

refuse-derived fuel facilities must conduct periodic stack testing for mercury at intervals not to exceed ~~15~~ 12 months unless a previous test showed a permit exceedance after which the agency may require quarterly testing until permit requirements are satisfied. With the approval of the commissioner, an incinerator facility may use methods other than stack testing for determining mercury in air emissions.

(c) After demonstrating that mercury emissions have been below 50 percent of the facility's permitted mercury limit for three consecutive years, as tested under the conditions of paragraph (b), an incinerator facility may choose to conduct stack testing once every three years or according to applicable federal requirements, whichever is more stringent. The facility shall notify the commissioner of its alternative mercury testing schedule, and the commissioner shall include operating conditions in the facility's permit that ensure that the facility will continue to emit mercury emissions less than 50 percent of the applicable standard.

(d) If a test conducted under the provisions of paragraph (c) shows mercury emissions greater than 50 percent of the facility's permitted mercury limit, the facility shall conduct annual mercury stack sampling until emissions are below 50 percent of the facility's permitted mercury limit. Once the facility demonstrates that mercury emissions are again below 50 percent of the facility's permitted mercury limit, the facility may resume testing every three years or according to federal requirements, whichever is more stringent, upon notifying the commissioner.

(e) In amending, modifying, or reissuing a facility's air emissions permit which contains a provision that restricts mercury emissions from the facility the commissioner shall, at a minimum, continue that permit restriction at the same level unless the applicant demonstrates that no good cause exists to do so.

Presented to the governor May 19, 1997

Signed by the governor May 20, 1997, 10:42 a.m.

#### CHAPTER 190—S.F.No. 1023

*An act relating to taxation; authorizing a fee on motor vehicle rentals to compensate for the cost of the registration of the vehicle; proposing coding for new law in Minnesota Statutes, chapter 168.*

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

##### Section 1. **[168.019] FEE IMPOSED.**

Subdivision 1. FEE IMPOSED; DESIGNATION. A fee of three percent of the charge for the rental of a vehicle subject to the tax imposed by section 297A.135 is imposed for the purpose of reimbursing lessors for the cost of registering vehicles under this chapter. The fee may be designated on the statement of charges presented by the lessor to the customer as "a fee imposed by the state of Minnesota for the registration of rental cars."

New language is indicated by underline, deletions by strikeout.

Subd. 2. PAYMENT OF EXCESS FEES. By March 31 of the year following the end of a calendar year during which a lessor has imposed a fee under subdivision 1, the lessor shall report to the commissioner of revenue, in the form required by the commissioner, the amount of the fee collected. If the amount of the fee collected during the previous year exceeds the amount of motor vehicle registration taxes paid under this chapter during the same period, the lessor shall remit the excess to the commissioner of revenue at the time the report is submitted. The commissioner of revenue shall annually transfer to the highway user tax distribution fund an amount equal to the fees collected in excess of the motor vehicle registration taxes paid.

Presented to the governor May 19, 1997

Signed by the governor May 20, 1997, 10:45 a.m.

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## CHAPTER 191—S.F.No. 1820

*An act relating to energy; providing for customer-specific terms in electric utility service contracts; modifying provisions relating to the legislative electric energy task force; requiring study on restructuring the electric industry; allowing exception to prohibition on natural gas outdoor lighting; exempting property that produces hydroelectric or hydromechanical power on federal land from property taxation; requiring reports on mercury emissions resulting from generation of electricity; amending Minnesota Statutes 1996, sections 216B.05; 216B.162, subdivisions 1, 4, and by adding subdivisions; 216C.051, subdivisions 2 and 6; 216C.19, subdivision 5; 272.02, subdivision 1; and 295.44, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116.*

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

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### ARTICLE 1

Section 1. Minnesota Statutes 1996, section 216B.05, is amended to read:

#### 216B.05 FILING SCHEDULES, RULES, AND SERVICE AGREEMENTS.

Subdivision 1. **SCHEDULES PUBLIC RATE FILINGS.** Every public utility shall file with the commission schedules showing all rates, tolls, tariffs and charges which it has established and which are in force at the time for any service performed by it within the state, or for any service in connection therewith or performed by any public utility controlled or operated by it.

Subd. 2. **SCHEDULES AND RULES AND SERVICE AGREEMENTS FILINGS.** Every public utility shall file with and as a part of the schedule filings under subdivision 1, all rules that, in the judgment of the commission, in any manner affect the service or product, or the rates charged or to be charged for any service or product, as well as any contracts, agreements or arrangements relating to the service or product or the rates

New language is indicated by underline, deletions by strikeout.