

Sec. 4. **EFFECTIVE DATES.**

Sections 1 and 3 are effective July 1, 1990. Section 2 is effective the day following final enactment.

Presented to the governor April 28, 1990

Signed by the governor May 3, 1990, 5:43 p.m.

CHAPTER 594—H.F.No. 2419

An act relating to the organization and operation of state government; appropriating money for the general legislative, judicial, and administrative expenses of state government; providing for the transfer of certain money in the state treasury; fixing and limiting the amount of fees, penalties, and other costs to be collected in certain cases; creating, abolishing, modifying, and transferring agencies and functions; defining and amending terms; providing for settlement of claims; imposing certain duties, responsibilities, authority, and limitations on agencies and political subdivisions; consolidating certain funds and accounts and making conforming changes; changing the organization, operation, financing, and management of certain courts and related offices; amending Minnesota Statutes 1988, sections 2.722, subdivision 4; 3.736, subdivision 7; 11A.07, subdivision 5; 15.53, by adding a subdivision; 89.58; 115A.15, subdivision 6; 116.36, subdivision 1; 116.65, subdivision 3; 116D.045, subdivision 3; 116P.05; 116P.11; 176B.02; 176B.04; 190.08, by adding a subdivision; 201.023; 243.48, subdivision 1; 268.677, subdivision 2; 268.681, subdivision 3; 270.68, subdivision 1; 282.014; 296.06, subdivision 2; 296.12, subdivisions 1 and 2; 296.17, subdivisions 10 and 17; 297.03, subdivision 5a; 326.75, subdivision 4; 349.22, subdivision 2; 349.36; 349.52, subdivision 3; and 480A.01, subdivision 3; Minnesota Statutes 1989 Supplement, sections 16A.11, subdivision 3; 16A.133, subdivision 1; 16B.24, subdivision 6; 16B.28, subdivision 3; 16B.465, subdivision 1; 41A.05, subdivision 1; 43A.02, subdivision 25; 43A.24, subdivision 2; 85.205; 105.41, subdivision 5a; 115A.54, subdivision 2a; 116.85; 190.25, subdivision 3; 270.064; 357.021, subdivision 2; 357.022; and 357.08; Laws 1989, chapter 335, articles 1, section 28; and 4, section 109, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 15; 16A; 88; 116; and 484; proposing coding for new law as Minnesota Statutes, chapter 116Q; repealing Minnesota Statutes 1988, sections 85.30; 268.681, subdivision 4; and 326.82; Minnesota Statutes 1989 Supplement, section 480.241; Laws 1989, chapter 303, section 10.

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

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

**ARTICLE 1
STATE DEPARTMENTS**

Section 1. STATE DEPARTMENTS; APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are added to, or if shown in parentheses, are subtracted from the appropriations in Laws 1989, chapter 335, to the specified agencies and for the purposes specified in this act. The figures "1990" and "1991," where used in this act, mean that the appropriations or reductions listed under them are available for the year ending June 30, 1990, or June 30, 1991, respectively.

SUMMARY BY FUND

	1990	1991	TOTAL
General	\$(1,183,000)	\$(15,751,000)	\$(16,934,000)
Special Revenue	100,000	(1,149,000)	(1,049,000)
Minnesota Resources		(72,000)	(72,000)
Game and Fish		150,000	150,000
Natural Resources	30,000	1,030,000	1,060,000
Environmental		150,000	150,000
Trunk Highway Fund		(1,864,000)	(1,864,000)
TOTAL	\$(1,053,000)	\$(17,506,000)	\$(18,559,000)

**APPROPRIATIONS
Available for the Year
Ending June 30
1990 1991**

Sec. 2. LEGISLATURE

Subdivision 1. Senate	(440,000)
Subd. 2. House of Representatives	(560,000)
Subd. 3. Legislative Coordinating Commission	(62,000)
(a) Legislative auditor	(71,000)
(b) This appropriation is to the revisor of statutes for costs associated with additional printing of special session and supplemental statutes and expansion of the computer room.	105,000 85,000
(c) This appropriation and the amount appropriated by Laws 1989, chapter 335, article 1, section 2, subdivision 4, para-	300,000

graph (k), for the subcommittee on redistricting are available until June 30, 1993.

(d) The legislative coordinating commission shall use funds in the commission's contingent account for litigation expenses to affirm constitutional budgetary processes.

Sec. 3. SUPREME COURT

(a) This appropriation is to the state court administrator and is a one-time grant to match a federal Department of Justice grant to train judges in the extent of drug use and drug laws. This appropriation is contingent on the court receiving the federal grant. 5,000

(b) This appropriation is to the state court administrator and is a one-time grant to match a federal Department of Justice grant for development and implementation of court case management strategies. This appropriation is contingent on the court receiving the federal grant. 57,000

(c) General Reduction (199,000)

(d) The supreme court is requested to review its judicial work guidelines in the light of increasing demands on judges' time and the lack of state resources for additional judges beyond those currently funded. This should include review of guidelines for the accumulation of annual leave not taken.

Sec. 4. COURT OF APPEALS (45,000)

Sec. 5. TRIAL COURTS

(a) The legislature intends to appropriate at its 1991 regular session the money necessary to continue the eighth district pilot project until December 31, 1991.

(b) The legislature intends to evaluate the eighth district pilot project during the 1991 regular session and decide at that time whether to continue the state

takeover of trial court costs in the eighth district and whether to proceed to take over further trial court costs in other judicial districts.

(c) This appropriation is to Scott county for deposit in the county general fund for expenses incurred. 67,000

Sec. 6. JUDICIAL STANDARDS BOARD (3,000)

Sec. 7. BOARD OF PUBLIC DEFENSE (100,000)

Sec. 8. GOVERNOR AND LIEUTENANT GOVERNOR (130,000)

Sec. 9. SECRETARY OF STATE (31,000)

Sec. 10. STATE TREASURER (57,000)*
(This section was vetoed by the governor.)

Sec. 11. STATE AUDITOR (12,000)

Sec. 12. ATTORNEY GENERAL (274,000)
This appropriation is for prosecution of lawful gambling cases. 70,000

Sec. 13. ADMINISTRATION

(a) General Reduction (344,000)

(b) For legal fees incurred by use of private counsel for an asbestos removal lawsuit from which the state shall receive \$400,000 in settlement fees. 133,000

(c) To Minnesota Public Radio for ongoing construction at the Duluth station. 30,000

(d) \$900,000 shall be loaned from the computer services revolving fund for a period not to exceed five years to the STARS revolving fund to be used for STARS planning. The state-operated lottery and the STARS project shall jointly assess the feasibility and long-term benefits of using the STARS network to meet the telecommunications needs of the state-operated lottery. The progress of the assessment shall be reported to

the chairs of the house appropriations committee and the senate finance committee by June 1, 1990, and December 31, 1990.

(e) The commissioner of administration shall study and report to the legislature by January 15, 1991, on various incentives that might be provided to state managers to reduce spending while still accomplishing program objectives.

Sec. 14. STATE BOARD OF INVESTMENT

(34,000)

Sec. 15. CAPITOL AREA ARCHITECTURAL AND PLANNING BOARD

(13,000)

Sec. 16. FINANCE

(245,000)

(a) The position of deputy commissioner of finance is abolished.

(b) The commissioner shall reduce the budget base for the agency by five percent as part of the 1992-1993 biennial budget and present a plan for implementation of that reduction as part of the budget document submitted in January 1991.

Sec. 17. EMPLOYEE RELATIONS

(192,000)

The commissioner may spend up to \$300,000 and add four positions from the public employees insurance trust fund.

Sec. 18. REVENUE

(a) General Reduction

(618,000)

(932,000)

(b) The department shall develop and report to the legislature a method of accurately accounting for sales tax receipts from solid waste collection and disposal services.

(c) Gambling Regulation

50,000

350,000

Five investigators and two support staff

are added to the department of revenue criminal division. The investigators shall be in the unclassified service. Up to two investigator positions may be auditors. The commissioner shall give a priority within the division to cases that involve violations of the laws governing lawful gambling and shall provide the criminal division with the support resources necessary to carry out its responsibilities. Notwithstanding any law to the contrary, the criminal investigation unit shall use its existing authority to investigate any potential criminal activity related to lawful gambling. Upon completion of the investigations, the division may refer them to the attorney general for prosecution. The commissioner of revenue shall report to the legislature no later than January 31, 1992, on the results of the division's investigations.

(d) On July 1, 1990, the commissioner of finance shall transfer \$60,000 from the heat applied cigarette tax stamp revolving account to the general fund.

Sec. 19. TAX COURT (9,000)

Sec. 20. NATURAL RESOURCES

(a) General Reduction (1,263,000)

(b) Minerals diversification activity (200,000)

(c) Beaver dam control program (100,000)

(d) This appropriation is for a grant to the forest resource center for a shiitake mushroom demonstration project. This grant is contingent upon receipt of matching funds at least equal to the amount of the grant. 138,000

(e) Mississippi Headwaters Board

50,000

\$10,000 of this amount is for payment to the Leech Lake Band of Chippewa Indians to implement their portion of the comprehensive plan for the upper Mississippi.

(f) For a tree planting for carbon dioxide absorption study. 25,000

(g) By January 1, 1991, the commissioner of natural resources and the commissioner of the pollution control agency, in consultation with representatives of industry that may be affected by a surcharge on carbon dioxide emissions, and representatives of the forestry and environmental communities, shall prepare a report on the use of a surcharge on carbon dioxide emissions. The report shall:

(1) consider an appropriate fee on mechanized sources of carbon dioxide emissions, including motor vehicle and permitted facilities in the air emission inventory of the pollution control agency;

(2) recommend methods of encouraging tree and perennial shrubs and vines planting to be implemented in lieu of payment of part or all of a surcharge; and

(3) include a planting plan for carbon dioxide absorption that identifies the proper mix of species for adequate absorption, the proper placement of trees for energy efficiency and conservation, the areas of the state most effective for proper tree planting, the adequate production of state nursery stock, the available procurement of private nursery stock, a range of costs to plant adequate species that absorb carbon dioxide, and the current and prospective distribution system to allow adequate species to be planted.

(h) The commissioners of the pollution control agency and the department of natural resources may solicit and accept money from nonstate sources to accomplish the responsibilities in paragraph (g). Donations received to complete the study must be deposited in the state treasury and credited to a separate account. The money in the account received for the purposes of the study is appropriated to the commissioner of natural resources.

(i) This appropriation is from the snowmobile account for snowmobile grants-in-aid. 500,000

(j) This appropriation is from the non-game wildlife account and is to be used for administrative costs associated with implementation of the corporate non-game check-off. Eurasian water milfoil control projects shall be eligible to receive corporate nongame wildlife funding in preparing the 1992-1993 biennial budget requests. 100,000

(k) This appropriation is from the game and fish fund for repair of the French River Hatchery Dam. 150,000

(l) This appropriation is from the all-terrain vehicle account and is to be used as grants-in-aid for trail maintenance on multiple use trails. Grants are to be issued to counties with all-terrain vehicle organizations and snowmobile organizations that have entered into multiple use agreements for trails that currently qualify for snowmobile grants-in-aid trails under Minnesota Statutes, section 84.83. 500,000

(m) Any unencumbered balance remaining in the appropriation for acquisition of Grand Portage state park in Laws 1989, chapter 259, section 9, subdivision 1, may be transferred to the appropriation in Laws 1989, chapter 259, section 9, subdivision 2, for acquisition in Sibley state park following completion of the Grand Portage acquisition.

(n) Notwithstanding any other law to the contrary, no political subdivision shall condemn or remove any bridges on the Blue Ox Trail in Beltrami county that have not first been declared unsafe by the Minnesota department of transportation.

Sec. 21. ZOOLOGICAL BOARD

(a) General Reduction (101,000)

(b) Coral Reef Shark Exhibit 100,000

The complement of the zoo is increased by 2 positions.

(c) Dinosaurs Alive Exhibit 130,000

Sec. 22. POLLUTION CONTROL AGENCY

(a) This reduction is from the money appropriated from the general fund in Laws 1989, chapter 335, article 1, section 23, subdivision 4, for transfer to the environmental response compensation and compliance fund is reduced. (1,500,000)

(b) General Reduction (213,000)

(c) This appropriation is for distribution as grants through the individual on-site treatment program under Minnesota Statutes, section 116.18, subdivision 3c. 250,000

(d) This appropriation is from the environmental fund for the site response property transfer program. 80,000

(e) Resource Recovery Operator Training 70,000

This appropriation is from the environmental fund and is to be transferred to the jobs skills partnership program.

(f) The agency's federal fund complement is reduced by three and the special revenue complement is increased by three to reflect a change in the method used to account for federal indirect costs.

Sec. 23. OFFICE OF WASTE MANAGEMENT

(a) General Reduction (200,000) (414,000)

(b) This reduction is from the SCORE grants to counties identified in Laws 1989, First Special Session chapter 1, article 24, section 2. (1,234,000)

(c) This appropriation is for the capital assistance program. The agency's authorized complement is increased by seven positions for administration of the capital assistance program. 285,000

(d) Notwithstanding any other law to the

contrary, any outstanding obligations that may be held in St. Louis county for grants issued to the county for construction or operation of the Babbitt waste tire facility under Minnesota Statutes 1986, section 116M.07; Minnesota Statutes, section 115A.54, subdivision 2a; or 298.22, shall be suspended until June 30, 1993.

Sec. 24. TRADE AND ECONOMIC DEVELOPMENT

Subdivision 1. Agency Supplemental Appropriations

(a) \$500,000 of the unobligated balance in the agricultural and economic development account established in Minnesota Statutes, section 41A.05, subdivision 1, is transferred to the capital access account in the special revenue fund created in Minnesota Statutes, section 116J.876, subdivision 4, for guaranteeing loans under the capital access program. Any remaining balance shall cancel to the general fund.

(b) For the job skills partnership for aviation training. This amount is not subject to the grant limits under Minnesota Statutes, section 116L.04. This portion of the appropriation does not cancel and is available until expended. 500,000

(c) For the Minnesota trade office for awarding grants to nonprofit organizations to support cultural and educational exchange programs that may lead to long-term trading relations. Grants must be matched with at least \$3 of nonpublic funds for every dollar of state grant funds awarded under this provision. 50,000

(d) For a grant to the region 1 development commission for international trade and promotion activities. The commission must cooperate with similar organizations in North Dakota and Manitoba. 30,000

(e) For the purposes of planning, engineering, and acquisition of a public facilities project in a tourism-intensive area. 110,000

(f) Minnesota Council for Quality	50,000
(g) For administration of Celebrate 1990.	50,000

(h) Of the amount appropriated for operation and maintenance of the regional park system in fiscal year 1991, \$120,000 is for construction of four floating fishing piers on the Mississippi river, two within the boundaries of cities of the first class, and two outside the boundaries of cities of the first class.

(i) Notwithstanding any law to the contrary, the city of St. Paul shall use all revenue derived from its clawback funding of sewer financing only for sewer separation projects that directly result in the elimination of combined sewer overflow.

Subd. 2. Agency Reductions

(a) General Reduction	(1,040,000)
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(b) The complement of the department is reduced by seven positions.

(c) This amount is reduced for the loan to the city of St. Paul for restoration of Union Depot. During the 1992-1993 biennium \$500,000 is appropriated to the city of St. Paul for restoration of the Union Depot. This funding is contingent on the city of St. Paul having a plan for the restoration of the depot and raising \$2,000,000 from nonstate sources.	(500,000)
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(d) For a reduction from the trade office travel budget.* (This item of section 24, subdivision 2, was vetoed by the governor.)	(50,000)
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(e) \$300,000 of the export finance working capital account is transferred to the general fund.

Sec. 25. HOUSING FINANCE AGENCY	(3,000,000)
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Sec. 26. AMATEUR SPORTS COMMISSION	(9,000)
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Sec. 27. STATE PLANNING AGENCY (601,000)*
 (This section was vetoed by the governor.)

Sec. 28. LEGISLATIVE COMMISSION ON MINNESOTA RESOURCES (72,000)

(a) The commissioner of finance, upon recommendation of the legislative commission on Minnesota resources, shall reduce the appropriations in Laws 1989, chapter 335, article 1, section 29, by this amount. As the cash flow of the Minnesota resources fund permits, the commissioner of finance shall transfer this amount to the general fund.

(b) The appropriation in Laws 1989, chapter 335, article 1, section 29, subdivision 11, paragraph (j), from the legislative commission on Minnesota resources for a study of wetland plant communities, is available until December 31, 1991.

Sec. 29. LABOR AND INDUSTRY

(a) General Reduction (2,520,000)

\$2,450,000 of this reduction is in the transfer from the general fund to the workers' compensation special fund.

(b) Study of Long-Term Workers' Compensation Cases

15,000

This appropriation is for the commissioner of labor and industry to contract for a study of long-term workers' compensation cases. The purposes of the study are to establish a uniform system for identifying factors contributing to recovery and to assist claimants and care providers in identifying the best means for recovery at the earliest possible time. The study must include a pilot test on a sample of claims. The test must evaluate the benefit of the uniform system for workers, employers, medical and rehabilitation providers, insurers, state monitoring organizations, litigators, and

adjudicators. Issues that should be addressed during the test include confidentiality, instrument reliability and validity, information utility and adequacy, data collection systems, and training of personnel. The study must be conducted by an organization with substantial background in medical and psychological instrumentation and substantial knowledge of disability assessment. Bidders without a direct interest in the workers' compensation system as insurers or health care providers must be preferred. A report of the study must be submitted to the commissioner of labor and industry and the legislature by July 1, 1991. Expenditure of this appropriation is contingent upon the commitment by private sources to the commissioner of labor and industry of private monies, outside of the state general fund, in an amount at least equal to five times the amount of the appropriation as additional funding for the study to be conducted under this section.

Sec. 30. MEDIATION SERVICES (36,000)

Sec. 31. MILITARY AFFAIRS (189,000)

Notwithstanding any law to the contrary, the department of military affairs, with the assistance of the management analysis division of the department of administration, shall analyze the cost savings that may be obtained through multiple use, the time-sharing, consolidation, or closure of armories throughout the state.

Sec. 32. VETERANS AFFAIRS (52,000)

Sec. 33. HUMAN RIGHTS (60,000)

The department of human rights may not be charged by the attorney general for legal representation on behalf of complaining parties who have filed a charge of discrimination with the department.

This provision is effective retroactive to July 1, 1989. The department does not have an obligation to pay for any services rendered by the attorney general since July 1, 1985, in excess of the amounts already paid for those services.

Sec. 34. DISABILITIES COUNCIL

(10,000)

The appropriation in Laws 1989, chapter 335, article 1, section 41, may be used in part for grants, in coordination with statewide handicapped arts organizations, to arts organizations throughout the state that will serve individuals with disabilities, regardless of the size of their operating budgets.

Sec. 35. RETIREMENT CONTRIBUTIONS

(a) General fund	(2,206,000)
(b) Trunk highway fund	(1,864,000)
(c) Other funds	(1,149,000)

With the exception of appropriations made to the University of Minnesota, the community college system, the technical college system, and the state university system, the commissioner of finance shall reduce each state agency's fiscal year 1991 appropriation by an amount equal to the sum of:

(1) .22 percent of the agency's fiscal year 1991 salaries paid to employees covered by the general state employee retirement plan established in Minnesota Statutes, chapter 352.

(2) 2.43 percent of the agency's fiscal year 1991 salaries paid to employees covered by the correctional employees retirement plan established in Minnesota Statutes, chapter 352.

(3) 4.02 percent of the agency's fiscal year 1991 salaries paid to employees covered by the state patrol retirement plan

established in Minnesota Statutes, section 352B.02.

(4) .84 percent of the agency's fiscal year 1991 salaries paid to employees covered by the teacher's retirement plan established in Minnesota Statutes, chapter 354.

The appropriation reductions made under this section are permanent reductions to each agency's budget.

Sec. 36. TRANSFER PROHIBITED.

If an amount is specified in this act for an item within an activity, that amount must not be transferred or used for any other purpose.

Sec. 37. MANAGING REDUCTIONS.

Subdivision 1. APPROPRIATION AVAILABILITY. If the appropriation from the general fund to an agency listed in this act in either year of the biennium ending June 30, 1991, is insufficient, upon the advance approval of the commissioner of finance the appropriation for the other year is available for it.

Subd. 2. BASE REDUCTIONS. The appropriations reduced from an agency by this act, before any adjustments under subdivision 1, must not be added back to the agency's appropriation base for the 1992-1993 biennium.

Sec. 38. Minnesota Statutes 1988, section 2.722, subdivision 4, is amended to read:

Subd. 4. **DETERMINATION OF A JUDICIAL VACANCY.** (a) When a judge of the district, county, or county municipal court dies, resigns, retires, or is removed from office, the supreme court, in consultation with judges and attorneys in the affected district, shall determine within 90 days of receiving notice of a vacancy from the governor whether the vacant office is necessary for effective judicial administration. The supreme court may continue the position, may order the position abolished, or may transfer the position to a judicial district where need for additional judges exists, designating the position as either a county, county/municipal or district court judgeship. The supreme court shall certify any vacancy to the governor, who shall fill it in the manner provided by law.

(b) If a judge of district court fails to timely file an affidavit of candidacy and filing fee or petition in lieu of a fee, the official with whom the affidavits of candidacy are required to be filed shall notify the supreme court that the incumbent judge is not seeking reelection. Within five days of receipt of the notice, the supreme court shall determine whether the judicial position is necessary for

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effective judicial administration and notify the official responsible for certifying the election results of its determination. The supreme court may continue the position, may order the position abolished, or may transfer the position to a judicial district where the need for additional judgeships exists. If the position is abolished or transferred, the election may not be held. If the position is transferred, the court shall also notify the governor of the transfer. Upon transfer, the position is vacant and the governor shall fill it in the manner provided by law. An order abolishing or transferring a position is effective the first Monday in the next January.

Sec. 39. Minnesota Statutes 1988, section 3.736, subdivision 7, is amended to read:

Subd. 7. **PAYMENT.** A state agency, including an entity defined as part of the state in section 3.732, subdivision 1, clause (1), incurring a tort claim judgment or settlement obligation or whose employees acting within the scope of their employment incur the obligation shall seek approval to make payment by submitting a written request to the commissioner of finance. The request shall contain a description of the tort claim that causes the request, specify the amount of the obligation and be accompanied by copies of judgments, settlement agreements or other documentation relevant to the obligation for which the agency seeks payment. Upon receipt of the request and review of the claim, the commissioner of finance shall determine the proper appropriation from which to make payment. If there is enough money in an appropriation or combination of appropriations to the agency for its general operations and management to pay the claim without unduly hindering the operation of the agency, the commissioner shall direct that payment be made from that source. Claims relating to activities paid for by appropriations of dedicated receipts shall be paid from those appropriations if practicable. On determining that an agency has sufficient money in these appropriations to pay only part of a claim, the commissioner shall pay the remainder of the claim from the money appropriated to the commissioner for the purpose. On determining that the agency does not have enough money to pay any part of the claim, the commissioner shall pay all of the claim from money appropriated to the commissioner for the purpose. ~~On January 1 and July 1 of each year, the commissioner of finance shall transmit to the legislature and to the chair of the house appropriations and senate finance committees copies of all requests in the preceding six months together with a report on the payments made with respect to each request.~~ Payment shall be made only upon receipt of a written release by the claimant in a form approved by the attorney general, or the person designated as the university attorney, as the case may be.

No attachment or execution shall issue against the state.

Sec. 40. Minnesota Statutes 1988, section 11A.07, subdivision 5, is amended to read:

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Subd. 5. **APPORTIONMENT OF EXPENSES.** The executive director shall apportion the actual expenses incurred by the board on an accrual basis among the several funds whose assets are invested by the board based on the weighted average assets under management during each quarter. The charge to each retirement fund must be calculated, billed, and paid on a quarterly basis in accordance with procedures for interdepartmental payments established by the commissioner of finance. The amounts necessary to pay these charges are appropriated from the investment earnings of each retirement fund. Receipts must be credited to the general fund as nondedicated receipts. ~~Funds other than retirement funds must not be billed; their portion of the expenses will be borne by the general fund.~~

Sec. 41. **[15.082] OBLIGATIONS OF PUBLIC CORPORATIONS.**

Notwithstanding any other law, the state is not liable for obligations of a public corporation created by statute. Upon dissolution of the public corporation, its wholly-owned assets become state property. Partially owned assets become state property to the extent that state money was used to acquire them.

This section does not apply to a public corporation governed by chapter 119.

Sec. 42. Minnesota Statutes 1988, section 15.53, is amended by adding a subdivision to read:

Subd. 3. **POLITICAL SUBDIVISIONS.** A state department or agency must report to the department of employee relations an interchange with a political subdivision in which it is participating either as a sending or receiving agency. The report must include identification of the political subdivision, the length of the individual assignment, and the duties of the individual assignment.

Sec. 43. Minnesota Statutes 1989 Supplement, section 16A.11, subdivision 3, is amended to read:

Subd. 3. **PART TWO: DETAILED BUDGET.** Part two of the budget, the detailed budget estimates both of expenditures and revenues, shall also include statements of the bonded indebtedness of the state, showing the actual amount of the debt service for at least the past two completed fiscal years, and the estimated amount for the current fiscal year and for the next two fiscal years, the debt authorized and unissued, the condition of the sinking funds, and the borrowing capacity. It shall also contain any statements on the financial plan which the governor believes desirable or which may be required by the legislature. The detailed estimates shall include the budget request of each agency arranged in tabular form so it may readily be compared with the governor's budget for each agency. They shall also include, as part of each agency's organization chart, a summary of the personnel employed by the agency, showing the complement approved by the legislature for the current biennium, additional complement positions authorized through the governor or the commissioner, positions trans-

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ferred into or out of the agency, additional part-time and seasonal positions and the number of employees of all kinds employed by the agency on June 30 of the last complete fiscal year. The summary of the number of employees must list employees by employment status, including but not limited to full-time unlimited, part-time unlimited, full-time or part-time seasonal, intermittent, full-time or part-time temporary, full-time or part-time emergency, and other. The summary of personnel shall also be shown for each functional division of the agency, and for each fund and type of appropriation.

Any increase in complement with the exception of federal positions, approved by the commissioner of finance as temporary positions, shall be reflected in the governor's budget recommendations to the legislature as change request items. These positions are not permanent positions until the legislature has approved the change request items.

Sec. 44. Minnesota Statutes 1989 Supplement, section 16A.133, subdivision 1, is amended to read:

Subdivision 1. **PAYROLL DIRECT DEPOSIT AND DEDUCTIONS.** An agency head in the executive, judicial, and legislative branch ~~may~~ shall, upon written request signed by an employee, directly deposit all or part of an employee's pay in any credit union or financial institution, as defined in section 47.015, designated by the employee. An agency head may, upon written request of an employee, deduct from the pay of the employee a requested amount to be paid to the Minnesota benefit association, or to any organization contemplated by section 179A.06, of which the employee is a member, or to a company that has contracted to insure the employee for the medical costs of cancer or intensive care. If an employee is a member of or has accounts with more than one credit union or financial institution or more than one organization under section 179A.06, or is insured by more than one company, only one credit union or financial institution and one organization and one company may be paid money by direct deposit or by payroll deduction from the employee's pay.

Sec. 45. **[16A.79] MATCHING FEDERAL APPROPRIATIONS.**

Specific appropriations that are made to match federal appropriations shall be considered change requests in the following biennial budget submission if, during the biennium, the federal funding has been reduced or eliminated.

Sec. 46. Minnesota Statutes 1989 Supplement, section 16B.24, subdivision 6, is amended to read:

Subd. 6. **PROPERTY RENTAL.** (a) **LEASES.** The commissioner shall rent land and other premises when necessary for state purposes. The commissioner may lease land or premises for five years or less, subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use. The commissioner may not rent non-state-owned land and buildings or substantial portions of land or buildings within the

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capitol area as defined in section 15.50 unless the commissioner first consults with the capitol area architectural and planning board. If the commissioner enters into a lease-purchase agreement for buildings or substantial portions of buildings within the capitol area, the commissioner shall require that any new construction of non-state-owned buildings conform to design guidelines of the capitol area architectural and planning board. Lands needed by the department of transportation for storage of vehicles or road materials may be rented for five years or less, such leases for terms over two years being subject to cancellation upon 30 days written notice by the state for any reason except rental of other land or premises for the same use. An agency or department head must consult with the chairs of the house appropriations and senate finance committees before entering into any agreement that would cause an agency's rental costs to increase by ten percent or more per square foot or would increase the number of square feet of office space rented by the agency by 25 percent or more in any fiscal year.

(b) **USE VACANT PUBLIC SPACE.** No agency may initiate or renew a lease for space for its own use in a private building unless the commissioner has thoroughly investigated presently vacant space in public buildings, such as closed school buildings, and found that none is available.

(c) **PREFERENCE FOR CERTAIN BUILDINGS.** For needs beyond those which can be accommodated in state-owned buildings, the commissioner shall acquire and utilize space in suitable buildings of historical, architectural, or cultural significance for the purposes of this subdivision unless use of that space is not feasible, prudent and cost effective compared with available alternatives. Buildings are of historical, architectural, or cultural significance if they are listed on the national register of historic places, designated by a state or county historical society, or designated by a municipal preservation commission.

(d) **RECYCLING SPACE.** Leases for space of 30 days or more for 5,000 square feet or more must require that space be provided for recyclable materials.

Sec. 47. Minnesota Statutes 1989 Supplement, section 16B.465, subdivision 1, is amended to read:

Subdivision 1. **CREATION.** The statewide telecommunications access routing system provides voice, data, video, and other telecommunications transmission services to state agencies, educational institutions, including private colleges, public corporations, and state political subdivisions. It is not a telephone company for purposes of chapter 237. It shall not resell or sublease any services or facilities to nonpublic entities except it may serve private colleges. The commissioner has the responsibility for planning, development, and operations of a statewide telecommunications access routing system in order to provide cost-effective telecommunications transmission services to system users.

Sec. 48. **[88.81] FOREST MANAGEMENT PRACTICES IN LITIGATION.**

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The commissioner may not implement new or revised forest management practices as part of agreements relating to litigation until the commissioner has reported the forest management practices to the chairs of the environment and natural resources committees of the legislature at the next regular session of the legislature.

Sec. 49. Minnesota Statutes 1989 Supplement, section 105.41, subdivision 5a, is amended to read:

Subd. 5a. **WATER USE PROCESSING FEE.** (a) Except as provided in ~~paragraph~~ paragraphs (b) to (e), a water use processing fee ~~not to exceed \$2,000~~ must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

- (1) 0.05 cent per 1,000 gallons for the first 50 million gallons per year; and
- (2) ~~0.1~~ 0.10 cents per 1,000 gallons for the amounts greater than 50 million gallons but less than 100 million gallons per year; and
- (3) 0.15 cents per 1,000 gallons for amounts greater than 100 million gallons but less than 150 million gallons per year; and
- (4) 0.20 cents per 1,000 gallons for amounts greater than 150 million gallons but less than 200 million gallons per year; and
- (5) 0.25 cents per 1,000 gallons for amounts greater than 200 million gallons but less than 250 million gallons per year; and
- (6) 0.30 cents per 1,000 gallons for amounts greater than 250 million gallons but less than 300 million gallons per year; and
- (7) 0.35 cents per 1,000 gallons for amounts greater than 300 million gallons but less than 350 million gallons per year; and
- (8) 0.40 cents per 1,000 gallons for amounts greater than 350 million gallons but less than 400 million gallons per year; and
- (9) 0.45 cents per 1,000 gallons for amounts greater than 400 million gallons per year.

(b) For once-through cooling systems as defined in subdivision 1c, a water use processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

- (1) for nonprofit corporations and school districts:
 - (i) 5.0 cents per 1,000 gallons until December 31, 1991;
 - ~~(2)~~ (ii) 10.0 cents for 1,000 gallons from January 1, 1992, until December 31, 1996; and

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~~(3)~~ (iii) 15.0 cents per 1,000 gallons after January 1, 1997; and

(2) for all other users after January 1, 1990, 20 cents per 1,000 gallons.

(c) The fee is payable based on the amount of water ~~permitted~~ appropriated during the year and in no case may the fee be less than ~~\$25~~ \$50.

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

(1) the fee for a city of the first class may not exceed \$175,000 per year;

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

(i) \$35,000 per year for an entity holding three or fewer permits;

(ii) \$50,000 per year for an entity holding four or five permits;

(iii) \$175,000 per year for an entity holding more than five permits;

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

(e) Failure to pay the fee is sufficient cause for revoking a permit. A fee may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal governmental agency holding a water appropriation permit.

(f) This subdivision applies to permits issued or effective on or after January 1, 1990.

Sec. 50. Minnesota Statutes 1989 Supplement, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. **SOLID WASTE MANAGEMENT PROJECTS.** (a) The board shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects constructed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 25 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(c) A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 50 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

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(d) Notwithstanding paragraph (e), the agency may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the agency, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within five years of the date of the grant award, the recipient shall repay the grant amount to the state.

(e) Projects without resource recovery are not eligible for assistance.

(f) In addition to any assistance received under clause (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(g) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(h) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The board shall adopt rules for the program by July 1, 1985.

Sec. 51. Minnesota Statutes 1988, section 116.36, subdivision 1, is amended to read:

Subdivision 1. For the purposes of ~~this section and section 116.37~~ sections 116.36 to 116.38, the following terms ~~shall~~ have the meanings given.

Sec. 52. **[116.38] PCB BURNING.**

Subdivision 1. STATE POLICY. The legislature finds that risks to human health must be adequately evaluated before a facility may burn PCBs. The legislature also finds that if there is a risk to human health, all human health must be treated with equal concern, and facilities that cause risks to human health must not be allowed to operate in sparsely populated areas if they would not be allowed to operate in heavily populated areas.

Subd. 2. EIS REQUIRED. The pollution control agency may not allow burning of wastes containing 50 ppm or greater PCBs by permit or otherwise unless an environmental impact statement is completed. It may not renew a

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permit for burning wastes containing 50 ppm or greater PCBs until an environmental impact statement is completed. This section does not apply to experimental burning of small quantities of waste containing 50 ppm or greater PCBs.

Sec. 53. Minnesota Statutes 1988, section 116.65, subdivision 3, is amended to read:

Subd. 3. **APPROPRIATION.** The amount necessary to pay the inspection maintenance operator during the initial contract period for the contract entered into under section 116.62, subdivision 3, is appropriated from the vehicle emission inspection account to the agency. By the end of the initial contract entered by the agency under section 116.62, subdivision 3, the amounts appropriated from the motor vehicle transfer fund to the vehicle emission inspection account must be repaid to the transfer fund, and the amounts necessary for this repayment are appropriated from the vehicle emission inspection account.

Sec. 54. Minnesota Statutes 1989 Supplement, section 116.85, is amended to read:

116.85 MONITORS REQUIRED FOR INCINERATORS.

Subdivision 1. EMISSION MONITORS. Notwithstanding any other law to the contrary, an incinerator permit that contains emission limits for dioxin, cadmium, chromium, lead, or mercury must, as a condition of the permit, require the installation of an air emission monitoring system approved by the commissioner. The monitoring system must provide continuous measurements to ensure optimum combustion efficiency for the purpose of ensuring optimum dioxin destruction. The system shall also be capable of providing a permanent record of monitored emissions that will be available upon request to the commissioner and the general public. The commissioner shall provide periodic inspection of the monitoring system to determine its continued accuracy. The facility must conduct periodic stack testing for mercury at intervals not to exceed 90 days. Refuse-derived fuel facilities must conduct periodic stack testing for mercury at intervals not to exceed 15 months unless a previous test showed a permit exceedance after which the agency may require quarterly testing until permit requirements are satisfied.

Subd. 2. CONTINUOUSLY MONITORED EMISSIONS. Should, at any time after normal startup, the permitted facility's continuously monitored emissions exceed permit requirements, based on accurate and valid emissions data, the facility shall immediately report the exceedance to the commissioner and immediately either commence appropriate modifications to the facility to ensure its ability to meet permitted requirements or commence shutdown if the modifications cannot be completed within 72 hours. Compliance with permit requirements must then be demonstrated based on additional testing.

Subd. 3. PERIODICALLY TESTED EMISSIONS. Should, at any time after normal startup, the permitted facility's periodically tested emissions exceed permit requirements based on accurate and valid emissions data, the facility

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shall immediately report the exceedance to the commissioner, and the commissioner shall direct the facility to commence appropriate modifications to the facility to ensure its ability to meet permitted requirements within 30 days, or to commence appropriate testing for a maximum of 30 days to ensure compliance with applicable permit limits. If the commissioner determines that compliance has not been achieved after 30 days, then the facility shall shut down until compliance with permit requirements is demonstrated based on additional testing.

Subd. 4. OTHER LAW. This section shall not be construed to limit the authority of the agency to regulate incinerator operations under any other law.

Sec. 55. Minnesota Statutes 1988, section 116D.045, subdivision 3, is amended to read:

Subd. 3. The responsible governmental unit shall assess the project proposer for reasonable costs in preparing and distributing the environmental impact statement and the proposer shall pay the assessed cost to the responsible governmental unit. ~~All money received pursuant to this subdivision shall be deposited in the general fund.~~ Money received under this subdivision by a responsible governmental unit ~~that is not a state agency~~ may be retained by the unit for the same purposes. Money received by a state agency must be credited to a special account and is appropriated to the agency to cover the assessed costs incurred.

Sec. 56. Minnesota Statutes 1988, section 116P.05, is amended to read:

116P.05 MINNESOTA FUTURE RESOURCES COMMISSION.

(a) A Minnesota future resources commission of 16 members is created, consisting of the chairs of the house and senate committees on environment and natural resources or designees appointed for the terms of the chairs, the chairs of the house appropriations and senate finance committees or designees appointed for the terms of the chairs, six members of the senate appointed by the subcommittee on committees of the committee on rules and administration, and six members of the house appointed by the speaker. The commission shall develop a budget plan for expenditures from the trust fund and shall adopt a strategic plan as provided in section 116P.08.

(b) The commission shall recommend expenditures to the legislature from the Minnesota future resources account under section 116P.13. At least two members from the senate and two members from the house must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

(c) Members shall appoint a chair who shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(d) Members shall serve on the commission until their successors are appointed.

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(e) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out their duties, and vacancies shall be filled in the same manner under paragraph (a).

(f) The commission may adopt bylaws and operating procedures to fulfill their duties under sections 116P.01 to 116P.13.

Sec. 57. Minnesota Statutes 1988, section 116P.11, is amended to read:

116P.11 AVAILABILITY OF FUNDS FOR DISBURSEMENT.

(a) The amount biennially available from the trust fund for the budget plan developed by the commission consists of the interest earnings generated from the trust fund generated in the preceding two fiscal years ending on the even-numbered year.

(b) For funding projects through fiscal year 1997, the following additional amounts are available from the trust fund for the budget plans developed by the commission:

(1) for the 1991-1993 biennium, up to 25 percent of the revenue deposited in the trust fund in fiscal years ~~1989~~ 1990 and ~~1990~~ 1991;

(2) for the 1993-1995 biennium, up to 20 percent of the revenue deposited in the trust fund in fiscal year 1991 and up to 15 percent of the revenue deposited in the fund in fiscal year 1992; and

(3) for the 1995-1997 biennium, up to ten percent of the revenue deposited in the fund in fiscal year 1993 and up to five percent of the revenue deposited in the fund in fiscal year 1994.

(c) Any appropriated funds not encumbered in the biennium in which they are appropriated cancel and must be credited to the principal of the trust fund.

Sec. 58. [116Q.01] GREAT LAKES PROTECTION FUND.

The Great Lakes protection fund has been created by the governors of the eight Great Lakes states as a nonprofit corporation under the laws of the state of Illinois. The fund is a permanent endowment whose purpose is to advance the principles, goals, and objectives of the Great Lakes toxic substances control agreement executed by the governors of the eight Great Lakes states in May 1986 and to ensure the continuous development of needed scientific information, new cleanup technologies, and innovative methods of managing pollution problems as a cooperative effort in the Great Lakes region. The governor may enter this state as a member of the Great Lakes protection fund and do all things necessary or incidental to participate in the fund, as spelled out in its articles of incorporation, filed with the Illinois secretary of state on or about September 26, 1989, and its bylaws, as amended through September 26, 1989. If congressional consent to the Great Lakes protection fund carries with it conditions that mate-

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rially change the provisions agreed to by the party states, this state reserves the option to terminate further participation in the fund.

Sec. 59. [116Q.02] STATE RECEIPTS FROM THE FUND.

Subdivision 1. GREAT LAKES PROTECTION ACCOUNT. Any money received by the state from the Great Lakes protection fund, whether in the form of annual earnings or otherwise, must be deposited in the state treasury and credited to a special Great Lakes protection account. Money in the account must be spent only as specifically appropriated by law for protecting water quality in the Great Lakes. Approved purposes include, but are not limited to, supplementing in a stable and predictable manner state and federal commitments to Great Lakes water quality programs by providing grants to finance projects that advance the goals of the regional Great Lakes toxic substances control agreement and the binational Great Lakes water quality agreement.

Subd. 2. LCMR REVIEW. The legislature intends not to appropriate money from the Great Lakes protection account until projects have been reviewed and recommended by the legislative commission on Minnesota resources. A work plan must be prepared for each project for review by the commission. The commission must recommend specific projects to the legislature.

Sec. 60. Minnesota Statutes 1988, section 190.08, is amended by adding a subdivision to read:

Subd. 1a. EXECUTIVE DIRECTOR. The adjutant general may appoint an executive director of the department of military affairs. The executive director shall serve at the pleasure of the adjutant general.

Sec. 61. Minnesota Statutes 1989 Supplement, section 190.25, subdivision 3, is amended to read:

Subd. 3. The adjutant general is authorized to sell in the manner provided by law any or all

(1) land, and

(2) timber, growing crops, buildings, and other improvements, if any, situated upon the lands land,

acquired under the authority of subdivision 1 or which may hereafter comprise the Camp Ripley military field training center and not needed for military training purposes. The proceeds of any sales shall be deposited in the general fund. The adjutant general may use funds that are directly appropriated for the acquisition of land, the payment of expenses of forest management on land forming the Camp Ripley military reservation, and the provision of an enlisted person's service center.

Sec. 62. Minnesota Statutes 1989 Supplement, section 270.064, is amended to read:

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270.064 REQUESTING ASSISTANCE IN CRIMINAL TAX INVESTIGATIONS.

If the commissioner of revenue has reason to believe that a criminal violation of the state tax laws or chapter 349 has occurred, the commissioner may request the attorney general or the prosecuting authority of any county to assist in a criminal tax investigation and may disclose ~~return~~ information to the prosecuting authority relevant to the investigation.

Sec. 63. Minnesota Statutes 1988, section 270.68, subdivision 1, is amended to read:

Subdivision 1. **LEGAL ACTION.** In addition to all other methods authorized by law for the collection of tax, if any tax payable to the commissioner of revenue or to the department of revenue, including penalties and interest thereon, is not paid within 60 days after it is required by law to be paid, the commissioner of revenue may, within five years after the date of assessment of the tax, bring an action at law against the person liable for the payment or collection of the tax, in the name of the state, for the recovery of the tax and interest and penalties due in respect thereof. The action shall be brought in the district court of the judicial district in which lies the county of the residence or principal place of business within this state of the taxpayer, or, in the case of an estate or trust, of the place of its principal administration, and for this purpose the place named as such in the return, if any, made by the taxpayer shall be conclusive against the taxpayer in this matter. If no place is named in the return, the action may be commenced in Ramsey county. The action shall be commenced by filing with the court administrator a statement showing the name and address of the taxpayer, if known, an itemized summary of the taxable periods and the type of tax, the tax due and unpaid and the interest and penalties due with respect thereto under the provisions of law applicable to the tax, and shall contain a prayer that the court adjudge the taxpayer to be indebted on account of the taxes, interest, and penalties in the amount specified in the statement; a copy of the statement shall be furnished to the court administrator therewith. The court administrator shall mail a copy of the statement by certified mail to the taxpayer at the address given in the return, if any; and, if no address is given, then at the taxpayer's last known address, within five days after the same is filed, except that, if the taxpayer's address is not known, notice shall be made by posting a copy of the statement for ten days in the place in the courthouse where public notices are regularly posted. To litigate the claim, or any part thereof, the taxpayer shall file a verified answer with the court administrator setting forth objections to the claim, or any part thereof; the answer shall be filed on or before the 20th day after the date of mailing the statement; or, if notice has been given by posting, on or before the 20th day after the expiration of the period during which the notice was required to be posted. If no answer is filed within the specified time, the court administrator, upon the filing of an affidavit of default, shall enter judgment for the state in the amount prayed for, plus costs of \$10. If an answer is filed, the issues raised shall stand for trial as soon as possible after

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the filing of the answer, and the court shall determine the issues and direct judgment accordingly; and, if the taxes, interest, or penalties are sustained to any extent over the amount rendered by the taxpayer, shall assess \$10 costs against the taxpayer. The court shall disregard all technicalities and matters of form not affecting the substantial merits. The commissioner may call upon the county attorney or the attorney general to conduct the proceedings on behalf of the state. If a proceeding is referred to a county attorney, and the county attorney fails to issue or cause to be issued an indictment or criminal complaint within 30 days after the referral by the commissioner, the attorney general may conduct the proceeding. Execution shall be issued upon the judgment at the request of the commissioner, and the execution shall, in all other respects, be governed by the laws applicable to executions issued on judgments. Only the homestead and household goods of the judgment debtor shall be exempt from seizure and sale upon the execution.

Sec. 64. Minnesota Statutes 1988, section 282.014, is amended to read:

282.014 COMPLETION OF SALE AND CONVEYANCE.

Upon compliance by the purchaser with the provisions of ~~sections 282.014 to 282.015~~ this chapter and with the terms and conditions of the sale, and upon full payment for the land, plus a ~~\$20~~ \$25 fee in addition to the sale price, the sale shall be complete and a conveyance of the land shall be issued to the purchaser as provided by the appropriate statutes according to the status of the land upon forfeiture.

The conveyance must be forwarded to the county recorder who shall record the conveyance before the auditor issues it to the purchaser.

Sec. 65. Minnesota Statutes 1988, section 296.06, subdivision 2, is amended to read:

Subd. 2. **REQUIREMENTS FOR ISSUANCE.** A distributor's license shall be issued to any responsible person qualifying as a distributor who makes application therefor, and who shall pay to the commissioner at the time thereof and annually thereafter a license fee of ~~\$10~~ \$25, and who shall further comply with the following conditions:

(1) A written application shall be made in a manner approved by the commissioner, who shall require the applicant or licensee to deposit with the state treasurer securities of the United States government or the state of Minnesota or to execute and file a bond, with a corporate surety approved by the commissioner, to the state of Minnesota in an amount to be determined by the commissioner and in a form to be fixed by the commissioner and approved by the attorney general, and which shall be conditioned for the payment when due of all excise taxes, inspection fees, penalties, and accrued interest arising in the ordinary course of business or by reason of any delinquent money which may be due the state of Minnesota; the bond shall cover all places of business within the

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state where petroleum products are received by the licensee; and the applicant or licensee shall designate and maintain an agent in this state upon whom service may be had for all purposes of this section.

(2) An initial applicant for a distributor's license shall furnish a bond in a minimum sum of \$3,000 for the first year;

(3) The commissioner, on reaching the opinion that the bond given by a licensee is inadequate in amount to fully protect the state, shall require an additional bond in such amount as the commissioner deems sufficient;

(4) A licensee who desires to be exempt from depositing securities or furnishing such bond, as hereinbefore provided shall furnish an itemized financial statement showing the assets and the liabilities of the applicant and if it shall appear to the commissioner, from the financial statement or otherwise, that the applicant is financially responsible, then the commissioner may exempt such applicant from depositing such securities or furnishing such bond until the commissioner otherwise orders.

(5) The premium on any bond required under clauses (1) and (2), and on any additional bond required under clause (3), shall be paid by the commissioner out of a bond premium fund required to be set up from an appropriation by the legislature from whatever funds are available. All of said bonds required during each license period shall be purchased by the commissioner of administration from the lowest responsible bidder after advertising for competitive bids in the manner prescribed by Laws 1939, chapter 431, article II, as amended. The commissioner of administration shall call for bids within a reasonable period prior to the commencement of license period.

(6) Each license period shall be for one year ending each June 30.

(7) Upon application to the commissioner and compliance by the applicant with the provisions of this subdivision, the commissioner also shall issue a distributor's license to (a) any person engaged in this state in the bulk storage of petroleum products and the distribution thereof by tank car or tank truck or both, and (b) any person holding an unrevoked license as a distributor since January 1, 1947, and (c) any person holding a license and performing a function under the motor fuel tax law of an adjoining state equivalent to that of a distributor under this act, who desires to ship or deliver petroleum products from that state to persons in this state not licensed as distributors in this state and who agrees to assume with respect to all petroleum products so shipped or delivered the liabilities of a distributor receiving petroleum products in this state, provided, however, that any such license shall be issued only for the purpose of permitting such person to receive in this state the petroleum products so shipped or delivered. Except as herein provided, all persons licensed as distributors under this clause shall have the same rights and privileges and be subject to the same duties, requirements and penalties as other licensed distributors.

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Sec. 66. Minnesota Statutes 1988, section 296.12, subdivision 1, is amended to read:

Subdivision 1. **SPECIAL FUEL DEALERS' LICENSE REQUIREMENTS.** No person except a licensed distributor shall engage in the business of selling or delivering special fuel as a special fuel dealer without having applied for and secured from the commissioner a special fuel dealer's license. The application shall be made in a manner approved by the commissioner and shall be accompanied by the payment of ~~\$10~~ \$25, which shall be the license fee. A special fuel dealer's license shall be issued to any responsible person qualifying as a special fuel dealer who makes proper application therefor. The license shall be displayed in a conspicuous manner in the place of business and shall expire annually on November 30.

A special fuel dealer who discontinues, sells or disposes of the business in any manner, at any time, shall surrender the dealer's special fuel dealer's license at the commissioner's office in St. Paul, Minnesota.

Sec. 67. Minnesota Statutes 1988, section 296.12, subdivision 2, is amended to read:

Subd. 2. **BULK PURCHASERS' LICENSE REQUIREMENTS.** No person shall receive special fuel as a bulk purchaser without having applied for and secured from the commissioner a bulk purchaser's license. The application shall be made in a manner approved by the commissioner and shall be accompanied by the payment of ~~\$10~~ \$25, which shall be the license fee. A bulk purchaser's license shall be issued to any responsible person qualifying as a bulk purchaser who makes proper application therefor. The license shall be displayed in a conspicuous manner in the place of business and shall expire annually on November 30.

A bulk purchaser who discontinues, sells or disposes of the business in any manner, at any time, shall surrender the bulk purchaser's license at the commissioner's office in St. Paul, Minnesota.

Sec. 68. Minnesota Statutes 1988, section 296.17, subdivision 10, is amended to read:

Subd. 10. **LICENSE.** (a) No motor carrier may operate a commercial motor vehicle upon the highways of this state unless and until issued a license pursuant to this section or has obtained a trip permit or temporary authorization as provided in this section.

(b) A license shall be issued to any responsible person qualifying as a motor carrier who makes application therefor and who pays to the commissioner, at the time thereof, a license fee of ~~\$20~~ \$30. The license is valid for a period of up to two years or until revoked by the commissioner or until surrendered by the motor carrier. All outstanding licenses will expire on March 31 of each even-

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numbered year beginning with 1984 and may be renewed upon application to the commissioner and payment of the ~~\$20~~ \$30 fee. The license, photocopy, or electrostatic copy of it, shall be carried in the cab of every commercial motor vehicle while it is being operated in Minnesota by a licensed motor carrier.

Sec. 69. Minnesota Statutes 1988, section 296.17, subdivision 17, is amended to read:

Subd. 17. TRIP PERMITS AND TEMPORARY AUTHORIZATIONS.

(a) A motor carrier may obtain a trip permit which shall authorize an unlicensed motor carrier to operate a commercial motor vehicle in Minnesota for a period of five consecutive days beginning and ending on the dates specified on the face of the permit. The fee for the permit shall be ~~\$15~~ \$25. Fees for trip permits shall be in lieu of the road tax otherwise assessable against the motor carrier on account of the commercial motor vehicle operating therewith, and no reports of mileage shall be required with respect to the vehicle.

The above permit shall be issued in lieu of license if in the course of operations a motor carrier operates on Minnesota highways no more than three times in any one calendar year.

(b) Whenever the commissioner is satisfied that unforeseen or uncertain circumstances have arisen which requires a motor carrier to operate in this state a commercial motor vehicle for which neither a trip permit pursuant to clause (a) of this subdivision nor a license pursuant to subdivisions 7 to 22 has yet been obtained, and if the commissioner is satisfied that prohibition of that operation would cause undue hardship, the commissioner may provide the motor carrier with temporary authorization for the operation of the vehicle. A motor carrier receiving temporary authorization pursuant to this subdivision shall perfect the same either by obtaining a trip permit or a license, as the case may be, for the vehicle at the earliest practicable time.

Sec. 70. Minnesota Statutes 1988, section 349.22, subdivision 2, is amended to read:

Subd. 2. OTHER ACTION. This section does not preclude civil or criminal actions under other applicable law or preclude any agency of government from investigating or prosecuting violations of the provisions of sections 349.11 to 349.214. County attorneys and the attorney general have ~~primary joint~~ responsibility for prosecuting violations of sections 349.11 to 349.214, ~~but and~~ the attorney general may prosecute any violation of those sections. If the county attorney fails to initiate the prosecution within 30 days, the attorney general may initiate prosecution.

Sec. 71. Minnesota Statutes 1988, section 349.36, is amended to read:

349.36 DUTIES OF COUNTY ATTORNEY OR ATTORNEY GENERAL.

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The county attorney of the county in which the hearing is held or the attorney general shall attend the hearing, interrogate the witnesses, and advise the issuing authority. The county attorney or the attorney general shall also appear for the issuing authority on any appeal taken pursuant to the provisions of section 349.39.

Sec. 72. Minnesota Statutes 1989 Supplement, section 357.021, subdivision 2, is amended to read:

Subd. 2. **FEE AMOUNTS.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$55~~; except that in an action for marriage dissolution, the fee is \$75 \$85.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$55~~; except that in an action for marriage dissolution, the fee for the respondent is \$75 \$85.

The party requesting a trial by jury shall pay \$30.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under sections 106A.005 to 106A.811, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding \$5, plus 25 cents per page after the first page and \$3.50, plus 25 cents per page after the first page for an uncertified copy.

(3) Issuing a subpoena \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$5.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$5.

(6) Filing and entering a satisfaction of judgment, partial satisfaction or assignment of judgment, \$5.

(7) Certificate as to existence or nonexistence of judgments docketed, \$1 for each name certified to and \$3 for each judgment certified to.

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(8) Filing and indexing trade name; or recording notary commission; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) All other services required by law for which no fee is provided such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

Sec. 73. Minnesota Statutes 1989 Supplement, section 357.022, is amended to read:

357.022 CONCILIATION COURT FEE.

The court administrator in every county shall charge and collect a filing fee of ~~\$10~~ \$13 from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. The court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

Sec. 74. Minnesota Statutes 1989 Supplement, section 357.08, is amended to read:

357.08 PAID BY APPELLANT IN APPEAL.

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of ~~\$150~~ \$200 to the clerk of the appellate courts. An additional filing fee of ~~\$50~~ \$100 shall be required for a petition for accelerated review by the supreme court. A filing fee of ~~\$150~~ \$200 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the court of appeals. A filing fee of ~~\$150~~ \$200 shall be paid to the clerk of the appellate courts upon the filing of a petition for permission to appeal. A filing fee of ~~\$75~~ \$100 shall be paid to the clerk of the appellate courts upon the filing by a respondent of a notice of review. The clerk shall transmit the fees to the state treasurer for deposit in the state treasury and credit to the general fund.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. The clerk shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district

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judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

Sec. 75. Minnesota Statutes 1988, section 480A.01, subdivision 3, is amended to read:

Subd. 3. **ESTABLISHING NUMBER OF JUDGES.** By January 15, 1985, the state court administrator shall certify to the governor, the president of the senate, and the speaker of the house of representatives, the number of appeals filed in the court of appeals in 1984. By January 15, ~~1987, and every two years thereafter of the odd year,~~ the state court administrator shall certify to the governor, the president of the senate, and the speaker of the house of representatives the average number of appeals filed in the court of appeals in each of the preceding two calendar years. ~~Effective on the following July 1, the normal number of judges of the court of appeals shall be one judge for every 100 cases in that average. If this normal number increases the number of judges, new judges shall be appointed on or after July 1. If this normal number decreases the number of judges, the incumbent judges shall nevertheless continue to serve and to be eligible for reelection, but the first vacancies arising in at-large seats on the court shall not be filled, until the normal number of judges is reached.~~

Sec. 76. Laws 1989, chapter 335, article 1, section 28, is amended to read:

Sec. 28. STATE PLANNING AGENCY	1990	1991	6,105,000	6,505,000
Approved Complement -	113	113		
General -	80.5	80.5		
Special Revenue -	4.5	4.5		
Revolving -	22	22		
Federal -	6	6		

Summary by Fund

General	\$ 5,630,000	\$ 6,030,000
Special Revenue	\$ 475,000	\$ 475,000

\$377,000 the first year and \$377,000 the second year are for regional planning grants to regional development commissions organized under Minnesota Statutes, sections 462.381 to 462.396.

Until June 30, 1991, for state and federal grants distributed by state agencies to regions of the state not having a regional development commission, the state agency administering the grant program may assess the program for administra-

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tive costs incurred by the agency that normally are incurred by the commission.

\$22,000 the first year and \$22,000 the second year are for the Council of Great Lakes Governors.

During the biennium any seminars or training sessions regarding federal issues for federal budgeting that are conducted by the Washington office shall be made available to legislators and legislative staff. The Washington office shall notify the legislature regarding the timing of such seminars.

The commissioner shall contract with an independent consultant to explore future directions for Minnesota in land management information systems. This study shall examine interagency cooperation, public and private venture potential, the status of geographic information systems planning as it applies to Minnesota, the role that the land management information center should play in future development of an overall system, and development of a long-range strategy for Minnesota's role in providing the appropriate services to agencies and political subdivisions. The study shall also explore the activities of other states and nations in the area of geographic information systems. The study must be accomplished in conjunction with the information policy office and be compatible with the long-range information management architecture being developed by the information policy office. A final report shall be submitted to the legislature by January 1, 1991, indicating recommendations for future actions.

The state planning agency shall study the effects on the state's transportation systems, methods of storage, public safety

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systems, and state health concerns of any incinerator to be constructed in Minnesota that is designed to burn hazardous wastes. The report shall include specific recommendations and shall be delivered to the legislature and the affected state agencies by January 1, 1991.

Up to \$500,000 the second year is for one-third of the state's membership fee in the Great Lakes Protection Fund. The governor may enter as a signatory party in the Great Lakes Protection Fund. The fund is created as a permanent endowment to advance the principles, goals, and objectives of the Great Lakes Toxic Substance Control Agreement, executed by the eight Great Lakes governors in May 1986, and to ensure the continuous development of needed scientific information, new cleanup technologies, and innovative methods of managing pollution problems as a cooperative effort in the Great Lakes region.

The governor may enter the state as a signatory party in the Great Lakes Protection Fund, subject to approval by the legislature. After approval, the governor shall do all things necessary or incidental to participate in the Great Lakes Protection Fund, as spelled out in its bylaws and articles of incorporation.

If congressional consent to the Great Lakes Protection Fund carries with it conditions that materially change the provisions agreed to by the party states, the state reserves the option to terminate further participation in the fund.

\$100,000 the first year and \$100,000 the second year are for demonstration grants under the youth employment and housing program to eligible organizations as defined in Minnesota Statutes, section 268.361, subdivision 4. \$75,000 each

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year is for a grant to an eligible organization in the city of Bemidji.

\$250,000 the first year and \$250,000 the second year is for the Way to Grow school readiness program. \$125,000 the first year and \$125,000 the second year must be used for a project located within a city of the first class located within the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2. \$125,000 the first year and \$125,000 the second year must be used for a project located within a city of the second class located within the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2. This is intended to be a nonrecurring appropriation and must not be included in the budget base for the 1992-1993 biennium.

The state planning agency shall study the administrative costs of local units of government and shall report to the legislature by January 1, 1990, on the level and growth of administrative costs and alternatives for controlling future growth.

\$100,000 the first year and \$100,000 the second year are for the Minnesota environmental education board. Any appropriations for the board made by S.F. No. 262 serve to reduce these appropriations.

Sec. 77. Laws 1989, chapter 335, article 4, section 109, subdivision 1, is amended to read:

Subdivision 1. **STATUTORY SECTIONS.** Minnesota Statutes 1988, sections 11A.22; ~~84.0911~~; ~~subdivisions 1 and 3~~; 85.051; 89.04; 93.221; 116J.968; 190.26; 344.03; and 469.121, subdivision 1, are repealed.

Sec. 78. **REENACTMENT.**

As provided in Minnesota Statutes, section 645.36, Minnesota Statutes, section 84.0911, subdivisions 1 and 3 are reenacted.

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Sec. 79. INCREASE IN FEES FOR LICENSES AND PERMITS FOR UTILITIES.

Effective July 1, 1990, the fees in Minnesota Rules, parts 6135.0400 to 6135.0800, adopted pursuant to Minnesota Statutes, section 84.415, subdivisions 1 and 5, are to be increased to an amount equal to the original fee schedule escalated due to inflation from the date the original fee schedule was adopted to July 1, 1990. The basis of escalation shall be the wholesale price index for all commodities. Notwithstanding the rulemaking requirements of section 84.415, subdivision 1, the revised rates shall be published in the State Register prior to becoming effective.

Sec. 80. CANCELLATION OF APPROPRIATION.

The following appropriations are canceled.

(a) \$30,000 the first year and \$30,000 the second year made available from the wild rice account for a cooperative agreement with the Cuyuna Development Corporation for an economic development project on wild rice and grains to be accomplished in consultation with Aitkin Growth, Inc., in Laws 1989, chapter 335, article 1, section 21, subdivision 7 and is reappropriated to the commissioner for wild rice management in public waters.

(b) \$50,000 the first year and \$50,000 the second year made available for a grant to Aitkin Growth, Inc., for the development of projects for added value to wild rice and other grains, in Laws 1989, chapter 335, article 1, section 21, subdivision 7, is canceled.

Sec. 81. REPEALER.

Minnesota Statutes 1989 Supplement, section 480.241; and Laws 1989, chapter 303, section 10, are repealed.

Sec. 82. EFFECTIVE DATE.

This article is effective the day following final enactment, except as follows:

Section 53 is effective March 1, 1990.

Section 55 applies to fees collected on and after March 1, 1990.

Sections 65, 66, 67, and 68 are effective for license applications filed on or after July 1, 1990.

Section 69 is effective for permit applications filed on or after July 1, 1990.

Sections 77 and 78 are retroactive to July 1, 1989.

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ARTICLE 2

JUDICIAL SYSTEM

Section 1. Minnesota Statutes 1989 Supplement, section 43A.02, subdivision 25, is amended to read:

Subd. 25. **JUDICIAL BRANCH.** "Judicial branch" means all judges of the appellate courts, all employees of the appellate courts, including commissions, boards and committees established by the supreme court, the board of law examiners, the law library, the office of the public defender, all judges of all courts of law, district court referees, judicial officers, court reporters, law clerks, district administration employees under section 484.68, court administrator or employee of the court and guardian ad litem program employees in the eighth judicial district, and other agencies placed in the judicial branch by law. Judicial branch does not include district administration employees in the second and fourth judicial districts, court administrators or their staff under chapter 485, guardians ad litem, or other employees within the court system whose salaries are paid by the county, other than employees who remain on the county payroll under section 480.181, subdivision 2.

Sec. 2. Minnesota Statutes 1989 Supplement, section 43A.24, subdivision 2, is amended to read:

Subd. 2. **OTHER ELIGIBLE PERSONS.** The following persons are eligible for state paid life insurance and hospital, medical, and dental benefits as determined in applicable collective bargaining agreements or by the commissioner or by plans pursuant to section 43A.18, subdivision 6, or by the board of regents for employees of the University of Minnesota not covered by collective bargaining agreements. Coverages made available, including optional coverages, are as contained in the plan established pursuant to section 43A.18, subdivision 2.

(a) a member of the state legislature, provided that changes in benefits resulting in increased costs to the state shall not be effective until expiration of the term of the members of the existing house of representatives. An eligible member of the state legislature may decline to be enrolled for state paid coverages by filing a written waiver with the commissioner. The waiver shall not prohibit the member from enrolling the member or dependents for optional coverages, without cost to the state, as provided for in section 43A.26. A member of the state legislature who returns from a leave of absence to a position previously occupied in the civil service shall be eligible to receive the life insurance and hospital, medical, and dental benefits to which the position is entitled;

(b) a permanent employee of the legislature or a permanent employee of a permanent study or interim committee or commission or a state employee on leave of absence to work for the legislature, during a regular or special legislative session;

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(c) a judge of the appellate courts or an officer or employee of these courts; a judge of the district court, a judge of county court, a judge of county municipal court, or a judge of probate court; a district court referee, judicial officer, court reporter, or law clerk; a district administrator; ~~and~~ an employee of the office of the district administrator that is not in the second or fourth judicial district; a court administrator or employee of the court administrator in the eighth judicial district, and a guardian ad litem program administrator in the eighth judicial district;

(d) a salaried employee of the public employees retirement association;

(e) a full-time military or civilian officer or employee in the unclassified service of the department of military affairs whose salary is paid from state funds;

(f) a salaried employee of the Minnesota historical society, whether paid from state funds or otherwise, who is not a member of the governing board;

(g) an employee of the regents of the University of Minnesota;

(h) notwithstanding section 43A.27, subdivision 3, an employee of the state of Minnesota or the regents of the University of Minnesota who is at least 60 and not yet 65 years of age on July 1, 1982, who is otherwise eligible for employee and dependent insurance and benefits pursuant to section 43A.18 or other law, who has at least 20 years of service and retires, earlier than required, within 60 days of March 23, 1982; or an employee who is at least 60 and not yet 65 years of age on July 1, 1982, who has at least 20 years of state service and retires, earlier than required, from employment at Rochester state hospital after July 1, 1981; or an employee who is at least 55 and not yet 65 years of age on July 1, 1982, and is covered by the Minnesota state retirement system correctional employee retirement plan or the state patrol retirement fund, who has at least 20 years of state service and retires, earlier than required, within 60 days of March 23, 1982. For purposes of this clause, a person retires when the person terminates active employment in state or University of Minnesota service and applies for a retirement annuity. Eligibility shall cease when the retired employee attains the age of 65, or when the employee chooses not to receive the annuity that the employee has applied for. The retired employee shall be eligible for coverages to which the employee was entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established pursuant to section 43A.18, for employees in positions equivalent to that from which retired, provided that the retired employee shall not be eligible for state-paid life insurance. Coverages shall be coordinated with relevant health insurance benefits provided through the federally sponsored Medicare program; and

(i) An employee of an agency of the state of Minnesota identified through the process provided in this paragraph who is eligible to retire prior to age 65. The commissioner and the exclusive representative of state employees shall enter into agreements under section 179A.22 to identify employees whose posi-

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tions are in programs that are being permanently eliminated or reduced due to federal or state policies or practices. Failure to reach agreement identifying these employees is not subject to impasse procedures provided in chapter 179A. The commissioner must prepare a plan identifying eligible employees not covered by a collective bargaining agreement in accordance with the process outlined in section 43A.18, subdivisions 2 and 3. For purposes of this paragraph, a person retires when the person terminates active employment in state service and applies for a retirement annuity. Eligibility ends as provided in the agreement or plan, but must cease at the end of the month in which the retired employee chooses not to receive an annuity, or the employee is eligible for employer-paid health insurance from a new employer. The retired employees shall be eligible for coverages to which they were entitled at the time of retirement, subject to any changes in coverage through collective bargaining or plans established under section 43A.18 for employees in positions equivalent to that from which they retired, provided that the retired employees shall not be eligible for state-paid life insurance.

Sec. 3. [484.75] HIRING AND SALARY MORATORIUM.

A county or a court must not increase the number of referees, judicial officers, court reporters, law clerks, or district administration employees, other than district administration employees in the second or fourth judicial district, unless the increase is approved by the supreme court. A county or a court must not increase the salaries of these employees without the approval of the supreme court, unless the increase is made under a plan adopted before January 30, 1989. The supreme court must not approve aggregate performance increases for these employees that exceed an average of five percent. New positions created after January 30, 1989, must be reflected as change requests in the biennial budget process when these functions are taken over by the state. Salary limits do not apply to employees covered by chapter 179A.

ARTICLE 3

FUND CONSOLIDATION

Section 1. Minnesota Statutes 1989 Supplement, section 16B.28, subdivision 3, is amended to read:

Subd. 3. **REVOLVING FUND DEPOSIT OF RECEIPTS.** (a) CREATION. The materials distribution revolving fund is a separate fund in the state treasury. ~~All money relating to the resource recovery program established under section 115A.15, subdivision 4;~~ All money resulting from the acquisition, acceptance, warehousing, distribution, and public sale of surplus property, must be deposited in the fund. All money resulting from the sale of centrally acquired, warehoused, and distributed supplies, materials, and equipment, and all money

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relating to the cooperative purchasing venture established under section 471.59 must be deposited in the fund. Money paid into the materials distribution revolving fund is appropriated to the commissioner for the purposes of the programs and services referred to in this section.

(b) **TRANSFER OR SALE TO STATE AGENCY.** When the state or an agency operating under a legislative appropriation obtains surplus property from the commissioner, the commissioner of finance must, at the commissioner's request, transfer the cost of the surplus property, including any expenses of acquiring, accepting, warehousing, and distributing the surplus property, from the appropriation of the state agency receiving the surplus property to the materials distribution revolving fund. The determination of the commissioner is final as to the cost of the surplus property to the state agency receiving the property.

(c) **TRANSFER OR SALE TO OTHER GOVERNMENTAL UNITS OR NONPROFIT ORGANIZATIONS.** When any governmental unit or nonprofit organization other than a state agency receives surplus property, supplies, materials, or equipment from the commissioner, the governmental unit or nonprofit organization must reimburse the materials distribution revolving fund for the cost of the property, including the expenses of acquiring, accepting, warehousing, and distributing it, in an amount the commissioner sets. The commissioner may, however, require the governmental unit or nonprofit organization to deposit in advance in the materials distribution revolving fund the cost of the surplus property, supplies, materials, and equipment upon mutually agreeable terms and conditions. The commissioner may charge a fee to political subdivisions and nonprofit organizations to establish their eligibility for receiving the property and to pay for costs of storage and distribution.

Sec. 2. Minnesota Statutes 1989 Supplement, section 41A.05, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT OF ACCOUNT.** The Minnesota agricultural and economic development account is established in the special revenue fund and may be invested ~~separately from all other funds of the state~~ by the state board of investment. All money appropriated to the account, and all guaranty fees, retail sales taxes, property tax increments, and other money from any source ~~which~~ may be credited to the account and are appropriated to the board to carry out the purposes of this chapter. The board may maintain or establish within the Minnesota agricultural and economic development account reserve accounts, project accounts, trustee accounts, special guaranty fund accounts, or other restrictions it determines necessary or appropriate. The board may enter into pledge and escrow agreements or indentures of trust with a trustee for the purpose of maintaining the accounts.

Sec. 3. Minnesota Statutes 1989 Supplement, section 85.205, is amended to read:

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85.205 RECEPTACLES FOR RECYCLING.

The commissioner of natural resources must provide recycling conveniences at all state parks.

(a) State park managers must provide and maintain adequate receptacles for collection of food containers for recycling in all state parks.

(b) Appropriate recycling information must be available to all state park visitors.

(c) State park managers must post a notice of recycling availability at appropriate locations within each state park.

(d) State park managers must where practicable recycle the gathered recyclable materials, provide for the local unit of government to recycle the gathered materials, or contract with private nonprofit groups for recycling.

(e) Money collected by state park managers for recycling must be deposited in the state treasury and credited to the ~~state park maintenance and operation account~~ general fund.

Sec. 4. Minnesota Statutes 1988, section 89.58, is amended to read:

89.58 FOREST PEST CONTROL ~~FUND~~ ACCOUNT.

All money collected under the provisions of sections 89.51 to 89.61 together with such money as may be appropriated by the legislature or allocated by the legislative advisory commission for the purposes of sections 89.51 to 89.61, and such money as may be contributed or paid by the federal government, or any other public or private agency, organization or individual, shall be deposited in the state treasury, to the credit of the forest pest control ~~fund~~ account, which ~~fund~~ account is hereby created, and any moneys therein are appropriated to the commissioner for use in carrying out the purposes hereof.

Sec. 5. Minnesota Statutes 1988, section 115A.15, subdivision 6, is amended to read:

Subd. 6. **USE OF MATERIALS DISTRIBUTION REVOLVING ~~FUND~~ FUNDS**. All funds appropriated by the state for the resource recovery program, all revenues resulting from the sale of recyclable and reusable commodities made available for sale as a result of the resource recovery program and all reimbursements to the commissioner of expenses incurred by the commissioner in developing and administering resource recovery systems for state agencies, governmental units, and nonprofit organizations must be deposited in the ~~materials distribution revolving fund created in section 16B.28~~. ~~The fund may be used for all activities associated with the program including payment of administrative and operating costs~~ general fund. The commissioner shall determine the waste disposal cost savings associated with recycling and reuse activi-

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ties, collect those savings from the account responsible for disposing of wastes produced in state buildings, and credit the savings to the ~~materials distribution revolving~~ general fund.

Sec. 6. Minnesota Statutes 1988, section 176B.02, is amended to read:

176B.02 PEACE OFFICERS BENEFIT ~~FUND~~ ACCOUNT.

There is hereby created in the state treasury an account to be known as peace officers benefit ~~fund~~ account. Funds in the peace officers benefit ~~fund~~ account shall consist of money appropriated to that ~~fund~~ account. The administrator of the ~~fund~~ account is the commissioner of employee relations, who shall follow the procedures specified in section 176.541, subdivisions 2, 3, and 4.

Sec. 7. Minnesota Statutes 1988, section 176B.04, is amended to read:

176B.04 DISBURSEMENTS.

Upon certification to the governor by the administrator of the ~~fund~~ account that a peace officer employed by a state or governmental subdivision within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall, subject to the approval of the workers' compensation court of appeals, pay \$100,000 as follows:

- (a) if there is no dependent child, to the spouse;
- (b) if there is no spouse, to the dependent child or children in equal shares;
- (c) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (d) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares;
- (e) if there is no surviving spouse or dependent child, children or parent, then there shall be no payment made from the peace officers benefit ~~fund~~ account.

"Killed in the line of duty" does not include deaths from natural causes or deaths that occur during employment for a private employer other than an independent nonprofit firefighting corporation.

Sec. 8. Minnesota Statutes 1988, section 201.023, is amended to read:

201.023 VOTER REGISTRATION ACCOUNT.

The ~~voter registration account~~ is established as an account in the state treasury. Amounts received by the secretary of state to pay the cost of producing lists of registered voters under section 201.091, subdivision 5, by the state-wide computerized registration system must be deposited in the state treasury and credited to the ~~voter registration account~~. ~~Money in the voter registration account is continually appropriated to the secretary of state to produce lists of registered voters under section 201.091, subdivision 5~~ general fund.

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Sec. 9. Minnesota Statutes 1988, section 243.48, subdivision 1, is amended to read:

Subdivision 1. **GENERAL SEARCHES.** The commissioner of corrections, the governor, lieutenant governor, members of the legislature, state officers, and the corrections ombudsman, may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the current expense fund of the facility general fund.

Sec. 10. Minnesota Statutes 1988, section 268.677, subdivision 2, is amended to read:

Subd. 2. Reimbursement to the commissioner for the costs of administering wage subsidies must not exceed one-half percent of the money appropriated. Reimbursements must be deposited in the general fund. Reimbursement to an eligible local service unit for the costs of administering wage subsidies must not exceed five percent and for the purchase of supplies and materials necessary to create permanent improvements to public property must not exceed one percent of the money allocated to that local service unit. The commissioner and the eligible local service units shall reallocate money from other sources to cover the costs of administering wage subsidies whenever possible.

Sec. 11. Minnesota Statutes 1988, section 268.681, subdivision 3, is amended to read:

Subd. 3. **PAYBACK.** A business receiving wage subsidies shall repay 70 percent of the amount initially received for each eligible job applicant employed, if the employee does not continue in the employment of the business beyond the six-month subsidized period. If the employee continues in the employment of the business for one year or longer after the six-month subsidized period, the business need not repay any of the funds received for that employee's wages. If the employee continues in the employment of the business for a period of less than one year after the expiration of the six-month subsidized period, the business shall receive a proportional reduction in the amount it must repay. If an employer dismisses an employee for good cause and works in good faith with the eligible local service unit or its contractor to employ and train another person referred by the eligible local service unit or its contractor, the payback formula shall apply as if the original person had continued in employment.

A repayment schedule shall be negotiated and agreed to by the eligible local service unit and the business prior to the disbursement of the funds and is subject to renegotiation. The eligible local service unit shall forward 25 percent of the payments received under this subdivision to the commissioner on a monthly basis and shall retain the remaining 75 percent for local program

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expenditures. Notwithstanding section 268.677, subdivision 2, the local service unit may use up to 20 percent of its share of the funds returned under this subdivision for any administrative costs associated with the collection of the funds under this subdivision. At least 80 percent of the local service unit's share of the funds returned under this subdivision must be used as provided in section 268.677. The commissioner shall deposit payments forwarded to the commissioner under this subdivision in the ~~Minnesota wage subsidy account created by subdivision 4~~ general fund.

Sec. 12. Minnesota Statutes 1988, section 297.03, subdivision 5a, is amended to read:

Subd. 5a. **REVOLVING ACCOUNT DEPOSIT OF PROCEEDS.** ~~A heat applied cigarette tax stamp revolving account is created. The commissioner shall use the amounts in this fund appropriated by law to purchase heat applied stamps for resale. The commissioner shall charge the purchasers for the costs of the stamps along with the tax value plus shipping costs. The costs recovered along with shipping costs must be deposited into this revolving account and are available to the commissioner for further purchases and shipping costs the~~ general fund. ~~The revolving account must be funded by reducing the stamping discounts allowed in subdivision 5 for the first three months of fiscal year 1989. The stamping discounts are 0.75 percent of the face amount of any stamps purchased in the first three months for the first \$1,500,000 of the stamps and 0.50 percent on the remainder of the stamps purchased.~~

~~At the end of each of the first three months of fiscal year 1989, the commissioner shall notify the commissioner of finance of the amount of reduced stamping discounts that have accrued to the tobacco tax revenue fund. The commissioner of finance shall then transfer the amounts to the heat applied cigarette tax stamp revolving account from the tobacco tax revenue fund.~~

Sec. 13. Minnesota Statutes 1988, section 326.75, subdivision 4, is amended to read:

Subd. 4. **DEPOSIT OF FEES.** Fees collected under this section shall be deposited in a special account to be known as the asbestos abatement revolving fund created by section 326.82 general fund.

Sec. 14. Minnesota Statutes 1988, section 349.52, subdivision 3, is amended to read:

Subd. 3. **VIDEO GAMING LICENSE ACCOUNT.** (a) Fees collected by the commissioner under sections 349.50 to 349.60 must be deposited in the state treasury in a special account to be known as the "video gaming license account." ~~Money in the account is appropriated to the commissioner for distribution under paragraph (b)~~ the general fund.

(b) The operator shall, by January 31 of each year, certify to the commis-

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sioner the number of video games of chance located in each city, and in each county outside of incorporated areas, on December 31 of the previous year. Within 15 days of receiving this certification the commissioner shall pay from the ~~video gaming license account~~ amounts appropriated to the commissioner to each city and county \$30 for each video game of chance located in the city or in the county outside city limits. After making these payments the commissioner shall transfer the unexpended balance in the account to the general fund.

Sec. 15. **REPEALER.**

Minnesota Statutes 1988, sections 85.30; 268.681, subdivision 4; and 326.82, are repealed.

Sec. 16. **INSTRUCTION TO REVISOR.**

In the next edition of Minnesota Statutes, the revisor shall change the references in column A to those in Column B.

<u>Section</u>	<u>A</u>	<u>B</u>
<u>326.70</u>	<u>326.82</u>	<u>326.81</u>
<u>326.71, subdivision 1</u>	<u>326.82</u>	<u>326.81</u>
<u>326.76</u>	<u>326.82</u>	<u>326.81</u>
<u>326.78, subdivision 1</u>	<u>326.82</u>	<u>326.81</u>
<u>326.79</u>	<u>326.82</u>	<u>326.81</u>
<u>326.80</u>	<u>326.82</u>	<u>326.81</u>
<u>326.81</u>	<u>326.82</u>	<u>326.81</u>

Sec. 17. **EFFECTIVE DATE.**

This article is effective July 1, 1991.

Presented to the governor April 28, 1990

Signed by the governor May 8, 1990, 9:13 p.m.

CHAPTER 595—S.F.No. 2160

An act relating to education; providing for the environmental education act; creating the office of environmental education; proposing coding for new law as Minnesota Statutes, chapter 126A; repealing Minnesota Statutes 1988, sections 116E.01; 116E.02; 116E.03, subdivisions 2, 3, 4, 5, 6, 7, 7a, 8, and 9; and 116E.04; Minnesota Statutes 1989 Supplement, sections 116E.03, subdivision 1; and 116E.035.

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

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