

must report to the director before April 1 of the following year the total number of gallons of nonoxygenated premium grade gasoline sold during the period of October 1 through January 31. Data submitted to the department under this paragraph shall be considered nonpublic data as defined in section 13.02, subdivision 13. This notice must be posted at least two feet above the ground. A retail gasoline station that sells nonoxygenated premium gasoline as defined in section 239.791, subdivision 15, must register every two years with the director, or an entity appointed by the director, on forms approved by the director, the total amount of nonoxygenated premium gasoline sold annually.

Sec. 4. Minnesota Statutes 2002, section 239.791, is amended by adding a subdivision to read:

Subd. 15. EXEMPTION FOR CERTAIN BLEND PUMPS. A person responsible for the product, who offers for sale, sells, or dispenses nonoxygenated premium gasoline under one or more of the exemptions in subdivisions 10 to 14, may sell, offer for sale, or dispense oxygenated gasoline that contains less than the minimum amount of ethanol required under subdivision 1 if all of the following conditions are met:

- (1) the blended gasoline has an octane rating of 88 or greater;
- (2) the gasoline is a blend of oxygenated gasoline meeting the requirements of subdivision 1 with nonoxygenated premium gasoline;
- (3) the blended gasoline contains not more than ten percent nonoxygenated premium gasoline;
- (4) the blending of oxygenated gasoline with nonoxygenated gasoline occurs within the gasoline dispenser; and
- (5) the gasoline station at which the gasoline is sold, offered for sale, or delivered is equipped to store gasoline in not more than two storage tanks.

This subdivision applies only to those persons who meet the conditions in clauses (1) through (5) on the effective date of this act and have registered with the director within three months of the effective date of this act.

Sec. 5. **REPEALER.**

Minnesota Statutes 2002, sections 239.12 and 239.25, are repealed.

Presented to the governor May 10, 2004

Signed by the governor May 12, 2004, 5:15 p.m.

CHAPTER 190—H.F.No. 1425

An act relating to judgments; regulating stays of execution on money judgments; limiting bond amounts; amending Minnesota Statutes 2002, section 550.36.

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

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

Section 1. Minnesota Statutes 2002, section 550.36, is amended to read:

550.36 STAY OF EXECUTION ON MONEY JUDGMENT.

(a) This section is an alternative to the Minnesota Rule of Civil Appellate Procedure, section 108.01, subdivision 3. Execution of a judgment for the payment of money only shall be stayed for six months during the course of all appeals or discretionary appellate reviews of a judgment if, within ten days after the entry thereof, the judgment debtor shall file with the court administrator a bond, running to the judgment creditor, the creditor's personal representatives and assigns. The amount of the bond must be in double the amount of the judgment, to be approved by the court, and or a lesser amount approved by the court in the interests of justice. The total appeal bond that is required of all appellants must not exceed \$150,000,000, regardless of the value of the judgment. The bond must be conditioned for the payment of the judgment, with interest during the time for which the stay is granted. Interest shall be computed in the same manner and at the same rate provided for interest on verdicts in section 549.09. Within two days thereafter notice that such bond has been filed, with a copy of the same, shall be served on the judgment creditor, if the creditor be a resident of the county, or upon the creditor's agent or attorney, if the creditor has one, and the judgment creditor may except to the sufficiency of the bond; and, upon the creditor's application upon notice or order to show cause, the court, if it find the bond insufficient, may order execution to issue notwithstanding the same, unless the judgment debtor give such further bond as it shall deem sufficient. If the condition of any such bond be not performed, the execution shall issue for the amount of the judgment, with interest and costs, against the judgment debtor and the sureties. When an execution issues against sureties the officer shall certify in the return what amount, if any, was collected from them and the date thereof. If a stay be granted after execution issued, any levy made thereon shall be released and the execution shall be returned and the reason noted by the officer.

(b) Notwithstanding paragraph (a), if a judgment creditor provides evidence that a judgment debtor may be dissipating assets to avoid payment of a judgment, a court may enter orders that:

- (1) are necessary to protect the judgment creditor; and
- (2) require the judgment debtor to post a bond in an amount up to the total amount of the judgment.

Sec. 2. EFFECTIVE DATE; APPLICATION.

Section 1 is effective the day following final enactment and applies to all cases pending on or filed after that date, except for any case in which a judgment has been entered and is under appeal as of that date or is the subject of a petition for discretionary review as of that date.

Presented to the governor May 10, 2004

Signed by the governor May 13, 2004, 11:50 a.m.

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