

Senators Ortman and Robling introduced--

S.F. No. 2085: Referred to the Committee on Environment and Natural Resources.

1 A bill for an act

2 relating to the city of Cologne; providing exemption
3 to wetland replacement requirements.

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

5 Section 1. [WETLAND REPLACEMENT REQUIREMENT EXEMPTION.]

6 Notwithstanding Minnesota Rules, part 8420.0549, subpart 4,
7 or any other law to the contrary, due to the construction of a
8 trail in or near the city of Cologne on type I and type III
9 wetlands in the area between the improved portion of marked
10 State Highway 284 and Benton Lake, wetland replacement must be
11 completed on a 1:1 acreage ratio.

Cologne – “Benton Lake” Trail



Figure No. 1

This picture was taken east of 122nd Street looking east along the north shore of Benton Lake.

Cologne – “Benton Lake” Trail



Figure No. 2

This picture was taken on the east side of T.H. 284 near the intersection of Benton Street looking south.

Cologne – “Benton Lake” Trail



Figure No. 3

This picture was taken at the northeast corner of Benton Lake at the intersection of T.H. 284 and Benton Street looking south.

Cologne – “Benton Lake” Trail

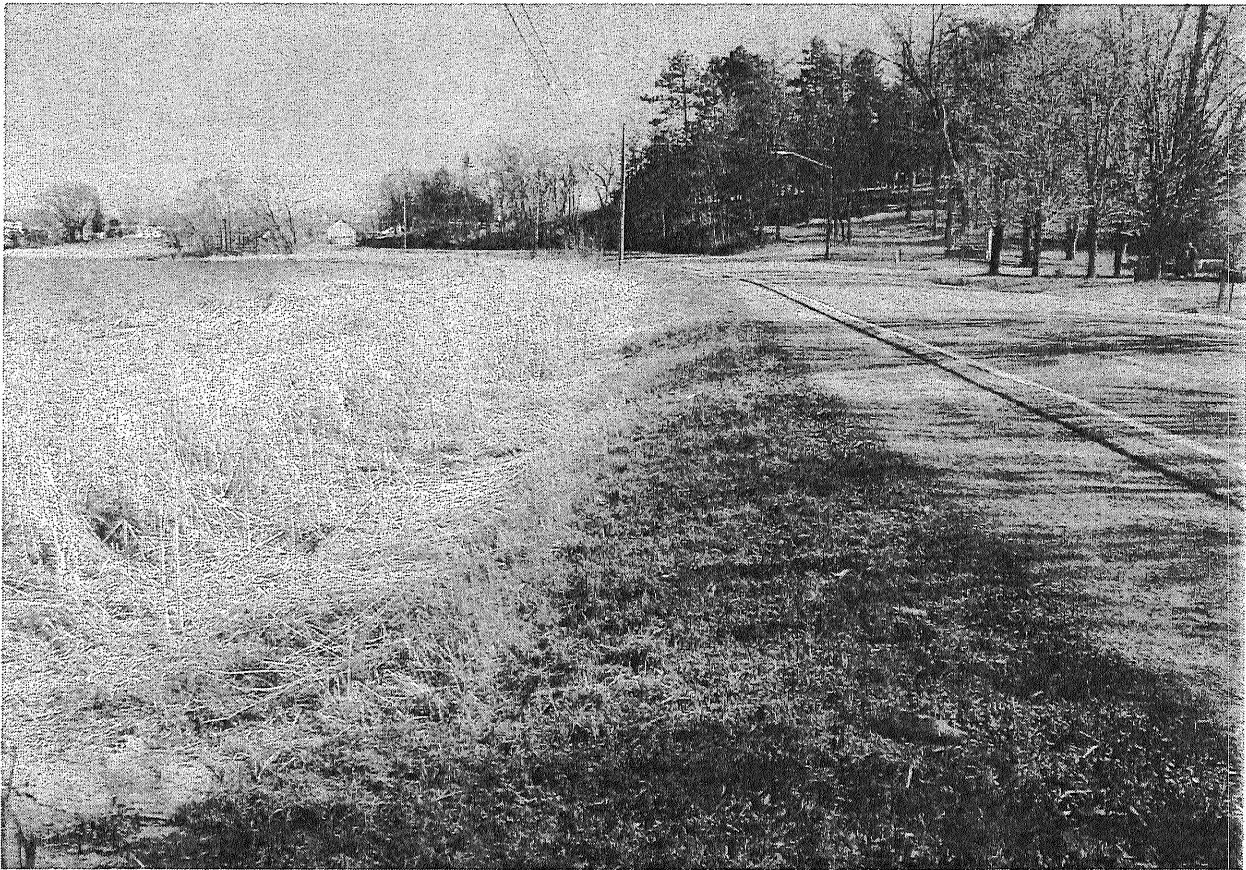


Figure No. 4

This picture was taken just north of Lake Street at the southeast corner of Benton Lake looking north.

Cologne – “Benton Lake” Trail



Figure No. 5

This picture was taken along the east shore of Benton Lake looking north.

Cologne – “Benton Lake” Trail

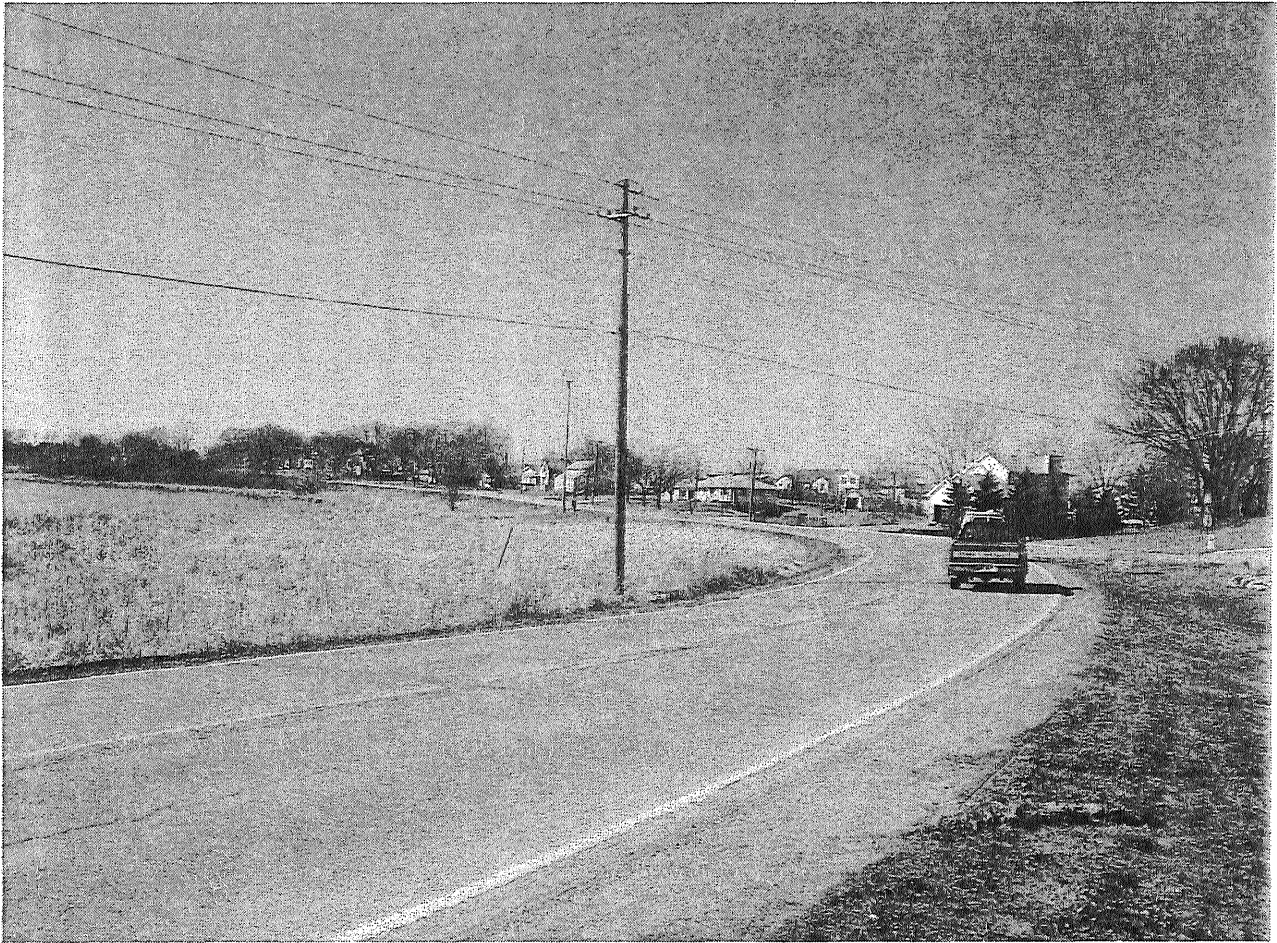


Figure No. 6

This picture was taken on the east side of T.H. 284 (in front of St. Hubert's Catholic Church) looking northeast at the intersection of T.H. 284 and Benton Street.

Cologne – “Benton Lake” Trail

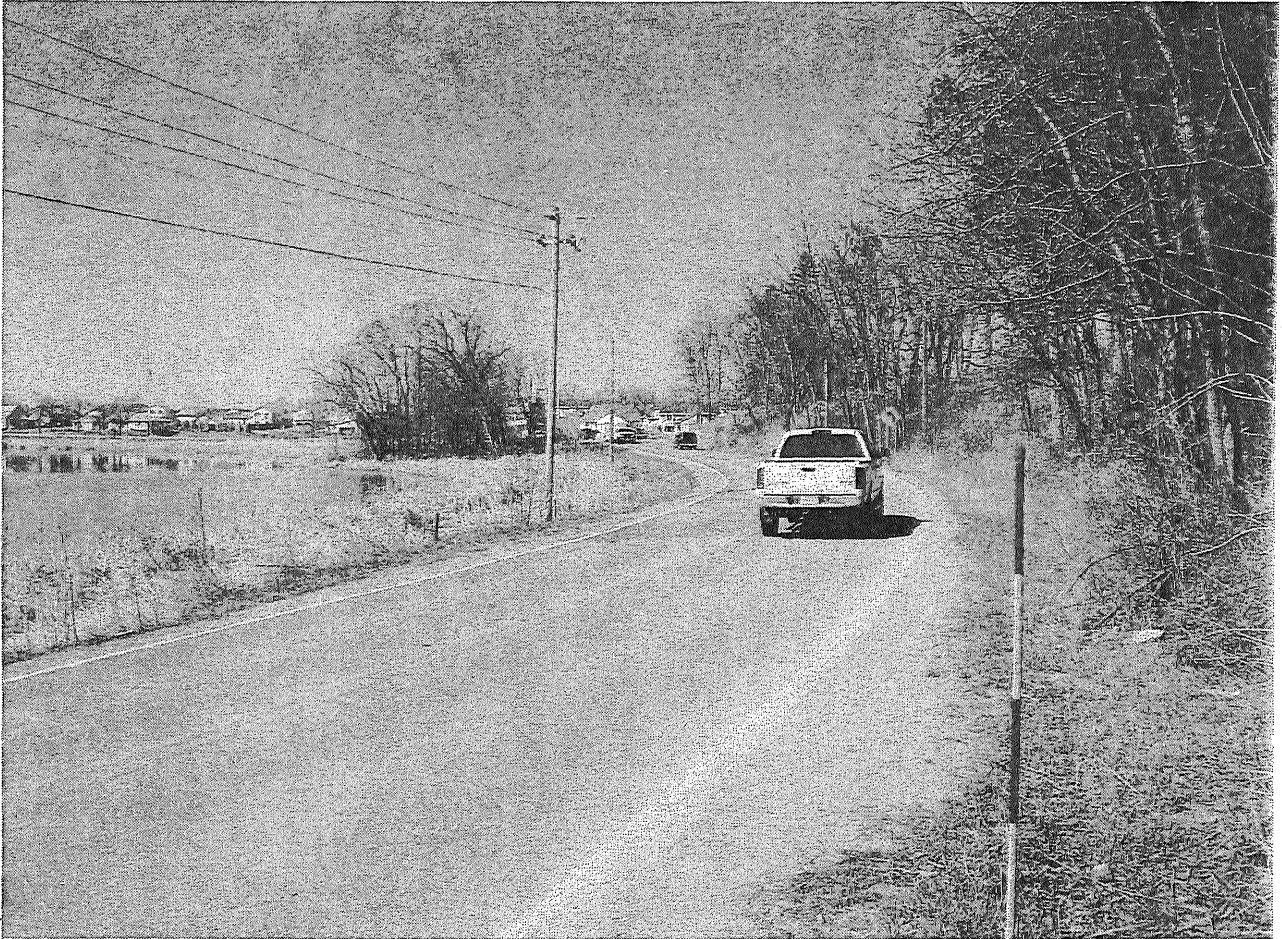


Figure No. 7

This picture was taken on the east side of T.H. 284 looking toward the northeast corner of Benton Lake.

subdivision 2a; 115C.07, subdivision 3; 115C.13; 239.011, subdivision 2; 239.05, subdivision 10b, by adding a subdivision; 239.09; 239.75, subdivisions 1, 5; 239.761; 239.77, by adding a subdivision; 239.79, subdivision 4; 239.791, subdivisions 1, 7, 8, 15; 239.792; 296A.01, subdivisions 2, 7, 8, 14, 19, 20, 22, 23, 24, 25, 26, 28; repealing Minnesota Statutes 2004, section 239.05, subdivisions 6a, 6b.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, delete section 3

Page 11, line 5, delete "June 1, 2006" and insert "December 31, 2005"

Page 17, line 9, delete "June 1, 2006" and insert "December 31, 2005"

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 4 and 5, delete "delaying repeal of petroleum tank release cleanup provisions;"

Page 1, line 9, delete "115C.13;"

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Senator Marty from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2085: A bill for an act relating to the city of Cologne; providing exemption to wetland replacement requirements.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 6, delete everything after "Notwithstanding"

Page 1, line 7, delete "or" and delete "other"

Page 1, line 10, delete "must be"

Page 1, delete line 11 and insert "is eligible for replacement under Minnesota Statutes, section 103G.222, subdivision 1, paragraph (I)."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Senator Lourey from the Committee on Health and Family Security, to which was re-referred

S.F. No. 1274: A bill for an act relating to insurance; permitting flexible benefits plans for small employer group health coverage; proposing coding for new law in Minnesota Statutes, chapter 62L.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 9, delete the comma and insert "or"

Page 1, line 10, delete "or any other law to the contrary,"

Page 2, delete lines 4 and 5

Subd. 3. **Wetland replacement siting.** (a) Siting wetland replacement must follow this priority order:

(1) on site or in the same minor watershed as the affected wetland;

(2) in the same watershed as the affected wetland;

(3) in the same county as the affected wetland;

(4) in an adjacent watershed or county to the affected wetland; and

(5) statewide, only for wetlands affected in greater than 80 percent areas and for public transportation projects, except that wetlands affected in less than 50 percent areas must be replaced in less than 50 percent areas, and wetlands affected in the seven-county metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or, (ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds that are wholly or partially within the seven-county metropolitan area, but at least one to one must be replaced within the seven-county metropolitan area.

Senators Betzold and Limmer introduced--

S.F. No. 2286: Referred to the Committee on Rules and Administration.

1 A bill for an act

2 relating to legislative enactments; correcting
3 miscellaneous oversights, inconsistencies,
4 ambiguities, unintended results, and technical errors;
5 amending Minnesota Statutes 2004, section 66A.02, as
6 amended.

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

8 Section 1. Minnesota Statutes 2004, section 66A.02, as
9 amended by 2005 S.F. No. 767, article 2, section 12, if enacted,
10 is amended to read:

11 66A.02 [APPLICABILITY OF BUSINESS CORPORATION STATUTES.]

12 Subdivision 1. [GENERAL.] Chapter 302A shall apply to
13 domestic mutual insurance companies except to the extent
14 inconsistent with any provisions in this chapter or section
15 60A.07, or otherwise in conflict with any provisions in chapters
16 60A to 79A. Provisions of chapter 302A relating to share
17 certificates, classes of shares, share values, or any other
18 provisions relevant only to stock companies do not apply to
19 mutual insurance companies.

20 Subd. 2. [MUTUAL HOLDING COMPANIES.] For purposes of
21 sections 66A.01 to 66A.07 and 66A.21, the term "domestic mutual
22 insurance company" is deemed to include domestic mutual
23 insurance holding companies organized under section 60A.077 and
24 the term "member" is deemed to include members of a domestic
25 mutual insurance holding company as specified in section
26 60A.077, subdivision 1, paragraph (b). For purposes of section

1 60A.07, subdivisions 1, 1a, 1b, 1c, 1d, and 1e, a domestic
2 mutual insurance holding company is deemed to be an insurance
3 corporation.

4 Subd. 3. [TERMS.] For purposes of applying chapter 302A to
5 domestic mutual insurance companies, members of a domestic
6 mutual insurance company must be treated in the same manner as
7 shareholders of a stock corporation, except as otherwise
8 provided in this chapter. Every member of the mutual insurance
9 company shall be deemed to hold one share of the company for
10 purposes of applying provisions of chapter 302A relating to
11 voting. Mutual insurance companies are not included in the
12 definitions of "closely held corporation," "publicly held
13 corporation," or "issuing public corporation." The term
14 "distribution" does not include dividends paid on participating
15 policies issued by the mutual insurance company or any insurance
16 company subsidiary in the case of a mutual insurance holding
17 company.

18 Subd. 4. [EXCEPTIONS.] The following provisions of chapter
19 302A do not apply to domestic mutual insurance companies:
20 sections 302A.011, subdivisions 2, 6, 6a, 7, 10, 20, 21, 25, 26,
21 27, 28, 29, 31, 32, and 37 to 59; 302A.105; 302A.137; 302A.161,
22 subdivision 19; 302A.201, subdivision 2; 302A.401 to 302A.429;
23 302A.433, subdivisions 1, paragraphs (a), (b), (c), and (e), and
24 2; 302A.437, subdivision 2; 302A.445, subdivisions 3 to 6;
25 302A.449, subdivision 7; 302A.453 to 302A.457; 302A.461;
26 302A.463; 302A.471 to 302A.473; 302A.553; 302A.601 to 302A.651;
27 302A.671 to 302A.675; 302A.681 to 302A.691; and 302A.701 to
28 302A.791. Those clauses of section 302A.111 that refer to any
29 of the sections previously referenced in this subdivision do not
30 apply to domestic mutual insurance companies. The following
31 sections of chapter 302A are modified in their application to
32 domestic mutual insurance companies in the manner indicated:

33 (1) with regard to section 302A.133, the articles may be
34 amended pursuant to section 302A.171 by the incorporators or by
35 the board before the issuance of any policies by the company;

36 (2) with regard to section 302A.135, subdivision 2, a

1 resolution proposing an amendment to the certificate of
2 authority must be filed with the corporate secretary no less
3 than 30 days before the meeting to consider the proposed
4 amendment;

5 (3) with regard to section 302A.161, subdivision 19 of that
6 section does not apply, except this must not be construed to
7 limit the power of a mutual insurance company from issuing
8 securities other than stock;

9 (4) with regard to section 302A.201, the references in
10 subdivision 1 of that section to "subdivision 2" and "section
11 302A.457" do not apply;

12 (5) with regard to section 302A.203, the board shall
13 consist of no less than five directors;

14 (6) with regard to section 302A.215, subdivisions 2 and 3
15 of that section only apply if the corporation's certificate of
16 incorporation provides cumulative voting;

17 (7) with regard to section 302A.433, subdivision 1 of that
18 section, special meetings of the ~~shareholders~~ members may be
19 called for any purpose or purposes at any time by a person or
20 persons authorized in the articles or bylaws to call special
21 meetings, and with regard to subdivision 3 of that section,
22 special meetings must be held on the date and at the time and
23 place fixed by a person or persons authorized by the articles or
24 bylaws to call a meeting; and

25 (8) with regard to section 302A.435, if the company
26 complies substantially and in good faith with the notice
27 requirements of section 302A.435, the company's failure to give
28 any member or members the required notice does not impair the
29 validity of any action taken at the members' meeting.

30 Sec. 2. [EFFECTIVE DATE.]

31 Unless otherwise provided, each section of this act takes
32 effect at the time the provision being corrected takes effect.