

(1) for a trespass on county land, the entire amount to the county to be used for restoration of the trespass and county land improvement purposes;

(2) for a trespass on state land, the civil penalty to the state agency responsible for managing the public land which is appropriated for restoration of the trespass and state land improvement purposes.

Subd. 4. SEPARATE ACTIONS. The prosecution for criminal trespass and the civil penalty are separate criminal and civil actions. If a trespass occurs, an action may be commenced for the criminal penalty, the civil penalty, or the civil penalty and the criminal penalty.

Sec. 13. **EFFECTIVE DATE.**

This act is effective July 1, 1989. Sections 6 and 9 apply to state land and tax-forfeited land sold after March 15, 1990.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 11:05 p.m.

**CHAPTER 354—S.F.No. 470**

*An act relating to environment; regulating municipal wastewater treatment funding; amending Minnesota Statutes 1988, sections 116.18, subdivisions 3a and 3b; 446A.02, subdivision 4; 446A.07, subdivision 8; and 446A.12, by adding a subdivision.*

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

Section 1. Minnesota Statutes 1988, section 116.18, subdivision 3a, is amended to read:

Subd. 3a. **STATE INDEPENDENT GRANTS PROGRAM.** (a) The public facilities authority must adopt the objective of maintaining financial assistance to municipalities that the agency has listed on its annual municipal project list of approximately 50 percent of the eligible cost of construction for municipalities with populations over 25,000 and 80 percent of the eligible cost for municipalities with populations of 25,000 or less. Financial assistance may be provided by the public facilities authority through a combination of low interest loans under the state revolving fund under chapter 446A, independent state grants, and other financial assistance available to the municipality. The Minnesota public facilities authority may award independent grants for projects certified by the state pollution control commissioner for ~~50~~ 35 percent or, if the population of the municipality is 25,000 or less, ~~80~~ 65 percent of the eligible cost of construction. These grants may be awarded in separate steps for planning and design in addition to actual construction. ~~Until December 31, 1990, Not more than 20 percent~~ \$2,000,000 of the total amount of grants awarded under this subdivision in any single fiscal year may be awarded to a single grantee.

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(b) Up to ~~ten percent~~ \$1,000,000 of the money to be awarded as grants under this subdivision in any single fiscal year shall be set aside for municipalities having substantial economic development projects that cannot come to fruition without municipal wastewater treatment improvements. The agency shall forward its municipal needs list to the authority at the beginning of each fiscal year, and the authority shall review the list and identify those municipalities having substantial economic development projects. After the ~~first 90 percent~~ of the total available money is allocated to municipalities in accordance with agency priorities, the set-aside shall be used by the authority to award grants to remaining municipalities that have been identified.

(c) Grants may also be awarded under this subdivision to reimburse municipalities willing to proceed with projects and be reimbursed in a subsequent year ~~conditioned upon appropriation of sufficient money under subdivision 4 for that year~~ at the grant percentage determined in paragraph (a).

(d) ~~A municipality that applies for a state independent grant to be reimbursed for a project must receive an additional five percent of the total eligible cost of construction beyond the normal percentage to which the municipality is entitled under paragraph (a).~~ Municipalities that entered into an intent to award agreement with the agency under paragraph (c), in the state fiscal years 1985 to 1988, will be reimbursed at 55 percent or, if the population of the municipality is 25,000 or less, 85 percent of the eligible cost of construction.

Sec. 2. Minnesota Statutes 1988, section 116.18, subdivision 3b, is amended to read:

Subd. 3b. **CAPITAL COST COMPONENT GRANT.** (a) The definitions of "capital cost component," "capital cost component grant," "service fee," "service contract," and "private vendor" in section 471A.02 apply to this subdivision.

(b) Beginning in fiscal year 1989, up to \$1,500,000 of the money to be awarded as grants under subdivision 3a in any single fiscal year may be set aside for the award of capital cost component grants to municipalities on the municipal needs list for part of the capital cost component of the service fee under a service contract for a term of at least 20 years with a private vendor for the purpose of constructing and operating wastewater treatment facilities.

(c) The amount granted to a municipality shall be 50 percent of the average total eligible costs of municipalities of similar size recently awarded state and federal grants under the provisions of subdivisions 2a and 3a and the Federal Water Pollution Control Act, United States Code, title 33, sections 1281 to ~~4289~~ 1299. Federal and state eligibility requirements for determining the amount of grant dollars to be awarded to a municipality are not applicable to municipalities awarded capital cost component grants. Federal and state eligibility requirements for determining which cities qualify for state and federal grants are applicable, except as provided in this subdivision.

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

(d) Except as provided in this subdivision, municipalities receiving capital cost component grants shall not be required to comply with federal and state regulations regarding facilities planning and procurement contained in sections 116.16 to 116.18, except those necessary to issue a National Pollutant Discharge Elimination System permit or state disposal system permit and those necessary to assure that the proposed facilities are reasonably capable of meeting the conditions of the permit over 20 years. The municipality and the private vendor shall be parties to the permit. Municipalities receiving capital cost component grants may also be exempted by rules of the agency from other state and federal regulations relating to the award of state and federal grants for wastewater treatment facilities, except those necessary to protect the state from fraud or misuse of state funds.

(e) Funds shall be distributed from the set-aside to municipalities that apply for the funds in accordance with these provisions in the order of their ranking on the municipal needs list.

(f) The authority shall award capital cost component grants to municipalities selected by the state pollution control commissioner upon certification by the state pollution control commissioner that the municipalities' projects and applications have been reviewed and approved in accordance with this subdivision and agency rules adopted under paragraph (g).

(g) The agency shall adopt permanent rules to provide for the administration of grants awarded under this subdivision.

(h) The commissioner of trade and economic development may adopt rules containing procedures for administration of the authority's duties as set forth in paragraph (f).

Sec. 3. Minnesota Statutes 1988, section 446A.02, subdivision 4, is amended to read:

Subd. 4. **FEDERAL WATER POLLUTION CONTROL ACT.** "Federal Water Pollution Control Act" means the Federal Water Pollution Control Act, as amended, United States Code, title 33, sections ~~4284 to 4299~~ 1251 et seq.

Sec. 4. Minnesota Statutes 1988, section 446A.07, subdivision 8, is amended to read:

Subd. 8. **OTHER USES OF REVOLVING FUND.** The water pollution control revolving fund may be used as provided in title VI of the Federal Water Pollution Control Act, including the following uses:

(1) to buy or refinance the debt obligation of governmental units for treatment works where debt was incurred and construction begun after March 7, 1985, at or below market rates;

(2) to guarantee or purchase insurance for local obligations to improve credit market access or reduce interest rates;

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(3) to provide a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the authority if the bond proceeds are deposited in the fund;

(4) to provide loan guarantees for similar revolving funds established by a governmental unit other than state agencies;

(5) to earn interest on fund accounts; and

(6) to pay the reasonable costs incurred by the authority and the agency of administering the fund and conducting activities required under the Federal Water Pollution Control Act, including water quality management planning under section 205(j) of the act and water quality standards continuing planning under section 303(e) of the act.

Amounts spent under clause (6) may not exceed the amount allowed under the Federal Water Pollution Control Act. ~~Five percent of the revolving loan fund repayments may be used by the agency and~~ The authority may assess a service fee of up to five percent of revolving loan fund repayments for use by the agency and the authority for the purposes listed in clause (6).

Sec. 5. Minnesota Statutes 1988, section 446A.12, is amended by adding a subdivision to read:

Subd. 5. EXEMPTION. The notes and bonds of the authority are not subject to section 16B.06.

Sec. 6. **REIMBURSEMENT OF CERTAIN MUNICIPAL WASTEWATER TREATMENT PLANTS.**

Subdivision 1. APPLICATION. (a) Municipalities that constructed wastewater treatment plants between the years of 1985 and 1988, paid the entire cost of the project with local funds, and elected to not remain on the reimbursement list may apply to the commissioner of the pollution control agency to be placed on the reimbursement list. A municipality must apply to be on the list by January 15, 1990, or the opportunity to apply is terminated. A municipality submitting an application to be placed on the list must provide the commissioner of the pollution control agency with the planning, contracting, construction, and operating records of the project as requested by the commissioner.

(b) The commissioner of the pollution control agency must compile a list of the municipalities that make application under paragraph (a) and report the list to the chairs of the house of representatives and senate environment and natural resources committees by February 1, 1990. The commissioner's report to the legislature must indicate where the projects met or differed from the requirements of projects constructed under the state loan program.

Subd. 2. LEGISLATIVE APPROVAL REQUIRED. Municipalities applying to be placed on the reimbursement list may not be placed on the list without legislative approval.

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

**Sec. 7. EFFECTIVE DATE.**

Sections 1 to 6 are effective the day following final enactment.

Presented to the governor May 30, 1989

Signed by the governor June 1, 1989, 11:25 p.m.

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**CHAPTER 355—S.F.No. 1582**

*An act relating to public finance; providing conditions and requirements for the issuance of debt; amending Minnesota Statutes 1988, sections 298.2211, subdivision 4; 400.101; 469.015, subdivision 4; 469.152; 469.153, subdivision 2; 469.154, subdivisions 3 and 5; 469.155, subdivisions 2, 3, and 5; 471.56, subdivision 5; 473.541, by adding a subdivision; 473.811, subdivision 2; 475.51, by adding subdivisions; 475.54, subdivision 4, and by adding a subdivision; 475.55, subdivision 6, and by adding a subdivision; 475.60, subdivisions 1, 2, and 3; and 475.79; proposing coding for new law in Minnesota Statutes, chapter 473.*

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

Section 1. Minnesota Statutes 1988, section 298.2211, subdivision 4, is amended to read:

Subd. 4. **OBLIGATIONS NOT STATE DEBT.** Bonds and other obligations issued by the commissioner pursuant to this section, along with all related documents, are not general obligations of the state of Minnesota and are not subject to section 16B.06. The full faith and credit and taxing powers of the state are not and may not be pledged for the payment of these bonds or other obligations, and no person has the right to compel the levy of any state tax for their payment or to compel the appropriation of any moneys of the state for their payment except as specifically provided herein. These bonds and obligations shall be payable solely from the property and moneys derived by the commissioner pursuant to the authority granted in this section that the commissioner pledges to their payment. All these bonds or other obligations must contain the provisions of this subdivision or words to the same effect on their face.

Sec. 2. Minnesota Statutes 1988, section 400.101, is amended to read:

**400.101 BONDS.**

The county, by resolution, may authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities, closure, postclosure and contingency costs, related transmission facilities, or property or property rights for the facilities, for ~~improvements of a capital nature to respond~~ responses, as defined in section 115B.02, to releases from closed solid waste facilities, or for refunding any outstanding bonds issued for any such purpose,

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