

CHAPTER 137—H.F.No. 473

An act relating to creditors' remedies; exempting certain jewelry from attachment, garnishment, or sale; amending Minnesota Statutes 2004, section 550.37, subdivision 4.

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

Section 1. Minnesota Statutes 2004, section 550.37, subdivision 4, is amended to read:

Subd. 4. **PERSONAL GOODS.** (a) All wearing apparel, one watch, utensils, and foodstuffs of the debtor and the debtor's family; and

(b) household furniture, household appliances, phonographs, radio and television receivers of the debtor and the debtor's family, not exceeding \$4,500 in value; and

(c) the debtor's aggregate interest, not exceeding \$1,225 in value, in wedding rings or other religious or culturally recognized symbols of marriage exchanged between the debtor and spouse at the time of the marriage and in the debtor's possession.

The exemption provided by this subdivision may not be waived except with regard to purchase money security interests. Except for a pawnbroker's possessory lien, a nonpurchase money security interest in the property exempt under this subdivision is void.

If a debtor has property of the type which would qualify for the exemption under clause (b) of this subdivision, of a value in excess of \$4,500 an itemized list of the exempt property, together with the value of each item listed, shall be attached to the security agreement at the time a security interest is taken, and a creditor may take a nonpurchase money security interest in the excess over \$4,500 by requiring the debtor to select the exemption in writing at the time the loan is made.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 31, 2005

Signed by the governor June 2, 2005, 2:25 p.m.

CHAPTER 138—H.F.No. 894

An act relating to waters; modifying authority for public waters inventory; modifying public waters work permit and water use permit provisions; modifying enforcement authority; modifying a restriction on private land sale in Scott County; amending Minnesota Statutes 2004, sections 103G.201; 103G.2372, subdivision 1; 103G.245, subdivision 4; 103G.251, subdivision 2; 103G.301, subdivision 2; Laws 2003, First Special Session chapter 13, section 25.

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

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

Section 1. Minnesota Statutes 2004, section 103G.201, is amended to read:

103G.201 PUBLIC WATERS INVENTORY.

(a) The commissioner shall prepare a public waters inventory map of each county that shows the waters of this state that are designated as public waters under the public waters inventory and classification procedures prescribed under Laws 1979, chapter 199. The public waters inventory map for each county must be filed with the auditor of the county.

(b) The commissioner is authorized to revise the list of public waters established under Laws 1979, chapter 199, to reclassify those types 3, 4, and 5 wetlands previously identified as public waters wetlands under Laws 1979, chapter 199, as public waters or as wetlands under section 103G.005, subdivision 19. The commissioner may only reclassify public waters wetlands as public waters if:

(1) they are assigned a shoreland management classification by the commissioner under sections 103F.201 to 103F.221;

(2) they are classified as lacustrine wetlands or deepwater habitats according to Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, et al., 1979 edition); or

(3) the state or federal government has become titleholder to any of the beds or shores of the public waters wetlands, subsequent to the preparation of the public waters inventory map filed with the auditor of the county, pursuant to paragraph (a), and the responsible state or federal agency declares that the water is necessary for the purposes of the public ownership.

(c) The commissioner must provide notice of the reclassification to the local government unit, the county board, the watershed district, if one exists for the area, and the soil and water conservation district. Within 60 days of receiving notice from the commissioner, a party required to receive the notice may provide a resolution stating objections to the reclassification. If the commissioner receives an objection from a party required to receive the notice, the reclassification is not effective. If the commissioner does not receive an objection from a party required to receive the notice, the reclassification of a wetland under paragraph (b) is effective 60 days after the notice is received by all of the parties.

(d) The commissioner shall give priority to the reclassification of public waters wetlands that are or have the potential to be affected by public works projects.

(e) The commissioner may revise the public waters inventory map and list of each county:

(1) to reflect the changes authorized in paragraph (b); and

(2) as needed, to:

(i) correct errors in the original inventory;

(ii) add or subtract trout stream tributaries within sections that contain a designated trout stream following written notice to the landowner;

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

(iii) add depleted quarries, and sand and gravel pits, when the body of water exceeds 50 acres and the shoreland has been zoned for residential development; and

(iv) add or subtract public waters that have been created or eliminated as a requirement of a permit authorized by the commissioner under section 103G.245.

Sec. 2. Minnesota Statutes 2004, section 103G.2372, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER OF NATURAL RESOURCES.** (a) The commissioner of natural resources, conservation officers, and peace officers shall enforce laws preserving and protecting ground water quantity, wetlands, and public waters. The commissioner of natural resources, a conservation officer, or a peace officer may issue a cease and desist order to stop any illegal activity adversely affecting ground water quantity, a wetland, or public waters.

(b) In the order, or by separate order, the commissioner, conservation officer, or peace officer may require restoration or replacement of the wetland or public waters, as determined by the local soil and water conservation district for wetlands and the commissioner of natural resources for public waters. Restoration or replacement orders may be recorded or filed in the office of the county recorder or registrar of titles, as appropriate, in the county where the real property is located by the commissioner of natural resources, conservation officers, or peace officers as a deed restriction on the property that runs with the land and is binding on the owners, successors, and assigns until the conditions of the order are met or the order is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee for any document filed under this section.

Sec. 3. Minnesota Statutes 2004, section 103G.245, subdivision 4, is amended to read:

Subd. 4. **STRUCTURES IN OR ADJACENT TO PUBLIC WATERS.** (a) The following definitions apply to this subdivision:

(1) "boathouse" means a floating structure or watercraft that is moored by spuds, cables, ropes, anchors, or chains that may be intended for habitation and has walls, a roof, and either an open well for boats or a floor from wall to wall and does not include houseboats watercraft that are designed and operated as motorboats; and

(2) "houseboat" "motorboat" means a motorboat that has either a pontoon or a flat-bottomed hull configuration, and a permanent enclosed superstructure housing, at a minimum, built-in sleeping, cooking, and toilet facilities watercraft that is designed for and is capable of navigation on the water and that has an adequately sized external or internal mechanical propulsion system for the type of watercraft.

(b) The commissioner, subject to the approval of the county board, may grant and prescribe terms and conditions for granting public waters work permits to establish, construct, maintain, and control wharves, docks, piers, levees, breakwaters, basins, canals, and hangars in or adjacent to public waters of the state, except within the corporate limits of a municipality.

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

(c) Boathouses are prohibited on public waters of Minnesota, except as allowed by paragraph (d).

(d) The commissioner may issue a public waters work permit for boathouses ~~only~~, when approved by the local governmental unit and:

(1) only in areas of historic use for such the structures, as determined by the commissioner, and where the boathouse was in existence on public waters prior to January 1, 1997; or

(2) when approved by the local government unit; and

(3) where the boathouse is in existence on public waters prior to January 1, 1997 serves as a public service structure within a permitted commercial marina.

(e) A boathouse in existence on public waters prior to January 1, 1997, may be repaired or replaced, provided that the repairs or replacement are consistent with the permit issued by the commissioner under paragraph (d).

Sec. 4. Minnesota Statutes 2004, section 103G.251, subdivision 2, is amended to read:

Subd. 2. **FINDINGS AND ORDER.** (a) With or without a public hearing, the commissioner may make findings and issue orders related to activities being conducted without a permit that affect waters of the state as otherwise authorized under this chapter.

(b) A copy of the findings and order must be served on the person to whom the order is issued.

(c) If the commissioner issues the findings and order without a hearing, the person to whom the order is issued may file a demand for a hearing with the commissioner. The demand for a hearing must be accompanied by the bond as provided in section 103G.311, subdivision 6, and the hearing must be held in the same manner and with the same requirements as a hearing held under section 103G.311, subdivision 5. The demand for a hearing and bond must be filed by 30 days after the person is served with a copy of the commissioner's order.

(d) The hearing must be conducted as a contested case hearing under chapter 14.

(e) If the person to whom the order is addressed does not demand a hearing or demands a hearing but fails to file the required bond:

(1) the commissioner's order becomes final at the end of 30 days after the person is served with the order; and

(2) the person may not appeal the order.

(f) An order of the commissioner may be recorded or filed by the commissioner in the office of the county recorder or registrar of titles, as appropriate, in the county where the real property is located as a deed restriction on the property that runs with the land and is binding on the owners, successors, and assigns until the conditions of the order are met or the order is rescinded.

New language is indicated by underline, deletions by strikeout.

Sec. 5. Minnesota Statutes 2004, section 103G.301, subdivision 2, is amended to read:

Subd. 2. **PERMIT APPLICATION FEES.** (a) ~~An application for a permit authorized under this chapter, and each request to amend or transfer an existing permit, must be accompanied by A permit application fee to defray the costs of receiving, recording, and processing the application or request to amend or transfer must be paid for a permit authorized under this chapter and for each request to amend or transfer an existing permit.~~

(b) The fee to apply for a permit to appropriate water, a permit to construct or repair a dam that is subject to dam safety inspection, or a state general permit or to apply for the state water bank program is \$75. The application fee for a permit to work in public waters or to divert waters for mining must be at least \$75, but not more than \$500, according to a schedule of fees adopted under section 16A.1285.

Sec. 6. Laws 2003, First Special Session chapter 13, section 25, is amended to read:

Sec. 25. PRIVATE SALE OF SURPLUS LAND BORDERING PUBLIC WATERS; SCOTT COUNTY.

(a) Notwithstanding Minnesota Statutes, sections 92.45; 94.09; 94.10; 97A.135, subdivision 2a; and 103F.535, the commissioner of natural resources shall sell by private sale the surplus land bordering public waters that is described in paragraph (e).

(b) The conveyance shall be in a form approved by the attorney general for consideration of no less than the appraised value of the land.

(c) The deed must contain a restrictive covenant that prohibits altering, disturbing vegetation in, draining, filling, or placing any material or structure of any kind on or in the existing wetland area located on the land; prohibits any increase in ~~run-off~~ runoff rate or volume from the land or future buildings into said wetland; and prohibits diverting or appropriating water from said wetland. This restriction applies only to the public waters wetland on the land identified on the public waters inventory map as 70-148W. Other wetlands on the land are subject to Minnesota Statutes, sections 103G.221 to 103G.2372.

(d) The consideration received for the conveyance shall be deposited in the state treasury and credited to the wildlife acquisition account in the game and fish fund. The money is appropriated to the commissioner of natural resources for wildlife land acquisition purposes.

(e) The land that may be sold is in the Prior Lake wildlife management area in Scott county and is described as:

The East 1200 feet of the South 800 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 115 North, Range 22 West. Including the abandoned right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (formerly the Hastings and Dakota Railway Company). Containing 22 acres, more or less.

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

(f) This land no longer fits into the state wildlife management area system because of hunting limitations, its small size, and future development planned for the area. Proceeds from the sale will be used to purchase lands more suitable for wildlife management and public use.

EFFECTIVE DATE. This section is effective the day following final enactment.

Presented to the governor May 31, 2005

Signed by the governor June 3, 2005, 8:35 a.m.

CHAPTER 139—H.F.No. 987

An act relating to child safety; prohibiting the sale and commercial use of certain cribs; providing enforcement; proposing coding for new law in Minnesota Statutes, chapters 245A, 325F.

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

Section 1. **[245A.146] CRIB USE IN LICENSED CHILD CARE SETTINGS.**

Subdivision 1. CONSUMER PRODUCT SAFETY WEB LINK. The commissioner shall maintain a link from the licensing division Web site to the United States Consumer Product Safety Commission Web site that addresses crib safety information.

Subd. 2. DOCUMENTATION REQUIREMENT FOR LICENSE HOLDERS. (a) Effective January 1, 2006, all licensed child care providers must maintain the following documentation for every crib used by or that is accessible to any child in care:

(1) the crib's brand name; and

(2) the crib's model number.

(b) Any crib for which the license holder does not have the documentation required under paragraph (a) must not be used by or be accessible to children in care.

Subd. 3. LICENSE HOLDER CERTIFICATION OF CRIBS. (a) Annually, from the date printed on the license, all license holders shall check all their cribs' brand names and model numbers against the United States Consumer Product Safety Commission Web site listing of unsafe cribs.

(b) The license holder shall maintain written documentation to be reviewed on site for each crib showing that the review required in paragraph (a) has been completed, and which of the following conditions applies:

(1) the crib was not identified as unsafe on the United States Consumer Product Safety Commission Web site;

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