

additional civil penalties will be imposed for dishonored checks for nonpayment after 30 days;

(2) interest at the rate payable on judgments pursuant to section 549.09 on the face amount of the check from the date of dishonor; and

(3) reasonable attorney fees if the aggregate amount of dishonored checks issued by the issuer to all payees within a six-month period is over \$1,250.

(c) This subdivision prevails over any provision of law limiting, prohibiting, or otherwise regulating service charges authorized by this subdivision, but does not nullify charges for dishonored checks, which do not exceed the charges in paragraph (a) or terms or conditions for imposing the charges which have been agreed to by the parties in an express contract.

(d) A sight draft may not be used as a means of collecting the civil penalties provided in this section without prior consent of the issuer.

(e) The issuer of a dishonored check is not liable for the penalties described in paragraph (b) if a pretrial diversion program under section 628.69 has been established in the jurisdiction where the dishonored check was issued, the issuer was accepted into the program, and the issuer successfully completes the program.

Presented to the governor May 6, 2004

Signed by the governor May 10, 2004, 12:10 p.m.

#### CHAPTER 175—S.F.No. 1815

*An act relating to metropolitan government; authorizing the State Board of Investment to invest certain funds or assets of the Metropolitan Council upon request; amending Minnesota Statutes 2002, section 473.13, by adding a subdivision.*

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

Section 1. Minnesota Statutes 2002, section 473.13, is amended by adding a subdivision to read:

**Subd. 5. INVESTING POSTRETIREMENT RESERVES.** The State Board of Investment, when requested by the council, notwithstanding chapter 118A, may invest any funds or assets that the council may hold as a reserve for the payment of potential and estimated postretirement benefits to employees of the council. The reserve of funds or assets by the council for potential and estimated postretirement benefits, and their investment by the State Board of Investment under this subdivision, does not constitute an irrevocable dedication of the funds or assets for such use.

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

**Sec. 2. APPLICATION.**

This act applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

**Sec. 3. EFFECTIVE DATE.**

This act is effective the day following its final enactment.

Presented to the governor May 6, 2004

Signed by the governor May 10, 2004, 12:35 p.m.

**CHAPTER 176—S.F.No. 2422**

*An act relating to the environment; modifying regulation of certain PCB wastes; amending Minnesota Statutes 2002, section 116.07, by adding a subdivision.*

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

Section 1. Minnesota Statutes 2002, section 116.07, is amended by adding a subdivision to read:

**Subd. 2b. PCB WASTE; OIL-FILLED ELECTRIC EQUIPMENT.** (a) A person who generates waste containing greater than 50 parts per million PCB which is subject to the federal requirements for the management of waste under Code of Federal Regulations, title 40, part 761, is also subject to state hazardous waste requirements for proper disposal, licensing, and fees. PCB small capacitors and lighting ballasts are also subject to state on-site accumulation requirements.

(b) PCB waste associated with oil-filled electric equipment voluntarily disposed of or retrofilled prior to the end of its service life is eligible for a waiver from annual hazardous waste fees. To be eligible for the waiver, a generator and the commissioner must execute a voluntary PCB phase-out agreement, and before relicensing, the generator must demonstrate performance of the agreement. The PCB phase-out agreement must include a description of specific goals, activities to be performed to achieve the goals, phase-out criteria, and a schedule for implementation.

(c) For the purpose of this subdivision, "PCB" has the meaning given in section 116.36.

Presented to the governor May 6, 2004

Signed by the governor May 10, 2004, 12:25 p.m.

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