specifications
36 in sections 41A.09 and 296A.01. Petroleum products named in

1 this section are defined in section 296A.01.

2 Subd. 3. [GASOLINE.] (a) Gasoline that is not blended with
3 ethanol must not be contaminated with water or other impurities
4 and must comply with ASTM specification ~~D4814-01~~ D4814-04a.
5 Gasoline that is not blended with ethanol must also comply with
6 the volatility requirements in Code of Federal Regulations,
7 title 40, part 80.

8 (b) After gasoline is sold, transferred, or otherwise
9 removed from a refinery or terminal, a person responsible for
10 the product:

11 (1) may blend the gasoline with agriculturally derived
12 ethanol as provided in subdivision 4;

13 (2) shall not blend the gasoline with any oxygenate other
14 than denatured, agriculturally derived ethanol;

15 (3) shall not blend the gasoline with other petroleum
16 products that are not gasoline or denatured, agriculturally
17 derived ethanol;

18 (4) shall not blend the gasoline with products commonly and
19 commercially known as casinghead gasoline, absorption gasoline,
20 condensation gasoline, drip gasoline, or natural gasoline; and

21 (5) may blend the gasoline with a detergent additive, an
22 antiknock additive, or an additive designed to replace
23 tetra-ethyl lead, that is registered by the EPA.

24 Subd. 4. [GASOLINE BLENDED WITH ETHANOL.] (a) Gasoline may
25 be blended with up to ten percent, by volume, agriculturally
26 derived, denatured ethanol that complies with the requirements
27 of subdivision 5.

28 (b) A gasoline-ethanol blend must:

29 (1) comply with the volatility requirements in Code of
30 Federal Regulations, title 40, part 80;

31 (2) comply with ASTM specification ~~D4814-01~~ D4814-04a, or
32 the gasoline base stock from which a gasoline-ethanol blend was
33 produced must comply with ASTM specification ~~D4814-01~~ D4814-04a;
34 and

35 (3) not be blended with casinghead gasoline, absorption
36 gasoline, condensation gasoline, drip gasoline, or natural

1 gasoline after the gasoline-ethanol blend has been sold,
2 transferred, or otherwise removed from a refinery or terminal.

3 Subd. 5. [DENATURED ETHANOL.] Denatured ethanol that is to
4 be blended with gasoline must be agriculturally derived and must
5 comply with ASTM specification ~~D4806-01~~ D4806-04a. This
6 includes the requirement that ethanol may be denatured only as
7 specified in Code of Federal Regulations, title 27, parts 20 and
8 21.

9 Subd. 6. [GASOLINE BLENDED WITH NONETHANOL OXYGENATE.] (a)
10 A person responsible for the product shall comply with the
11 following requirements:

12 (1) after July 1, 2000, gasoline containing in excess of
13 one-third of one percent, in total, of nonethanol oxygenates
14 listed in paragraph (b) must not be sold or offered for sale at
15 any time in this state; and

16 (2) after July 1, 2005, gasoline containing any of the
17 nonethanol oxygenates listed in paragraph (b) must not be sold
18 or offered for sale in this state.

19 (b) The oxygenates prohibited under paragraph (a) are:

20 (1) methyl tertiary butyl ether, as defined in section
21 296A.01, subdivision 34;

22 (2) ethyl tertiary butyl ether, as defined in section
23 296A.01, subdivision 18; or

24 (3) tertiary amyl methyl ether.

25 (c) Gasoline that is blended with a nonethanol oxygenate
26 must comply with ASTM specification ~~D4814-01~~ D4814-04a.

27 Nonethanol oxygenates must not be blended into gasoline after
28 the gasoline has been sold, transferred, or otherwise removed
29 from a refinery or terminal.

30 Subd. 7. [HEATING FUEL OIL.] Heating fuel oil must comply
31 with ASTM specification ~~D396-01~~ D396-02a.

32 Subd. 8. [DIESEL FUEL OIL.] Diesel fuel oil must comply
33 with ASTM specification ~~D975-01a~~ D975-04b, except that diesel
34 fuel oil is not required to meet the diesel lubricity standard
35 until the date that the biodiesel fuel requirement in section
36 239.77, subdivision 2, becomes effective or December 31, 2005,

1 whichever comes first.

2 Subd. 9. [KEROSENE.] Kerosene must comply with ASTM
3 specification ~~D3699-01~~ D3699-03.

4 Subd. 10. [AVIATION GASOLINE.] Aviation gasoline must
5 comply with ASTM specification ~~D910-00~~ D910-04.

6 Subd. 11. [AVIATION TURBINE FUEL, JET FUEL.] Aviation
7 turbine fuel and jet fuel must comply with ASTM specification
8 ~~D1655-01~~ D1655-04.

9 Subd. 12. [GAS TURBINE FUEL OIL.] Fuel oil for use in
10 nonaviation gas turbine engines must comply with ASTM
11 specification ~~D2880-00~~ D2880-03.

12 Subd. 13. [E85.] A blend of ethanol and gasoline,
13 containing at least 60 percent ethanol and not more than 85
14 percent ethanol, produced for use as a motor fuel in alternative
15 fuel vehicles as defined in section 296A.01, subdivision 5, must
16 comply with ASTM specification D5798-99 (2004).

17 Subd. 14. [M85.] A blend of methanol and gasoline,
18 containing at least 85 percent methanol, produced for use as a
19 motor fuel in alternative fuel vehicles as defined in section
20 296A.01, subdivision 5, must comply with ASTM specification
21 D5797-96.

22 Sec. 75. Minnesota Statutes 2004, section 239.77, is
23 amended by adding a subdivision to read:

24 Subd. 4. [DISCLOSURE.] A refinery or terminal shall
25 provide, at the time diesel fuel is sold or transferred from the
26 refinery or terminal, a bill of lading or shipping manifest to
27 the person who receives the fuel. For biodiesel-blended
28 product, the bill of lading or shipping manifest must disclose
29 biodiesel content, stating volume percentage, or gallons of
30 biodiesel per gallons of petroleum diesel base-stock, or an ASTM
31 "Bxx" designation where "xx" denotes the volume percent
32 biodiesel included in the blended product. This subdivision
33 does not apply to sales or transfers of biodiesel blend stock
34 between refineries, between terminals, or between a refinery and
35 a terminal.

36 Sec. 76. Minnesota Statutes 2004, section 239.79,

1 subdivision 4, is amended to read:

2 Subd. 4. [SALE OF CERTAIN PETROLEUM PRODUCTS ON GROSS
3 VOLUME BASIS.] A person responsible for the products listed in
4 this subdivision shall transfer, ship, distribute, offer for
5 distribution, sell, or offer to sell the products by volume.
6 Volumetric measurement of the product must not be temperature
7 compensated, or adjusted by any other factor. This subdivision
8 applies to gasoline, number one and number two diesel fuel oils,
9 number one and number two heating fuel oils, kerosene, denatured
10 ethanol ~~that-is-to-be-blended-into-gasoline, and an oxygenate~~
11 ~~that-is-to-be-blended-into-gasoline,~~ and biodiesel. This
12 subdivision does not apply to the measurement of petroleum
13 products transferred, sold, or traded between refineries,
14 between refineries and terminals, or between terminals.

15 Sec. 77. Minnesota Statutes 2004, section 239.791,
16 subdivision 1, is amended to read:

17 Subdivision 1. [MINIMUM ETHANOL CONTENT REQUIRED.] (a)
18 Except as provided in subdivisions 10 to 14, a person
19 responsible for the product shall ensure that all gasoline sold
20 or offered for sale in Minnesota must contain at least 10.0
21 percent denatured ethanol by volume.

22 (b) For purposes of enforcing the minimum ethanol
23 requirement of paragraph (a), a gasoline/ethanol blend will be
24 construed to be in compliance if the ethanol content, exclusive
25 of denaturants and permitted contaminants, comprises not less
26 than 9.2 percent by volume and not more than 10.0 percent by
27 volume of the blend as determined by an appropriate United
28 States Environmental Protection Agency or American Society of
29 Testing Materials standard method of analysis of alcohol/ether
30 content in ~~motor~~ engine fuels.

31 Sec. 78. Minnesota Statutes 2004, section 239.791,
32 subdivision 7, is amended to read:

33 Subd. 7. [~~OXYGENATE~~ ETHANOL RECORDS; STATE AUDIT.] The
34 director shall audit the records of registered ~~oxygenate~~ ethanol
35 blenders to ensure that each blender has met all requirements in
36 this chapter. Specific information or data relating to sales

1 figures or to processes or methods of production unique to the
 2 blender or that would tend to adversely affect the competitive
 3 position of the blender must be only for the confidential use of
 4 the director, unless otherwise specifically authorized by the
 5 registered blender.

6 Sec. 79. Minnesota Statutes 2004, section 239.791,
 7 subdivision 8, is amended to read:

8 Subd. 8. [DISCLOSURE.] A refinery or terminal, shall
 9 provide, at the time gasoline is sold or transferred from the
 10 refinery or terminal, a bill of lading or shipping manifest to
 11 the person who receives the gasoline. For oxygenated gasoline,
 12 the bill of lading or shipping manifest must include the
 13 identity and the volume percentage or gallons of oxygenate
 14 included in the gasoline, and it must state: "This fuel
 15 contains an oxygenate. Do not blend this fuel with ethanol or
 16 with any other oxygenate." ~~For nonoxygenated gasoline sold or~~
 17 ~~transferred before October 17, 1997, the bill or manifest must~~
 18 ~~state:--"This fuel must not be sold at retail in a carbon~~
 19 ~~monoxide control area."~~ For nonoxygenated gasoline sold or
 20 transferred after September 30, 1997, the bill or manifest must
 21 state: "This fuel is not oxygenated. It must not be sold at
 22 retail in Minnesota." This subdivision does not apply to sales
 23 or transfers of gasoline between refineries, between terminals,
 24 or between a refinery and a terminal.

25 Sec. 80. Minnesota Statutes 2004, section 239.791,
 26 subdivision 15, is amended to read:

27 Subd. 15. [EXEMPTION FOR CERTAIN BLEND PUMPS.] (a) A
 28 person responsible for the product, who offers for sale, sells,
 29 or dispenses nonoxygenated premium gasoline under one or more of
 30 the exemptions in subdivisions 10 to 14, may sell, offer for
 31 sale, or dispense oxygenated gasoline that contains less than
 32 the minimum amount of ethanol required under subdivision 1 if
 33 all of the following conditions are met:

34 (1) the blended gasoline has an octane rating of 88 or
 35 greater;

36 (2) the gasoline is a blend of oxygenated gasoline meeting

1 the requirements of subdivision 1 with nonoxygenated premium
2 gasoline;

3 (3) the blended gasoline contains not more than ten percent
4 nonoxygenated premium gasoline;

5 (4) the blending of oxygenated gasoline with nonoxygenated
6 gasoline occurs within the gasoline dispenser; and

7 (5) the gasoline station at which the gasoline is sold,
8 offered for sale, or delivered is equipped to store gasoline in
9 not more than two storage tanks.

10 (b) This subdivision applies only to those persons who meet
11 the conditions in paragraph (a), clauses (1) through (5), on the
12 ~~effective-date-of-this-act~~ August 1, 2004, and have registered
13 with the director within three months of ~~the-effective~~ that date
14 ~~of-this-act~~.

15 Sec. 81. Minnesota Statutes 2004, section 239.792, is
16 amended to read:

17 239.792 [~~GASOLINE-OCTANE~~ AUTOMOTIVE FUEL RATINGS,
18 CERTIFICATION, AND POSTING.]

19 Subdivision 1. [~~DISCLOSURE~~ DISCLOSURE DUTIES OF REFINERS, IMPORTERS,
20 AND PRODUCERS.] A ~~manufacturer, hauler, blender, agent, jobber,~~
21 ~~consignment-agent~~ refiner, importer, or distributor-who-sells,
22 ~~delivers, or distributes gasoline or gasoline-oxygenate blends,~~
23 ~~shall provide, at the time of delivery, a bill of lading or~~
24 ~~shipping manifest to the person who receives the gasoline.--The~~
25 ~~bill or manifest must state the minimum octane of the gasoline~~
26 ~~delivered.--The stated octane number must be the average of the~~
27 ~~"motor method" octane number and the "research method" octane~~
28 ~~number as determined by the test methods in ASTM specification~~
29 ~~D4814-01, or by a test method adopted by department~~
30 rule producer of automotive fuel must comply with the automotive
31 fuel rating, certification, and record-keeping requirements of
32 Code of Federal Regulations, title 16, sections 306.5 to 306.7.

33 Subd. 2. [~~DISPENSER-LABELING~~ DISPENSER LABELING DUTIES OF DISTRIBUTORS.] A
34 ~~person responsible for the product shall clearly, conspicuously,~~
35 ~~and permanently label each gasoline dispenser that is used to~~
36 ~~sell gasoline or gasoline-oxygenate blends at retail or to~~

1 dispense-gasoline-or-gasoline-oxygenate-blends-into-the-fuel
 2 supply-tanks-of-motor-vehicles,-with-the-minimum-octane-of-the
 3 gasoline-dispensed.--The-label-must-meet-the-following
 4 requirements:

5 (a)-The-octane-number-displayed-on-the-label-must-represent
 6 the-average-of-the-"motor-method"-octane-number-and-the
 7 "research-method"-octane-number-as-determined-by-the-test
 8 methods-in-ASTM-specification-D4814-01,-or-by-a-test-method
 9 adopted-by-department-rule.

10 (b)-The-label-must-be-at-least-2-1/2-inches-high-and-three
 11 inches-wide,-with-a-yellow-background,-black-border,-and-black
 12 figures-and-letters.

13 (c)-The-number-representing-the-octane-of-the-gasoline-must
 14 be-at-least-one-inch-high.

15 (d)-The-label-must-include-the-words-"minimum-octane"-and
 16 the-term-"(R+M)/2"-or-"(RON+MON)/2." A licensed distributor of
 17 automotive fuel must comply with the certification and
 18 record-keeping provisions of Code of Federal Regulations, title
 19 16, sections 306.8 and 306.9.

20 Subd. 3. [DUTIES OF RETAILERS.] A person responsible for
 21 the product who sells or transfers automotive fuel to a consumer
 22 must comply with the automotive fuel rating posting and
 23 record-keeping requirements, and the label specifications of
 24 Code of Federal Regulations, title 16, sections 306.10 to 306.12.

25 Subd. 4. [DUTIES OF DIRECTOR.] Upon request, the director
 26 shall provide any person with a copy of Code of Federal
 27 Regulations, title 16, part 306. Upon request, the director
 28 shall provide any distributor, retailer, or organization of
 29 distributors or retailers with the label specifications in Code
 30 of Federal Regulations, title 16, section 306.12.

31 Sec. 82. Minnesota Statutes 2004, section 296A.01,
 32 subdivision 2, is amended to read:

33 Subd. 2. [AGRICULTURAL ALCOHOL GASOLINE.] "Agricultural
 34 alcohol gasoline" means a gasoline-ethanol blend of up to ten
 35 percent agriculturally derived fermentation ethanol derived from
 36 agricultural products, such as potatoes, cereal, grains, cheese

1 whey, sugar beets, forest products, or other renewable
2 resources, that:

3 (1) meets the specifications in ASTM specification ~~D4806-01~~
4 D4806-04a; and

5 (2) is denatured as specified in Code of Federal
6 Regulations, title 27, parts 20 and 21.

7 Sec. 83. Minnesota Statutes 2004, section 296A.01,
8 subdivision 7, is amended to read:

9 Subd. 7. [AVIATION GASOLINE.] "Aviation gasoline" means
10 any gasoline that is capable of use for the purpose of producing
11 or generating power for propelling internal combustion engine
12 aircraft, that meets the specifications in ASTM
13 specification ~~D910-00~~ D910-04, and that either:

14 (1) is invoiced and billed by a producer, manufacturer,
15 refiner, or blender to a distributor or dealer, by a distributor
16 to a dealer or consumer, or by a dealer to consumer, as
17 "aviation gasoline"; or

18 (2) whether or not invoiced and billed as provided in
19 clause (1), is received, sold, stored, or withdrawn from storage
20 by any person, to be used for the purpose of producing or
21 generating power for propelling internal combustion engine
22 aircraft.

23 Sec. 84. Minnesota Statutes 2004, section 296A.01,
24 subdivision 8, is amended to read:

25 Subd. 8. [AVIATION TURBINE FUEL AND JET FUEL.] "Aviation
26 turbine fuel" and "jet fuel" mean blends of hydrocarbons derived
27 from crude petroleum, natural gasoline, and synthetic
28 hydrocarbons, intended for use in aviation turbine engines, and
29 that meet the specifications in ASTM specification
30 ~~D1655-01~~ D1655.04.

31 Sec. 85. Minnesota Statutes 2004, section 296A.01,
32 subdivision 14, is amended to read:

33 Subd. 14. [DIESEL FUEL OIL.] "Diesel fuel oil" means a
34 petroleum distillate or blend of petroleum distillate and
35 residual fuels, intended for use as a motor fuel in internal
36 combustion diesel engines, that meets the specifications in ASTM

1 specification ~~D975-04a~~ D975-04b, except that diesel fuel oil is
2 not required to meet the diesel lubricity standard until the
3 date that the biodiesel fuel requirement in section 239.77,
4 subdivision 2, becomes effective or December 31, 2005, whichever
5 comes first. Diesel fuel includes number 1 and number 2 fuel
6 oils. K-1 kerosene is not diesel fuel unless it is blended with
7 diesel fuel for use in motor vehicles.

8 Sec. 86. Minnesota Statutes 2004, section 296A.01,
9 subdivision 19, is amended to read:

10 Subd. 19. [E85.] "E85" means a petroleum product that is a
11 blend of agriculturally derived denatured ethanol and gasoline
12 or natural gasoline that typically contains 85 percent ethanol
13 by volume, but at a minimum must contain 60 percent ethanol by
14 volume. For the purposes of this chapter, the energy content of
15 E85 will be considered to be 82,000 BTUs per gallon. E85
16 produced for use as a motor fuel in alternative fuel vehicles as
17 defined in subdivision 5 must comply with ASTM specification
18 D5798-99 (2004).

19 Sec. 87. Minnesota Statutes 2004, section 296A.01,
20 subdivision 20, is amended to read:

21 Subd. 20. [ETHANOL, DENATURED.] "Ethanol, denatured" means
22 ethanol that is to be blended with gasoline, has been
23 agriculturally derived, and complies with ASTM specification
24 ~~D4806-04~~ D4806-04a. This includes the requirement that ethanol
25 may be denatured only as specified in Code of Federal
26 Regulations, title 27, parts 20 and 21.

27 Sec. 88. Minnesota Statutes 2004, section 296A.01,
28 subdivision 22, is amended to read:

29 Subd. 22. [GAS TURBINE FUEL OIL.] "Gas turbine fuel oil"
30 means fuel that contains mixtures of hydrocarbon oils free of
31 inorganic acid and excessive amounts of solid or fibrous foreign
32 matter, intended for use in nonaviation gas turbine engines, and
33 that meets the specifications in ASTM specification
34 ~~D2880-00~~ D2880-03.

35 Sec. 89. Minnesota Statutes 2004, section 296A.01,
36 subdivision 23, is amended to read:

1 Subd. 23. [GASOLINE.] (a) "Gasoline" means:

2 (1) all products commonly or commercially known or sold as
3 gasoline regardless of their classification or uses, except
4 casinghead gasoline, absorption gasoline, condensation gasoline,
5 drip gasoline, or natural gasoline that under the requirements
6 of section 239.761, subdivision 3, must not be blended with
7 gasoline that has been sold, transferred, or otherwise removed
8 from a refinery or terminal; and

9 (2) any liquid prepared, advertised, offered for sale or
10 sold for use as, or commonly and commercially used as, a fuel in
11 spark-ignition, internal combustion engines, and that when
12 tested by the Weights and Measures Division meets the
13 specifications in ASTM specification ~~D4814-01~~ D4814-04a.

14 (b) Gasoline that is not blended with ethanol must not be
15 contaminated with water or other impurities and must comply with
16 both ASTM specification ~~D4814-01~~ D4814-04a and the volatility
17 requirements in Code of Federal Regulations, title 40, part 80.

18 (c) After gasoline is sold, transferred, or otherwise
19 removed from a refinery or terminal, a person responsible for
20 the product:

21 (1) may blend the gasoline with agriculturally derived
22 ethanol, as provided in subdivision 24;

23 (2) must not blend the gasoline with any oxygenate other
24 than denatured, agriculturally derived ethanol;

25 (3) must not blend the gasoline with other petroleum
26 products that are not gasoline or denatured, agriculturally
27 derived ethanol;

28 (4) must not blend the gasoline with products commonly and
29 commercially known as casinghead gasoline, absorption gasoline,
30 condensation gasoline, drip gasoline, or natural gasoline; and

31 (5) may blend the gasoline with a detergent additive, an
32 antiknock additive, or an additive designed to replace
33 tetra-ethyl lead, that is registered by the EPA.

34 Sec. 90. Minnesota Statutes 2004, section 296A.01,
35 subdivision 24, is amended to read:

36 Subd. 24. [GASOLINE BLENDED WITH NONETHANOL OXYGENATE.]

1 "Gasoline blended with nonethanol oxygenate" means gasoline
2 blended with ETBE, MTBE, or other alcohol or ether, except
3 denatured ethanol, that is approved as an oxygenate by the EPA,
4 and that complies with ASTM specification ~~D4814-01~~ D4814-04a.
5 Oxygenates, other than denatured ethanol, must not be blended
6 into gasoline after the gasoline has been sold, transferred, or
7 otherwise removed from a refinery or terminal.

8 Sec. 91. Minnesota Statutes 2004, section 296A.01,
9 subdivision 25, is amended to read:

10 Subd. 25. [GASOLINE BLENDED WITH ETHANOL.] "Gasoline
11 blended with ethanol" means gasoline blended with up to ten
12 percent, by volume, agriculturally derived, denatured ethanol.
13 The blend must comply with the volatility requirements in Code
14 of Federal Regulations, title 40, part 80. The blend must also
15 comply with ASTM specification ~~D4814-01~~ D4814-04a, or the
16 gasoline base stock from which a gasoline-ethanol blend was
17 produced must comply with ASTM specification ~~D4814-01~~ D4814-04a;
18 and the gasoline-ethanol blend must not be blended with
19 casinghead gasoline, absorption gasoline, condensation gasoline,
20 drip gasoline, or natural gasoline after the gasoline-ethanol
21 blend has been sold, transferred, or otherwise removed from a
22 refinery or terminal. The blend need not comply with ASTM
23 specification ~~D4814-01~~ D4814-04a if it is subjected to a
24 standard distillation test. For a distillation test, a
25 gasoline-ethanol blend is not required to comply with the
26 temperature specification at the 50 percent liquid recovery
27 point, if the gasoline from which the gasoline-ethanol blend was
28 produced complies with all of the distillation specifications.

29 Sec. 92. Minnesota Statutes 2004, section 296A.01,
30 subdivision 26, is amended to read:

31 Subd. 26. [HEATING FUEL OIL.] "Heating fuel oil" means a
32 petroleum distillate, blend of petroleum distillates and
33 residuals, or petroleum residual heating fuel that meets the
34 specifications in ASTM specification ~~D396-01~~ D396-02a.

35 Sec. 93. Minnesota Statutes 2004, section 296A.01,
36 subdivision 28, is amended to read:

1 Subd. 28. [KEROSENE.] "Kerosene" means a refined petroleum
2 distillate consisting of a homogeneous mixture of hydrocarbons
3 essentially free of water, inorganic acidic and basic compounds,
4 and excessive amounts of particulate contaminants and that meets
5 the specifications in ASTM specification ~~D3699-01~~ D3699-03.

6 Sec. 94. Minnesota Statutes 2004, section 298.22, is
7 amended by adding a subdivision to read:

8 Subd. 10. [SALE OR PRIVATIZATION OF FUNCTIONS.] The
9 commissioner of Iron Range resources and rehabilitation may not
10 sell or privatize any project area or function of the agency
11 without prior approval by a majority vote of the board.

12 Sec. 95. [325F.991] [911 EMERGENCY PHONE SERVICE
13 REPRESENTATIONS.]

14 Subdivision 1. [DEFINITIONS.] For purposes of this
15 section, the terms defined in this subdivision have the meanings
16 given them.

17 (a) "911 emergency telecommunications system" means a
18 dedicated emergency telecommunications system required by
19 section 403.025.

20 (b) "Person" means an individual, corporation, firm, or
21 other legal entity.

22 (c) "Service provider" means a person doing business in
23 Minnesota who provides real time, two-way voice service
24 interconnected with the public switched telephone network using
25 numbers allocated for Minnesota by the North American Numbering
26 Plan Administration.

27 Subd. 2. [REPRESENTATIONS OF 911 SERVICE.] A person shall
28 not advertise, market, or otherwise represent that the person
29 furnishes a service capable of providing access to emergency
30 services by dialing 911 unless the person provides a service
31 that routes 911 calls through the 911 emergency
32 telecommunications system.

33 Subd. 3. [DISCLOSURE.] A service provider that does not
34 provide 911 dialing that routes 911 calls through the 911
35 emergency telecommunications system must disclose that fact in
36 all advertisements, marketing materials, and contracts. The

1 disclosure must be in capital letters, in 12-point font, and on
2 the front page of the advertisement, marketing materials, and
3 contracts. The disclosure must state: "THIS SERVICE DOES NOT
4 ROUTE 911 CALLS THROUGH THE 911 EMERGENCY SYSTEM."

5 Subd. 4. [CERTAIN CALLS NOT 911 CALLS.] For purposes of
6 this section, 911 calls routed to the general access number at a
7 public safety answering point do not qualify as being routed
8 through a 911 emergency telecommunications system.

9 Sec. 96. [354B.33] [IRON RANGE RESOURCES AND
10 REHABILITATION; EARLY SEPARATION INCENTIVE PROGRAM
11 AUTHORIZATION.]

12 (a) Notwithstanding any law to the contrary, the
13 commissioner of Iron Range resources and rehabilitation, in
14 consultation with the commissioner of employee relations, may
15 offer a targeted early separation incentive program for
16 employees of the commissioner who have attained the age of 60
17 years and have at least five years of allowable service credit
18 under chapter 352, or who have received credit for at least 30
19 years of allowable service under the provisions of chapter 352.

20 (b) The early separation incentive program may include one
21 or more of the following:

22 (1) employer-paid postseparation health, medical, and
23 dental insurance until age 65; and

24 (2) cash incentives that may, but are not required to be,
25 used to purchase additional years of service credit through the
26 Minnesota State Retirement System, to the extent that the
27 purchases are otherwise authorized by law.

28 (c) The commissioner of Iron Range resources and
29 rehabilitation shall establish eligibility requirements for
30 employees to receive an incentive.

31 (d) The commissioner of Iron Range Resources and
32 Rehabilitation, consistent with the established program
33 provisions under paragraph (b), and with the eligibility
34 requirements under paragraph (c), may designate specific
35 programs or employees as eligible to be offered the incentive
36 program.

1 (e) Acceptance of the offered incentive must be voluntary
2 on the part of the employee and must be in writing. The
3 incentive may only be offered at the sole discretion of the
4 commissioner of Iron Range resources and rehabilitation.

5 (f) The cost of the incentive is payable solely by funds
6 made available to the commissioner of Iron Range resources and
7 rehabilitation by law, but only on prior approval of the
8 expenditures by a majority of the Iron Range Resources and
9 Rehabilitation Board.

10 (g) This section expires June 30, 2006.

11 [EFFECTIVE DATE.] This section is effective the day
12 following final enactment.

13 Sec. 97. Minnesota Statutes 2004, section 357.021,
14 subdivision 1a, is amended to read:

15 Subd. 1a. [TRANSMITTAL OF FEES TO COMMISSIONER OF
16 FINANCE.] (a) Every person, including the state of Minnesota and
17 all bodies politic and corporate, who shall transact any
18 business in the district court, shall pay to the court
19 administrator of said court the sundry fees prescribed in
20 subdivision 2. Except as provided in paragraph (d), the court
21 administrator shall transmit the fees monthly to the
22 commissioner of finance for deposit in the state treasury and
23 credit to the general fund. \$30 of each fee collected in a
24 dissolution action under subdivision 2, clause (1), must be
25 deposited by the commissioner of finance in the special revenue
26 fund to be appropriated to the commissioner of employment and
27 economic development for the displaced homemaker program under
28 section 116L.96.

29 (b) In a county which has a screener-collector position,
30 fees paid by a county pursuant to this subdivision shall be
31 transmitted monthly to the county treasurer, who shall apply the
32 fees first to reimburse the county for the amount of the salary
33 paid for the screener-collector position. The balance of the
34 fees collected shall then be forwarded to the commissioner of
35 finance for deposit in the state treasury and credited to the
36 general fund. In a county in a judicial district under section

1 480.181, subdivision 1, paragraph (b), which has a
2 screener-collector position, the fees paid by a county shall be
3 transmitted monthly to the commissioner of finance for deposit
4 in the state treasury and credited to the general fund. A
5 screener-collector position for purposes of this paragraph is an
6 employee whose function is to increase the collection of fines
7 and to review the incomes of potential clients of the public
8 defender, in order to verify eligibility for that service.

9 (c) No fee is required under this section from the public
10 authority or the party the public authority represents in an
11 action for:

12 (1) child support enforcement or modification, medical
13 assistance enforcement, or establishment of parentage in the
14 district court, or in a proceeding under section 484.702;

15 (2) civil commitment under chapter 253B;

16 (3) the appointment of a public conservator or public
17 guardian or any other action under chapters 252A and 525;

18 (4) wrongfully obtaining public assistance under section
19 256.98 or 256D.07, or recovery of overpayments of public
20 assistance;

21 (5) court relief under chapter 260;

22 (6) forfeiture of property under sections 169A.63 and
23 609.531 to 609.5317;

24 (7) recovery of amounts issued by political subdivisions or
25 public institutions under sections 246.52, 252.27, 256.045,
26 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331,
27 and 260C.331, or other sections referring to other forms of
28 public assistance;

29 (8) restitution under section 611A.04; or

30 (9) actions seeking monetary relief in favor of the state
31 pursuant to section 16D.14, subdivision 5.

32 (d) The fees collected for child support modifications
33 under subdivision 2, clause (13), must be transmitted to the
34 county treasurer for deposit in the county general fund. The
35 fees must be used by the county to pay for child support
36 enforcement efforts by county attorneys.

1 Sec. 98. Minnesota Statutes 2004, section 357.021,
2 subdivision 2, is amended to read:

3 Subd. 2. [FEE AMOUNTS.] The fees to be charged and
4 collected by the court administrator shall be as follows:

5 (1) In every civil action or proceeding in said court,
6 including any case arising under the tax laws of the state that
7 could be transferred or appealed to the Tax Court, the
8 plaintiff, petitioner, or other moving party shall pay, when the
9 first paper is filed for that party in said action, a fee of
10 ~~\$235~~ \$240, except in marriage dissolution actions the fee is
11 \$270.

12 The defendant or other adverse or intervening party, or any
13 one or more of several defendants or other adverse or
14 intervening parties appearing separately from the others, shall
15 pay, when the first paper is filed for that party in said
16 action, a fee of ~~\$235~~ \$240, except in marriage dissolution
17 actions the fee is \$270.

18 The party requesting a trial by jury shall pay \$75.

19 The fees above stated shall be the full trial fee
20 chargeable to said parties irrespective of whether trial be to
21 the court alone, to the court and jury, or disposed of without
22 trial, and shall include the entry of judgment in the action,
23 but does not include copies or certified copies of any papers so
24 filed or proceedings under chapter 103E, except the provisions
25 therein as to appeals.

26 (2) Certified copy of any instrument from a civil or
27 criminal proceeding, \$10, and \$5 for an uncertified copy.

28 (3) Issuing a subpoena, \$12 for each name.

29 (4) Filing a motion or response to a motion in civil,
30 family, excluding child support, and guardianship cases, \$55.

31 (5) Issuing an execution and filing the return thereof;
32 issuing a writ of attachment, injunction, habeas corpus,
33 mandamus, quo warranto, certiorari, or other writs not
34 specifically mentioned, \$40.

35 (6) Issuing a transcript of judgment, or for filing and
36 docketing a transcript of judgment from another court, \$30.

1 (7) Filing and entering a satisfaction of judgment, partial
2 satisfaction, or assignment of judgment, \$5.

3 (8) Certificate as to existence or nonexistence of
4 judgments docketed, \$5 for each name certified to.

5 (9) Filing and indexing trade name; or recording basic
6 science certificate; or recording certificate of physicians,
7 osteopaths, chiropractors, veterinarians, or optometrists, \$5.

8 (10) For the filing of each partial, final, or annual
9 account in all trusteeships, \$40.

10 (11) For the deposit of a will, \$20.

11 (12) For recording notary commission, \$100, of which,
12 notwithstanding subdivision 1a, paragraph (b), \$80 must be
13 forwarded to the commissioner of finance to be deposited in the
14 state treasury and credited to the general fund.

15 (13) Filing a motion or response to a motion for
16 modification of child support, a fee fixed by rule or order of
17 the Supreme Court.

18 (14) All other services required by law for which no fee is
19 provided, such fee as compares favorably with those herein
20 provided, or such as may be fixed by rule or order of the court.

21 (15) In addition to any other filing fees under this
22 chapter, a surcharge in the amount of \$75 must be assessed in
23 accordance with section 259.52, subdivision 14, for each
24 adoption petition filed in district court to fund the fathers'
25 adoption registry under section 259.52.

26 The fees in clauses (3) and (5) need not be paid by a
27 public authority or the party the public authority represents.

28 Sec. 99. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP
29 REVOLVING FUND.]

30 Subdivision 1. [DEFINITIONS.] As used in this section:

31 (1) "clandestine lab site" has the meaning given in section
32 152.0275, subdivision 1, paragraph (a);

33 (2) "property" has the meaning given in section 152.0275,
34 subdivision 2, paragraph (a), but does not include motor
35 vehicles; and

36 (3) "remediate" has the meaning given to remediation in

1 section 152.0275, subdivision 1, paragraph (a).

2 Subd. 2. [FUND ESTABLISHED.] The authority shall establish
3 a methamphetamine laboratory cleanup revolving fund to provide
4 loans to counties and cities to remediate clandestine lab
5 sites. The fund must be credited with repayments.

6 Subd. 3. [APPLICATIONS.] Applications by a county or city
7 for a loan from the fund must be made to the authority on the
8 forms prescribed by the authority. The application must
9 include, but is not limited to:

10 (1) the amount of the loan requested and the proposed use
11 of the loan proceeds;

12 (2) the source of revenues to repay the loan; and

13 (3) certification by the county or city that it meets the
14 loan eligibility requirements of subdivision 4.

15 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible
16 for a loan under this section if the county or city:

17 (1) identifies a site or sites designated by a local public
18 health department or law enforcement as a clandestine lab site;

19 (2) has required the site's property owner to remediate the
20 site at cost, under a local public health nuisance ordinance
21 that addresses clandestine lab remediation;

22 (3) certifies that the property owner cannot pay for the
23 remediation immediately;

24 (4) certifies that the property owner has not properly
25 remediated the site; and

26 (5) issues a revenue bond payable to the authority to
27 secure the loan.

28 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY
29 OWNER.] (a) A loan recipient shall use the loan to remediate the
30 clandestine lab site or if this has already been done to
31 reimburse the applicable county or city fund for costs paid by
32 the recipient to remediate the clandestine lab site.

33 (b) A loan recipient shall seek reimbursement from the
34 owner of the property containing the clandestine lab site for
35 the costs of the remediation. In addition to other lawful means
36 of seeking reimbursement, the loan recipient may recover its

1 costs through a property tax assessment by following the
2 procedures specified in section 145A.08, subdivision 2,
3 paragraph (c).

4 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority
5 shall award loans to recipients on a first-come, first-served
6 basis, provided that the recipient is able to comply with the
7 terms and conditions of the authority loan, which must be in
8 conformance with this section. The authority shall make a
9 single disbursement of the loan upon receipt of a payment
10 request that includes a list of remediation expenses and
11 evidence that a second-party sampling was undertaken to ensure
12 that the remediation work was successful or a guarantee that
13 such a sampling will be undertaken.

14 Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making
15 loans from the revolving fund, the authority shall comply with
16 the criteria in paragraphs (b) to (e).

17 (b) Loans must be made at a two percent per annum interest
18 rate for terms not to exceed ten years unless the recipient
19 requests a 20-year term due to financial hardship.

20 (c) The annual principal and interest payments must begin
21 no later than one year after completion of the clean up. Loans
22 must be amortized no later than 20 years after completion of the
23 clean up.

24 (d) A loan recipient must identify and establish a source
25 of revenue for repayment of the loan and must undertake whatever
26 steps are necessary to collect payments within one year of
27 receipt of funds from the authority.

28 (e) The fund must be credited with all payments of
29 principal and interest on all loans, except the costs as
30 permitted under section 446A.04, subdivision 5, paragraph (a).

31 (f) Loans must be made only to recipients with a local
32 public health nuisance ordinance that addresses clandestine lab
33 remediation.

34 Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities
35 may incur debt under this section by resolution of the board or
36 council authorizing issuance of a revenue bond to the authority.

1 [EFFECTIVE DATE.] This section is effective July 1, 2005.

2 Sec. 100. Minnesota Statutes 2004, section 469.050,
3 subdivision 5, is amended to read:

4 Subd. 5. [PAY.] A commissioner, including the president,
5 must be paid \$35 \$55 for each regular or special port authority
6 meeting attended and shall receive reimbursement for expenses
7 incurred while performing duties. The advisory members of the
8 Duluth authority from the legislature must not be paid for their
9 service to the authority.

10 Sec. 101. Minnesota Statutes 2004, section 469.1082,
11 subdivision 1, is amended to read:

12 Subdivision 1. [AUTHORITY TO CREATE.] A county ~~located~~
13 ~~outside-the-metropolitan-area~~ may form a county economic
14 development authority or grant a housing and redevelopment
15 authority the powers specified in subdivision 4, clause (2), if
16 it receives a recommendation to do so from a committee formed
17 under subdivision 2. An economic development authority
18 established under this section has all the powers and rights of
19 an authority under sections 469.090 to 469.1081, except the
20 authority granted under section 469.094 if so limited under
21 subdivision 4. This section is in addition to any other
22 authority to create a county economic development authority or
23 service provider.

24 Sec. 102. Minnesota Statutes 2004, section 469.310,
25 subdivision 11, is amended to read:

26 Subd. 11. [QUALIFIED BUSINESS.] (a) "~~Qualified-business~~"
27 means A person carrying on a trade or business at a place of
28 business located within a job opportunity building zone is a
29 qualified business for the purposes of sections 469.310 to
30 469.320 according to the criteria in paragraphs (b) to (f).

31 (b) A person is a qualified business only on those parcels
32 of land for which the person has entered into a business subsidy
33 agreement, as required under section 469.313, with the
34 appropriate local government unit in which the parcels are
35 located.

36 (c) Prior to execution of the business subsidy agreement,

1 the local government unit must consider the following factors:

2 (1) how wages compare to the regional industry average;

3 (2) the number of jobs that will be provided relative to
4 overall employment in the community;

5 (3) the economic outlook for the industry the business will
6 engage in;

7 (4) sales that will be generated from outside the state of
8 Minnesota;

9 (5) how the business will build on existing regional
10 strengths or diversify the regional economy;

11 (6) how the business will increase capital investment in
12 the zone; and

13 (7) any other criteria the commissioner deems necessary.

14 ~~(b)~~ (d) A person that relocates a trade or business from
15 outside a job opportunity building zone into a zone is not a
16 qualified business, unless the business meets all of the
17 requirements of paragraphs (b) and (c) and:

18 ~~(1)(i)~~ increases full-time employment in the first full
19 year of operation within the job opportunity building zone by at
20 least a minimum of five jobs or 20 percent, whichever is
21 greater, measured relative to the operations that were relocated
22 and maintains the required level of employment for each year the
23 zone designation applies; or

24 ~~(ii)-makes-a-capital-investment-in-the-property-located~~
25 ~~within-a-zone-equivalent-to-ten-percent-of-the-gross-revenues-of~~
26 ~~operation-that-were-relocated-in-the-immediately-preceding~~
27 ~~taxable-year; and~~

28 (2) enters a binding written agreement with the
29 commissioner that:

30 (i) pledges the business will meet the requirements of
31 clause (1);

32 (ii) provides for repayment of all tax benefits enumerated
33 under section 469.315 to the business under the procedures in
34 section 469.319, if the requirements of clause (1) are not met
35 for the taxable year or for taxes payable during the year in
36 which the requirements were not met; and

1 (iii) contains any other terms the commissioner determines
2 appropriate.

3 (e) The commissioner may waive the requirements under
4 paragraph (d), clause (1), if the commissioner determines that
5 the qualified business will substantially achieve the factors
6 under this subdivision.

7 (f) A business is not a qualified business if, at its
8 location or locations in the zone, the business is primarily
9 engaged in making retail sales to purchasers who are physically
10 present at the business's zone location.

11 (g) A qualifying business must pay each employee
12 compensation, including benefits not mandated by law, that on an
13 annualized basis is equal to at least 110 percent of the federal
14 poverty level for a family of four.

15 [EFFECTIVE DATE.] This section is effective the day
16 following final enactment and applies to any business entering a
17 business subsidy agreement for a job opportunity development
18 zone after that date, except that paragraph (b) is effective
19 retroactively from June 9, 2003.

20 Sec. 103. Minnesota Statutes 2004, section 469.319,
21 subdivision 1, is amended to read:

22 Subdivision 1. [REPAYMENT OBLIGATION.] A business must
23 repay the amount of the total tax reduction listed in section
24 469.315 and any refund under section 469.318 in excess of tax
25 liability, received during the two years immediately before it
26 ceased to operate in the zone, if the business:

27 (1) received tax reductions authorized by section 469.315;
28 and

29 (2)(i) did not meet the goals specified in an agreement
30 entered into with the applicant that states any obligation the
31 qualified business must fulfill in order to be eligible for tax
32 benefits. The commissioner of employment and economic
33 development may extend for up to one year the period for meeting
34 any goals provided in an agreement. The applicant may extend
35 the period for meeting other goals by documenting in writing the
36 reason for the extension and attaching a copy of the document to

1 its next annual report to the commissioner of employment and
2 economic development; or

3 (ii) ceased to operate its facility located within the job
4 opportunity building zone or otherwise ceases to be or is not a
5 qualified business.

6 [EFFECTIVE DATE.] This section is effective the day
7 following final enactment.

8 Sec. 104. Minnesota Statutes 2004, section 469.319, is
9 amended by adding a subdivision to read:

10 Subd. 6. [RECONCILIATION.] Where this section is
11 inconsistent with section 116J.994, subdivision 3, paragraph
12 (e), or 6, or any other provisions of sections 116J.993 to
13 116J.995, this section prevails.

14 [EFFECTIVE DATE.] This section is effective the day
15 following final enactment.

16 Sec. 105. Minnesota Statutes 2004, section 469.320,
17 subdivision 3, is amended to read:

18 Subd. 3. [REMEDIES.] If the commissioner determines, based
19 on a report filed under subdivision 1 or other available
20 information, that a zone or subzone is failing to meet its
21 performance goals, the commissioner may take any actions the
22 commissioner determines appropriate, including modification of
23 the boundaries of the zone or a subzone or termination of the
24 zone or a subzone. Before taking any action, the commissioner
25 shall consult with the applicant and the affected local
26 government units, including notifying them of the proposed
27 actions to be taken. ~~The commissioner shall publish any order~~
28 ~~modifying a zone in the State Register and on the Internet.~~ The
29 applicant may appeal the commissioner's order under the
30 contested case procedures of chapter 14.

31 [EFFECTIVE DATE.] This section is effective the day
32 following final enactment.

33 Sec. 106. Minnesota Statutes 2004, section 469.330,
34 subdivision 11, is amended to read:

35 Subd. 11. [QUALIFIED BUSINESS.] (a) "Qualified business"
36 means a person carrying on a trade or business at a

1 biotechnology and health sciences industry facility located
2 within a biotechnology and health sciences industry zone. A
3 person is a qualified business only on those parcels of land for
4 which it has entered into a business subsidy agreement, as
5 required under section 469.333, with the appropriate local
6 government unit in which the parcels are located.

7 (b) A person that relocates a biotechnology and health
8 sciences industry facility from outside a biotechnology and
9 health sciences industry zone into a zone is not a qualified
10 business, unless the business:

11 (1)(i) increases full-time employment in the first full
12 year of operation within the biotechnology and health sciences
13 industry zone by at least 20 percent measured relative to the
14 operations that were relocated and maintains the required level
15 of employment for each year the zone designation applies; or

16 (ii) makes a capital investment in the property located
17 within a zone equivalent to ten percent of the gross revenues of
18 operation that were relocated in the immediately preceding
19 taxable year; and

20 (2) enters a binding written agreement with the
21 commissioner that:

22 (i) pledges the business will meet the requirements of
23 clause (1);

24 (ii) provides for repayment of all tax benefits enumerated
25 under section 469.336 to the business under the procedures in
26 section 469.340, if the requirements of clause (1) are not met;
27 and

28 (iii) contains any other terms the commissioner determines
29 appropriate.

30 [EFFECTIVE DATE.] This section is effective retroactively
31 from June 9, 2003.

32 Sec. 107. Minnesota Statutes 2004, section 469.340,
33 subdivision 1, is amended to read:

34 Subdivision 1. [REPAYMENT OBLIGATION.] A business must
35 repay the amount of the tax reduction listed in section 469.336
36 and any refunds under sections 469.338 and 469.339 in excess of

1 tax liability, received during the two years immediately before
2 it ceased to operate in the zone, if the business:

3 (1) received tax reductions authorized by section 469.336;
4 and

5 (2)(i) did not meet the goals specified in an agreement
6 entered into with the applicant that states any obligation the
7 qualified business must fulfill in order to be eligible for tax
8 benefits. The commissioner of employment and economic
9 development may extend for up to one year the period for meeting
10 any goals provided in an agreement. The applicant may extend
11 the period for meeting other goals by documenting in writing the
12 reason for the extension and attaching a copy of the document to
13 its next annual report to the commissioner of employment and
14 economic development; or

15 (ii) ceased to operate its facility located within the
16 biotechnology and health sciences industry zone or otherwise
17 ceases to be or is not a qualified business.

18 [EFFECTIVE DATE.] This section is effective the day
19 following final enactment.

20 Sec. 108. Minnesota Statutes 2004, section 474A.061,
21 subdivision 2c, is amended to read:

22 Subd. 2c. [PUBLIC FACILITIES POOL ALLOCATION.] From the
23 beginning of the calendar year and continuing for a period of
24 120 days, the commissioner shall reserve ~~\$3,000,000~~ \$5,000,000
25 of the available bonding authority from the public facilities
26 pool for applications for public facilities projects to be
27 financed by the Western Lake Superior Sanitary District.
28 Commencing on the second Tuesday in January and continuing on
29 each Monday through the last Monday in July, the commissioner
30 shall allocate available bonding authority from the public
31 facilities pool to applications for eligible public facilities
32 projects received on or before the Monday of the preceding
33 week. If there are two or more applications for public
34 facilities projects from the pool and there is insufficient
35 available bonding authority to provide allocations for all
36 projects in any one week, the available bonding authority shall

1 be awarded by lot unless otherwise agreed to by the respective
2 issuers.

3 Sec. 109. Minnesota Statutes 2004, section 517.08,
4 subdivision 1b, is amended to read:

5 Subd. 1b. [TERM OF LICENSE; FEE; PREMARITAL EDUCATION.]

6 (a) The local registrar shall examine upon oath the party
7 applying for a license relative to the legality of the
8 contemplated marriage. If at the expiration of a five-day
9 period, on being satisfied that there is no legal impediment to
10 it, including the restriction contained in section 259.13, the
11 local registrar shall issue the license, containing the full
12 names of the parties before and after marriage, and county and
13 state of residence, with the county seal attached, and make a
14 record of the date of issuance. The license shall be valid for
15 a period of six months. In case of emergency or extraordinary
16 circumstances, a judge of the district court of the county in
17 which the application is made, may authorize the license to be
18 issued at any time before the expiration of the five days.
19 Except as provided in paragraph (b), the local registrar shall
20 collect from the applicant a fee of ~~\$85~~ \$100 for administering
21 the oath, issuing, recording, and filing all papers required,
22 and preparing and transmitting to the state registrar of vital
23 statistics the reports of marriage required by this section. If
24 the license should not be used within the period of six months
25 due to illness or other extenuating circumstances, it may be
26 surrendered to the local registrar for cancellation, and in that
27 case a new license shall issue upon request of the parties of
28 the original license without fee. A local registrar who
29 knowingly issues or signs a marriage license in any manner other
30 than as provided in this section shall pay to the parties
31 aggrieved an amount not to exceed \$1,000.

32 (b) The marriage license fee for parties who have completed
33 at least 12 hours of premarital education is ~~\$20~~ \$30. In order
34 to qualify for the reduced fee, the parties must submit a signed
35 and dated statement from the person who provided the premarital
36 education confirming that it was received. The premarital

1 education must be provided by a licensed or ordained minister or
2 the minister's designee, a person authorized to solemnize
3 marriages under section 517.18, or a person authorized to
4 practice marriage and family therapy under section 148B.33. The
5 education must include the use of a premarital inventory and the
6 teaching of communication and conflict management skills.

7 (c) The statement from the person who provided the
8 premarital education under paragraph (b) must be in the
9 following form:

10 "I, (name of educator), confirm that (names of both
11 parties) received at least 12 hours of premarital education that
12 included the use of a premarital inventory and the teaching of
13 communication and conflict management skills. I am a licensed
14 or ordained minister, a person authorized to solemnize marriages
15 under Minnesota Statutes, section 517.18, or a person licensed
16 to practice marriage and family therapy under Minnesota
17 Statutes, section 148B.33."

18 The names of the parties in the educator's statement must
19 be identical to the legal names of the parties as they appear in
20 the marriage license application. Notwithstanding section
21 138.17, the educator's statement must be retained for seven
22 years, after which time it may be destroyed.

23 (d) If section 259.13 applies to the request for a marriage
24 license, the local registrar shall grant the marriage license
25 without the requested name change. Alternatively, the local
26 registrar may delay the granting of the marriage license until
27 the party with the conviction:

28 (1) certifies under oath that 30 days have passed since
29 service of the notice for a name change upon the prosecuting
30 authority and, if applicable, the attorney general and no
31 objection has been filed under section 259.13; or

32 (2) provides a certified copy of the court order granting
33 it. The parties seeking the marriage license shall have the
34 right to choose to have the license granted without the name
35 change or to delay its granting pending further action on the
36 name change request.

1 Sec. 110. Minnesota Statutes 2004, section 517.08,
2 subdivision 1c, is amended to read:

3 Subd. 1c. [DISPOSITION OF LICENSE FEE.] (a) Of the
4 marriage license fee collected pursuant to subdivision 1b,
5 paragraph (a), \$15 must be retained by the county. The local
6 registrar must pay ~~\$70~~ \$85 to the commissioner of finance to be
7 deposited as follows:

8 (1) \$50 in the general fund;

9 (2) \$3 in the special revenue fund to be appropriated to
10 the commissioner of education for parenting time centers under
11 section 119A.37;

12 (3) \$2 in the special revenue fund to be appropriated to
13 the commissioner of health for developing and implementing the
14 MN ENABL program under section 145.9255;

15 (4) ~~\$10~~ \$25 in the special revenue fund to be appropriated
16 to the commissioner of employment and economic development for
17 the displaced homemaker program under section 116L.96; and

18 (5) \$5 in the special revenue fund to be appropriated to
19 the commissioner of human services for the Minnesota Healthy
20 Marriage and Responsible Fatherhood Initiative under section
21 256.742.

22 (b) Of the ~~\$20~~ \$30 fee under subdivision 1b, paragraph (b),
23 \$15 must be retained by the county. The local registrar must
24 pay \$5 \$15 to the commissioner of finance to be ~~distributed~~
25 deposited as follows:

26 (1) \$5 as provided in paragraph (a), clauses (2) and (3);
27 and

28 (2) \$10 in the special revenue fund to be appropriated to
29 the commissioner of employment and economic development for the
30 displaced homemaker program under section 116L.96.

31 (c) The increase in the marriage license fee under
32 paragraph (a) provided for in Laws 2004, chapter 273, and
33 disbursement of the increase in that fee to the special fund for
34 the Minnesota Healthy Marriage and Responsible Fatherhood
35 Initiative under paragraph (a), clause (5), is contingent upon
36 the receipt of federal funding under United States Code, title

1 42, section 1315, for purposes of the initiative.

2 Sec. 111. Laws 1999, chapter 224, section 7, as amended by
3 Laws 2004, chapter 261, article 6, section 3, is amended to read:

4 Sec. 7. [SUNSET.]

5 Sections 2 and 4 expire on August 1, ~~2005~~ 2006, and
6 Minnesota Statutes 1998, sections 237.63, 237.65, and 237.68,
7 expire on December 31, 2004.

8 [EFFECTIVE DATE.] This section is effective the day
9 following final enactment.

10 Sec. 112. Laws 2003, chapter 128, article 1, section 172,
11 is amended to read:

12 Sec. 172. [TEMPORARY PETROFUND FEE EXEMPTION FOR MINNESOTA
13 COMMERCIAL AIRLINES.]

14 (a) A commercial airline providing regularly scheduled jet
15 service and with its corporate headquarters in Minnesota is
16 exempt from the fee established in Minnesota Statutes, section
17 115C.08, subdivision 3, until July 1, ~~2005~~ 2007, provided the
18 airline develops a plan approved by the commissioner of commerce
19 demonstrating that the savings from this exemption will go
20 towards minimizing job losses in Minnesota, and to support the
21 airline's efforts to avoid filing for federal bankruptcy
22 protections.

23 (b) A commercial airline exempted from the fee is
24 ineligible to receive reimbursement under Minnesota Statutes,
25 chapter 115C, until July 1, ~~2005~~ 2007. A commercial airline
26 that has a release during the fee exemption period is ineligible
27 to receive reimbursement under Minnesota Statutes, chapter 115C,
28 for the costs incurred in response to that release.

29 Sec. 113. [TRANSITION PERIOD FOR CHIROPRACTOR AND PHYSICAL
30 THERAPIST WORKERS' COMPENSATION FEE MAXIMUMS.]

31 The requirement that the maximum fees for chiropractors and
32 physical therapists under Minnesota Statutes, section 176.136,
33 subdivision 1a, be the same as for medical physicians must be
34 phased in over three years commencing January 1, 2006. On
35 January 1, 2006, the difference in those maximum fees must be
36 reduced by one-third, on January 1, 2007, by another one-third,

1 and on January 1, 2008, the difference must be eliminated and
2 the maximum fees made the same.

3 To ensure that the fee adjustments mandated by this section
4 do not increase costs to the workers' compensation system, the
5 commissioner of labor and industry shall on October 1, 2005,
6 2006, and 2007, reduce the annual adjustment in the conversion
7 factors under Minnesota Statutes, section 176.136, subdivision
8 1a, so that savings in medical fee costs caused by the reduction
9 approximately equal the increase in costs caused by the
10 increased maximum fees provided by this section. The actual
11 fees shall be determined without application of any scaling
12 factors, but shall not exceed the provider's uniform, customary,
13 and reasonable fee.

14 Sec. 114. [SESQUICENTENNIAL COMMISSION.]

15 Subdivision 1. [COMMISSION; PURPOSE.] The Minnesota
16 Sesquicentennial Commission is established to plan for
17 activities relating to Minnesota's 150th anniversary of
18 statehood. The commission shall create a plan for capital
19 improvements, celebratory activities, and public engagement in
20 every county in the state of Minnesota.

21 Subd. 2. [MEMBERSHIP.] The commission shall consist of 17
22 members who shall serve until the completion of the
23 sesquicentennial year of statehood, appointed as follows:

24 (1) nine members appointed by the governor, representing
25 major corporate, nonprofit, and public sectors of the state,
26 selected from all parts of the state;

27 (2) two members appointed by the speaker of the house of
28 representatives;

29 (3) two members appointed by the minority leader of the
30 house of representatives;

31 (4) two members from the majority party in the senate,
32 appointed by the Subcommittee on Committees; and

33 (5) two members from the minority party in the senate,
34 appointed by the Subcommittee on Committees.

35 Subd. 3. [COMPENSATION; OPERATION.] The governor shall
36 appoint a chair from the membership of the commission. The

1 chair shall convene the first meeting and set the agenda for the
2 commission. The Minnesota Historical Society shall provide
3 office space and staff support for the commission, and shall
4 cooperate with the University of Minnesota and Minnesota State
5 Colleges and Universities to support the programs of the
6 commission. Meetings shall be at the call of the chair and must
7 be convened at least quarterly. The commission may appoint an
8 advisory council to advise and assist the commission with its
9 duties. Members shall receive no compensation for service on
10 the Sesquicentennial Commission. Members appointed by the
11 governor may be reimbursed for expenses under Minnesota
12 Statutes, section 15.059, subdivision 3.

13 Subd. 4. [DUTIES.] The commission shall have the following
14 duties:

15 (1) to present to the governor, senate and house of
16 representatives committees with jurisdiction over the Minnesota
17 Historical Society, and the Minnesota Historical Society a plan
18 for grants to pay for capital improvements on Minnesota's
19 historic public and private buildings, to be known as
20 sesquicentennial grants;

21 (2) to seek funding for activities to celebrate the 150th
22 anniversary of statehood, and to form partnerships with private
23 parties to further this mission; and

24 (3) to present an annual report to the governor,
25 legislative committees identified in clause (1), and the
26 Minnesota Historical Society outlining progress made towards the
27 celebration of the sesquicentennial.

28 Subd. 5. [EXPIRATION.] The commission shall continue to
29 operate until January 30, 2009, at which time it shall expire.

30 [EFFECTIVE DATE.] This section is effective the day
31 following final enactment.

32 Sec. 115. [EXTENDED EMPLOYMENT PROGRAM WAGE RATES.]

33 The commissioner of employment and economic development
34 must study the issue of the appropriate level of wages to be
35 paid to participants in extended employment programs under
36 Minnesota Statutes, chapter 268A. The commissioner must consult

1 with employers, rehabilitation facilities, program participants
2 and their parents or legal guardians, advocacy groups, other
3 involved government agencies, and others the commissioner
4 determines necessary. The commissioner shall report the results
5 of the study along with any recommendations by February 1, 2006,
6 to the chairs of the legislative committees with fiscal or
7 policy jurisdiction over those extended employment programs.

8 Sec. 116. [REVISOR'S INSTRUCTION.]

9 (a) The revisor of statutes shall insert a first grade
10 headnote prior to Minnesota Statutes, section 181.722, that
11 reads "MISREPRESENTATION OF EMPLOYMENT RELATIONSHIPS."

12 (b) The revisor of statutes shall renumber Minnesota
13 Statutes, section 239.05, as section 239.051, alphabetize the
14 definitions, and correct any cross-references to that section
15 accordingly.

16 Sec. 117. [REPEALER.]

17 (a) Minnesota Statutes 2004, sections 116J.573; 178.12; and
18 239.05, subdivisions 6a and 6b, are repealed.

19 (b) Laws 1999, chapter 125, section 4, as amended by Laws
20 2002, chapter 398, section 7, is repealed.

21 Sec. 118. [EFFECTIVE DATE.]

22 Sections 12 to 22 and 25 are effective January 1, 2006, and
23 apply to service contracts issued on or after that date. A
24 provider transacting business in this state on or before the
25 date of the enactment of this chapter, which submits an
26 application for registration as a provider under Minnesota
27 Statutes, section 59B.03, subdivision 3, within 30 days after
28 the commissioner makes the application available, may continue
29 to transact business in this state until final agency action is
30 taken by the commissioner regarding the registration application
31 and all rights to administrative and judicial review related to
32 that final agency action have been exhausted or have expired.

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18B.065 WASTE PESTICIDE COLLECTION PROGRAM.

Subd. 5. **Waste pesticide collection account; appropriation.** A waste pesticide account is established in the agricultural fund. Assessments collected under subdivision 2 shall be deposited in the state treasury and credited to the waste pesticide account. Money in the account is appropriated to the commissioner to pay for costs incurred to implement the waste pesticide collection program.

19.64 REGISTRATION; FEES.

Subd. 4a. **Other fees.** On request the commissioner may make inspections for sale of bees, bee equipment, or appliances or perform other necessary services. The commissioner shall charge a fee or charge for expenses so as to recover the cost of performing these inspections or services. If a person for whom these inspections or services are to be performed requests it, the commissioner shall provide to the person in advance an estimate of the fees or expenses that will be charged.

41B.046 VALUE-ADDED AGRICULTURAL PRODUCT LOAN PROGRAM.

Subd. 3. **Revolving fund.** There is established in the state treasury a value-added agricultural product revolving fund which is eligible to receive appropriations. All repayments of financial assistance granted under subdivision 2, including principal and interest, must be deposited into this fund. Interest earned on money in the fund accrues to the fund, and money in the fund is appropriated to the commissioner of agriculture for purposes of the value-added agricultural loan program, including costs incurred by the authority to establish and administer the program.

84.901 OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION PROGRAM.

Subdivision 1. **Creation.** The commissioner of natural resources shall establish a program to promote the safe and responsible operation of off-highway vehicles in a manner that does not harm the environment. The commissioner shall coordinate the program through the regional offices of the Department of Natural Resources.

Subd. 2. **Purpose.** The purpose of the program is to encourage off-highway vehicle clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on state forest land and other public lands.

Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements with off-highway vehicle clubs for volunteer services to maintain, make improvements to, and monitor trails on state forest land and other public lands. The off-highway vehicle clubs shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The off-highway vehicle clubs may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the safety and conservation program.

Subd. 4. **Worker displacement prohibited.** The commissioner may not enter into any agreement that has the purpose of or results in the displacement of public employees by

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volunteers participating in the off-highway safety and conservation program under this section. The commissioner must certify to the appropriate bargaining agent that the work performed by a volunteer will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits.

115B.49 DRY CLEANER ENVIRONMENTAL RESPONSE AND REIMBURSEMENT ACCOUNT.

Subd. 4a. Interim fees. For the period from July 1, 2001, to June 30, 2003, the commissioner shall, after a public hearing, but notwithstanding section 16A.1285, subdivision 4, annually adjust the fees in subdivision 4 as necessary to maintain an annual income of \$650,000.

116J.573 CRITERIA FOR ACCOUNTS AND PROJECTS.

Subdivision 1. **Accounts.** Criteria for use of the accounts created in section 116J.571 must be consistent with and promote the purposes of sections 116J.571 to 116J.575. They include, but are not limited to:

- (1) creating and preserving living wage jobs in greater Minnesota;
- (2) creating incentives for communities to include a full range of housing opportunities;
- (3) creating incentives for all communities to implement compact, efficient, and mixed-use development; and
- (4) creating incentives to assist communities in maintaining a unique sense of place by preserving local, cultural assets.

Subd. 2. **Projects.** To be eligible for funding by the greater Minnesota redevelopment account, a project must:

- (1) interrelate redevelopment with other public investments in transportation, housing, schools, energy, utilities information infrastructure, and other public services;
- (2) interrelate affordable housing and employment growth areas;
- (3) intensify land use that leads to more compact redevelopment;
- (4) involve redevelopment that mixes incomes of residents in housing, including introducing or reintroducing higher value housing in lower income areas to achieve a mix of housing opportunities;
- (5) involve participation from citizens and the business community in the planning and development of the proposed redevelopment plan;
- (6) encourage public infrastructure investments which attract private sector redevelopment investment in commercial, industrial, and residential properties adjacent to public improvements, and provide project area residents with expanded opportunities for private sector employment; or
- (7) be sustainable at the local level and reduce the probability of future requests for state development, maintenance, or replacement assistance.

Subd. 3. **Other factors.** The factors listed in subdivisions 1 and 2 are not ranked in order of priority. Rather, the commissioner may weigh each factor depending upon the facts and circumstances as the commissioner considers appropriate. The commissioner may consider other factors including, but not limited to, blight reduction, community

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stabilization, and property tax base maintenance or improvement.

Subd. 4. **Partnerships.** The commissioner shall give priority to proposals using innovative financial partnerships between government, private for-profit, and nonprofit sectors as well as to proposals that meet current tax increment financing requirements for a redevelopment district and contribute tax increment financing towards the project.

Subd. 5. **Annual report.** The commissioner shall prepare and submit to the legislature an annual report on the greater Minnesota redevelopment account. The report must include information on the amount of money in the account, the amount distributed, to whom the grants were distributed and for what purposes, and an evaluation of the effectiveness of the projects funded in meeting the policies and goals of the program.

178.12 REGISTRATION FEE.

The apprenticeship registration account is established in the special revenue fund of the state treasury. An annual registration fee will be charged to each sponsor for each apprentice registered in the program. The fee is established at \$30 per apprentice. Subsequent adjustments to this fee will be made pursuant to sections 16A.1283 and 16A.1285, subdivision 2. The fees collected and any interest earned are appropriated to the commissioner for purposes of this chapter.

239.05 DEFINITIONS.

Subd. 6a. **Carbon monoxide control area.** "Carbon monoxide control area" means a geographic area designated as an oxygenated gasoline carbon monoxide control area by the United States Environmental Protection Agency.

Subd. 6b. **Carbon monoxide control period.** "Carbon monoxide control period" means a period of months designated as a carbon monoxide control period by the United States Environmental Protection Agency.

473.156 METROPOLITAN WATER USE AND SUPPLY PLAN.

Subdivision 1. **Plan components.** The Metropolitan Council shall develop a short-term and long-term plan for existing and expected water use and supply in the metropolitan area. The plan shall be submitted to and reviewed by the commissioner of natural resources for consistency with the statewide drought plan under section 103G.293. At a minimum, the plans must:

- (1) update the data and information on water supply and use within the metropolitan area and develop a water use and availability database;
- (2) identify and evaluate alternative courses of action, including water conservation initiatives and economic alternatives, in case of drought or contamination conditions;
- (3) develop regional surface water and use projection models for resource evaluation;
- (4) recommend long-term approaches to resolving problems that may develop because of water use and supply with consideration given to problems that occur outside of the metropolitan area, but which have an effect within the area; and
- (5) be consistent with the statewide drought plan under section 103G.293.

Subd. 2. **Completion and report.** The short-term plan must be completed by February 1, 1990. The long-term plan must be completed by February 1, 1992, and continually updated as the need arises. The plans must be prepared in consultation with the Army Corps of Engineers, the Leech Lake Reservation business

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committee, the Mississippi headwaters board, Department of Natural Resources, and the Environmental Quality Board. Both plans must be given to the Metropolitan Affairs and Natural Resources Committees of the house of representatives and senate, and be available to the public.

473.197 HOUSING BOND CREDIT ENHANCEMENT PROGRAM.

Subdivision 1. **Authorization.** The metropolitan council may establish a housing bond credit enhancement program as provided in this section. The council may pledge its full faith and credit and taxing powers to the payment of bonds issued under section 469.034 for qualified housing development projects in the metropolitan area, as provided in this section. A "qualified housing development project" has the meaning given that term in section 469.034, subdivision 2, paragraph (e), except that the council is substituted for "general jurisdiction governmental unit" in clause (3) and "60 percent of the median family income" is substituted for "80 percent of the median family income."

Subd. 2. **Project selection.** Before pledging its full faith and credit, the council must establish criteria for selecting appropriate qualified housing development projects for the credit enhancement program. The council may award preferences for qualified housing development projects that meet criteria for preferences established by the council. The council must establish the criteria in consultation with housing providers in the metropolitan area. In developing priorities for projects for the credit enhancement program, the council shall give priority to projects that develop or redevelop housing for low-income households. The council shall consider the extent to which projects for the credit enhancement program are developed in collaboration with Minnesota Youth-Build under sections 116L.361 to 116L.366; or training for housing programs for homeless adults under Laws 1992, chapter 376, article 6; or other employment training programs.

Subd. 3. **Limitation.** The aggregate principal amount of bonds that may be secured by a pledge of the council's full faith and credit under this section may not exceed \$20,000,000. The bonds must be payable from revenues derived from the project or projects financed under the credit enhancement program, or from income of the authority or authorities that participate in the program, including earnings on any reserves established for the program. The council must find that the pledged revenues will equal or exceed 110 percent of the principal and interest due on the bonds.

Subd. 5. **Agreements.** The council and each authority that participates in the credit enhancement program may enter into agreements they determine to be necessary to implement the credit enhancement program. The agreements may extend over any period, notwithstanding any law to the contrary.

1 Senator Johnson, D.E. from the Committee on Rules and
2 Administration, to which was referred for proper reference under
3 Rule 4.9:

4 S.F. No. 2276: A bill for an act relating to state
5 government; environmental, natural resources, agricultural, and
6 economic development purposes; establishing and modifying
7 certain programs; providing for regulation of certain activities
8 and practices; providing for accounts, assessments, and fees;
9 amending Minnesota Statutes 2004, sections 11A.24, subdivision
10 6; 13.635, by adding a subdivision; 16A.125, subdivision 5;
11 17.03, subdivision 13; 17.117, by adding a subdivision; 17B.03,
12 subdivision 1; 18B.05, subdivision 1; 18B.08, subdivision 4;
13 18B.26, subdivision 3; 18B.31, subdivision 5; 18B.315,
14 subdivision 6; 18B.32, subdivision 6; 18B.33, subdivision 7;
15 18B.34, subdivision 5; 18C.141, subdivisions 1, 3, 5; 18C.425,
16 subdivision 6; 18E.03, subdivision 2; 18G.10, subdivisions 5, 7;
17 18G.16, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 14; 18H.07,
18 subdivisions 1, 2, 3; 19.64, subdivision 1; 25.341, subdivision
19 2; 25.39, subdivisions 1, 4; 41A.09, subdivisions 2a, 3a, by
20 adding subdivisions; 41B.046, subdivision 5; 41B.049,
21 subdivision 2; 60A.14, subdivision 1; 60K.55, subdivision 2;
22 72A.20, by adding a subdivision; 72B.04, subdivision 10; 82B.09,
23 subdivision 1; 84.027, subdivisions 12, 13, 15; 84.0911,
24 subdivision 2; 84.780; 84.788, subdivision 3, by adding a
25 subdivision; 84.791, subdivision 2; 84.798, by adding a
26 subdivision; 84.82, subdivision 2, by adding a subdivision;
27 84.8205, subdivisions 1, 3, 4, 6; 84.83, subdivisions 3, 4;
28 84.86, subdivision 1; 84.922, subdivision 2, by adding a
29 subdivision; 84.925, subdivision 1; 84D.03, subdivision 4;
30 85.054, subdivision 1, by adding a subdivision; 85.055,
31 subdivision 2, by adding a subdivision; 85.43; 86B.415, by
32 adding a subdivision; 88.6435, subdivision 4; 89.039,
33 subdivision 1; 89.37, by adding a subdivision; 90.195; 97A.055,
34 subdivision 4b; 97A.061, subdivision 1; 97A.075, subdivision 3;
35 97A.4742, subdivision 4; 97A.482; 97A.485, subdivision 7;
36 97A.551, by adding a subdivision; 97B.015, subdivision 7;
37 97B.025; 97C.085; 103E.081, by adding subdivisions; 103G.271,
38 subdivision 6; 103G.301, subdivision 2; 103G.615, subdivision 2;
39 103I.681, subdivision 11; 115.03, subdivision 4a; 115.551;
40 115B.48, subdivision 8; 115B.49, by adding a subdivision;
41 115C.07, subdivision 3; 115C.09, subdivisions 3h, 3j; 115C.13;
42 116J.571; 116J.572; 116J.574; 116J.575; 116L.20, subdivision 1;
43 116L.30, subdivisions 1, 2, by adding subdivisions; 116O.09,
44 subdivision 1a; 116P.05, subdivision 2; 129D.02, subdivision 3;
45 160.232; 168.1296, subdivision 1; 176.136, subdivision 1a;
46 183.41, by adding a subdivision; 183.411, subdivisions 2a, 3;
47 183.42; 183.44, subdivision 1; 183.51, subdivision 2, by adding
48 a subdivision; 183.545; 183.57; 216B.2424, subdivisions 1, 2,
49 5a, 6, 8, by adding a subdivision; 223.17, subdivision 3;
50 231.16; 232.22, subdivision 3; 236.02, subdivision 4; 237.11;
51 237.295, subdivisions 1, 2; 237.701, subdivision 1; 239.011,
52 subdivision 2; 239.05, subdivision 10b, by adding a subdivision;
53 239.09; 239.101, subdivision 3; 239.75, subdivisions 1, 5;
54 239.761; 239.77, by adding a subdivision; 239.79, subdivision 4;
55 239.791, subdivisions 1, 7, 8, 15; 239.792; 282.08; 282.38,
56 subdivision 1; 296A.01, subdivisions 2, 7, 8, 14, 19, 20, 22,
57 23, 24, 25, 26, 28; 296A.18, subdivision 2; 298.22, by adding a
58 subdivision; 357.021, subdivisions 1a, 2; 462.357, subdivision
59 1e; 469.050, subdivision 5; 469.1082, subdivision 1; 469.310,
60 subdivision 11; 469.319, subdivision 1, by adding a subdivision;
61 469.320, subdivision 3; 469.330, subdivision 11; 469.340,
62 subdivision 1; 473.197, subdivision 4; 474A.061, subdivision 2c;
63 517.08, subdivisions 1b, 1c; Laws 1999, chapter 224, section 7,
64 as amended; Laws 2003, chapter 128, article 1, section 9,
65 subdivision 6; Laws 2003, chapter 128, article 1, section 172;
66 proposing coding for new law in Minnesota Statutes, chapters 25;
67 41B; 45; 84; 86B; 97C; 103F; 116H; 116P; 181; 219; 237; 325F;
68 354B; 446A; 473; proposing coding for new law as Minnesota
69 Statutes, chapters 59B; 87A; repealing Minnesota Statutes 2004,
70 sections 18B.065, subdivision 5; 19.64, subdivision 4a; 41B.046,

1 subdivision 3; 84.901; 115B.49, subdivision 4a; 116J.573;
2 178.12; 239.05, subdivisions 6a, 6b; 473.156; 473.197,
3 subdivisions 1, 2, 3, 5; Laws 1999, chapter 125, section 4, as
4 amended.

5 Reports the same back with the recommendation that the bill
6 be amended as follows:

7 Pages 85 to 91, delete sections 87 to 94

8 Pages 108 to 118, delete sections 121 to 127

9 Page 230, delete section 112

10 Renumber the sections in sequence

11 Amend the title as follows:

12 Page 2, line 29, delete everything after "6;"

13 Page 2, line 31, delete "116H;"

14 Page 2, line 33, delete everything after "Statutes," and

15 insert "chapter 59B;"

16 And when so amended the bill be given its second reading
17 and placed on General Orders. Amendments adopted. Report
18 adopted.

19

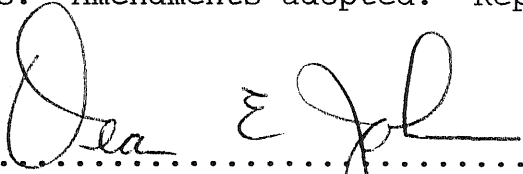
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(Committee Chair)
April 29, 2005.....
(Date of Committee recommendation)