

A bill for an act

relating to state government; appropriating money for activities of the Science Museum, the Zoological Board, the Departments of Commerce, Natural Resources, and Health, the Pollution Control Agency, the Public Utilities Commission, the Board of Water and Soil Resources, the Metropolitan Council, and the Minnesota Conservation Corps; providing for grants and fund transfers; modifying disposition of certain revenue; authorizing certain sales; modifying and creating certain accounts; modifying and establishing certain fees and surcharges; modifying certain license provisions; establishing an off-highway vehicle safety and conservation program; defining certain terms; providing for venison donation; providing for prairie establishment guidance; modifying Greenleaf Lake State Park provisions; creating the Cuyuna Country State Recreation Area Citizens Advisory Council; restricting certain off-road vehicle trails; modifying state park permit requirements; providing for control of tree pests; modifying timber sale provisions; exempting certain exchanged land from the tax-forfeited land assurance fee; authorizing certain leases of tax-forfeited lands; modifying definition of public official; modifying agency service requirements; creating a grant program; designating a state wildlife management area; improving oversight of local government water management; modifying certain authorities and duties; modifying provisions for wetland conservation; modifying requirements for ditch buffers; modifying provisions for individual sewage treatment systems; providing for civil enforcement; modifying provisions for regulating genetically engineered organisms; establishing requirements for acquisition of easements; modifying access to certain wetlands; modifying trail designation requirements; eliminating sunset of sustainable forest resources provisions; authorizing rulemaking; providing for voluntary termination of timber sale permits; modifying county environmental trust fund provisions; naming an island in Pelican Lake; modifying or adding provisions relating to financial institutions, investments of health savings accounts, mortgage originators, the Vehicle Protection Product Act, long-term care insurance, automobile insurance, an electronic licensing system and technology fees, allowable forms of collateral, securities regulation, charges billed by licensed health professionals, allocation of petroleum inspection fee for low-income weatherization assistance, delivery of home heating fuel, debt management services, the state energy city, energy savings, renewable energy research, a renewable hydrogen initiative, the Legislative Electric Energy Task Force, Clean Energy Resource Teams, landfill gas recovery, on-farm biogas recovery, nuisance liability of wind energy conversion systems, rural wind energy, petroleum violation escrow funds for K-12 school energy projects, renewable energy studies and reports, standards

for hydrogen and fuel cells, hydrogen refueling stations, off-site renewable distributed generation, biofuel production permits, terrestrial and geologic carbon sequestration, utility charges and residential customers, the cold weather rule, a propane prepurchase program, and intervenor compensation for participants in proceedings before the Public Utilities Commission; modifying radioactive waste management; modifying public utility resource plan provisions; requiring studies and reports; providing civil penalties; making technical and clarifying changes; amending Minnesota Statutes 2006, sections 10A.01, subdivision 35; 13.712, by adding a subdivision; 15.99, subdivision 3; 16A.531, subdivision 1a; 17.4984, subdivision 1; 18G.03, by adding a subdivision; 18G.11; 45.011, subdivision 1; 46.04, subdivision 1; 46.05; 46.131, subdivision 2; 47.19; 47.59, subdivision 6; 47.60, subdivision 2; 47.62, subdivision 1; 47.75, subdivision 1; 48.15, subdivision 4; 58.04, subdivisions 1, 2; 58.05; 58.06, subdivision 2, by adding a subdivision; 58.08, subdivision 3; 58.10, subdivision 1; 60K.55, subdivision 2; 65B.44, subdivisions 2, 3, 4, 5; 65B.47, subdivision 7; 65B.54, subdivision 1, by adding a subdivision; 72A.201, subdivision 6; 80A.28, subdivision 1; 80A.65, subdivision 1; 82.24, subdivisions 1, 4; 82B.09, subdivision 1; 84.025, subdivision 9; 84.026, subdivision 1; 84.0272, by adding a subdivision; 84.0855, subdivisions 1, 2; 84.780; 84.927, subdivision 2; 84.963; 84D.02, by adding a subdivision; 84D.13, subdivision 7; 84D.14; 85.013, by adding a subdivision; 85.054, subdivision 12, by adding a subdivision; 86B.706, subdivision 2; 88.01, by adding a subdivision; 88.79, subdivisions 1, 2; 88.82; 89.001, subdivision 8, by adding subdivisions; 89.01, subdivisions 1, 2, 4; 89.22, subdivision 2; 89.51, subdivisions 1, 6, 9; 89.52; 89.53; 89.54; 89.55; 89.56, subdivisions 1, 3; 89.57; 89.58; 89.59; 89.60; 89.61; 90.161, by adding a subdivision; 93.22, subdivision 1; 97A.055, subdivision 4; 97A.065, by adding a subdivision; 97A.133, by adding a subdivision; 97A.205; 97A.473, subdivisions 3, 5; 97A.475, subdivision 7, by adding a subdivision; 97A.485, subdivision 7; 97C.081, subdivision 3; 103B.101, by adding a subdivision; 103C.321, by adding a subdivision; 103D.325, by adding a subdivision; 103E.021, subdivisions 1, 2, 3, by adding a subdivision; 103E.315, subdivision 8; 103E.321, subdivision 1; 103E.701, by adding a subdivision; 103E.705, subdivisions 1, 2, 3; 103E.728, subdivision 2; 103G.222, subdivisions 1, 3; 103G.2241, subdivisions 1, 2, 3, 6, 9, 11; 103G.2242, subdivisions 2, 2a, 9, 12, 15; 103G.2243, subdivision 2; 103G.235; 103G.301, subdivision 2; 115.55, subdivisions 1, 2, 3, by adding a subdivision; 116C.775; 116C.777; 116C.779, subdivisions 1, 2; 116C.92; 116C.94, subdivision 1; 116C.97, subdivision 2; 118A.03, subdivision 2; 148.102, by adding a subdivision; 216B.097, subdivisions 1, 3; 216B.098, subdivision 4; 216B.16, subdivisions 10, 15; 216B.241, subdivision 6; 216B.2422, by adding a subdivision; 216B.812, subdivisions 1, 2; 216C.051, subdivisions 2, 9; 216C.41, subdivisions 1, 2, 3; 239.101, subdivision 3; 282.04, subdivision 1; 325E.311, subdivision 6; 325N.01; 332.54, subdivision 7; 394.23; 462.353, subdivision 2; Laws 1998, chapter 389, article 16, section 31, subdivision 4, as amended; Laws 2003, chapter 128, article 1, section 169; Laws 2006, chapter 236, article 1, section 21; proposing coding for new law in Minnesota Statutes, chapters 1; 16C; 17; 45; 58; 60K; 84; 84D; 85; 89; 97B; 103B; 103E; 103G; 216B; 216C; 325E; 561; proposing coding for new law as Minnesota Statutes, chapters 59C; 332A; repealing Minnesota Statutes 2006, sections 18G.16; 46.043; 47.62, subdivision 5; 58.08, subdivision 1; 85.012, subdivision 24b; 89.51, subdivision 8; 89A.11; 103G.2241, subdivision 8; 216B.095; 332.12; 332.13; 332.14; 332.15; 332.16; 332.17; 332.18; 332.19; 332.20; 332.21; 332.22; 332.23; 332.24; 332.25; 332.26; 332.27; 332.28; 332.29; Minnesota Rules, parts 7831.0100; 7831.0200; 7831.0300; 7831.0400; 7831.0500; 7831.0600; 7831.0700; 7831.0800.

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

ARTICLE 1

ENVIRONMENT AND NATURAL RESOURCES

APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

The amounts shown in this section summarize direct appropriations, by fund, made in this article.

	<u>2008</u>	<u>2009</u>	<u>Total</u>
<u>General</u>	\$ <u>134,588,000</u>	\$ <u>137,139,000</u>	\$ <u>271,727,000</u>
<u>State Government Special Revenue</u>	<u>48,000</u>	<u>48,000</u>	<u>96,000</u>
<u>Environmental</u>	<u>61,425,000</u>	<u>61,622,000</u>	<u>123,047,000</u>
<u>Natural Resources</u>	<u>79,496,000</u>	<u>80,188,000</u>	<u>159,684,000</u>
<u>Game and Fish</u>	<u>90,073,000</u>	<u>92,032,000</u>	<u>182,105,000</u>
<u>Remediation</u>	<u>11,666,000</u>	<u>11,186,000</u>	<u>22,852,000</u>
<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>	<u>400,000</u>
<u>Total</u>	\$ <u>377,496,000</u>	\$ <u>382,415,000</u>	\$ <u>759,911,000</u>

Sec. 2. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30
2008 2009

Sec. 3. POLLUTION CONTROL AGENCY

Subdivision 1. Total Appropriation \$ 100,271,000 \$ 99,989,000

Appropriations by Fund

	<u>2008</u>	<u>2009</u>
<u>General</u>	<u>27,232,000</u>	<u>27,233,000</u>
<u>State Government Special Revenue</u>	<u>48,000</u>	<u>48,000</u>

4.1	<u>Environmental</u>	<u>61,425,000</u>	<u>61,622,000</u>
4.2	<u>Remediation</u>	<u>11,566,000</u>	<u>11,086,000</u>
4.3	<u>The amounts that may be spent for each</u>		
4.4	<u>purpose are specified in the following</u>		
4.5	<u>subdivisions.</u>		
4.6	<u>Subd. 2. Water</u>	<u>42,928,000</u>	<u>42,248,000</u>
4.7	<u>Appropriations by Fund</u>		
4.8	<u>General</u>	<u>23,326,000</u>	<u>23,266,000</u>
4.9	<u>State Government</u>		
4.10	<u>Special Revenue</u>	<u>48,000</u>	<u>48,000</u>
4.11	<u>Remediation</u>	<u>550,000</u>	<u>-0-</u>
4.12	<u>Environmental</u>	<u>19,004,000</u>	<u>18,934,000</u>
4.13	<u>\$2,348,000 the first year and \$2,348,000</u>		
4.14	<u>the second year are for the clean water</u>		
4.15	<u>partnership program. Any balance remaining</u>		
4.16	<u>in the first year does not cancel and</u>		
4.17	<u>is available for the second year. This</u>		
4.18	<u>appropriation may be used for grants to</u>		
4.19	<u>local units of government for the purpose</u>		
4.20	<u>of restoring impaired waters listed under</u>		
4.21	<u>section 303(d) of the federal Clean Water</u>		
4.22	<u>Act in accordance with adopted total</u>		
4.23	<u>maximum daily loads (TMDL's), including</u>		
4.24	<u>implementation of approved clean water</u>		
4.25	<u>partnership diagnostic study work plans that</u>		
4.26	<u>will assist in restoration of such impaired</u>		
4.27	<u>waters.</u>		
4.28	<u>\$2,324,000 the first year and \$2,324,000</u>		
4.29	<u>the second year are for grants to delegated</u>		
4.30	<u>counties to administer the county feedlot</u>		
4.31	<u>program. The commissioner, in consultation</u>		
4.32	<u>with the Minnesota Association of County</u>		
4.33	<u>Feedlot Officers executive team, may use up</u>		
4.34	<u>to five percent of the annual appropriation</u>		
4.35	<u>for initiatives to enhance existing delegated</u>		
4.36	<u>county feedlot programs, information and</u>		

5.1 education, or technical assistance to reduce
5.2 feedlot-related pollution hazards. Any
5.3 unexpended balance in the first year does not
5.4 cancel but is available in the second year.

5.5 \$335,000 the first year and \$335,000 the
5.6 second year are for community technical
5.7 assistance and education, including grants
5.8 and technical assistance to communities for
5.9 local and basinwide water quality protection.

5.10 \$405,000 the first year and \$405,000 the
5.11 second year are for individual sewage
5.12 treatment system (ISTS) administration and
5.13 grants. Of this amount, \$86,000 each year
5.14 is for assistance to counties through grants
5.15 for ISTS program administration. Any
5.16 unexpended balance in the first year does not
5.17 cancel but is available in the second year.

5.18 \$480,000 the first year and \$480,000 the
5.19 second year are from the environmental
5.20 fund to address the need for continued
5.21 increased activity in the areas of new
5.22 technology review, technical assistance
5.23 for local governments, and enforcement
5.24 under Minnesota Statutes, sections 115.55
5.25 to 115.58, and to complete the requirements
5.26 of Laws 2003, chapter 128, article 1, section
5.27 165. Of this amount, \$48,000 each year is for
5.28 administration of individual septic tank fees.

5.29 \$375,000 the first year and \$375,000 the
5.30 second year are to monitor and analyze
5.31 endocrine disruptors in surface waters in at
5.32 least 20 additional sites. The data must be
5.33 placed on the agency's Web site.

5.34 \$15,317,000 the first year and \$15,317,000
5.35 the second year are to implement the

6.1 requirements of Minnesota Statutes, chapter
6.2 114D. Of this amount, \$6,317,000 each
6.3 year is for completion of ten percent of the
6.4 needed statewide assessments of surface
6.5 water quality and trends and \$9,000,000
6.6 each year is to develop TMDL's and TMDL
6.7 implementation plans for waters listed on
6.8 the United States Environmental Protection
6.9 Agency approved impaired waters list. The
6.10 agency shall complete an average of ten
6.11 percent of the TMDL's each year over the
6.12 next ten years.

6.13 \$690,000 the first year and \$690,000 the
6.14 second year are from the environmental fund
6.15 to provide regulatory services to the ethanol,
6.16 mining, and other developing economic
6.17 sectors. This is a onetime appropriation.

6.18 \$88,000 the first year is for the endocrine
6.19 disruptors report required to be completed
6.20 under article 2.

6.21 \$550,000 is appropriated in fiscal year
6.22 2008 from the remediation fund to the
6.23 commissioner of the Pollution Control
6.24 Agency for transfer to the commissioner
6.25 of health to conduct an evaluation of point
6.26 of use water treatment units at removing
6.27 perfluorooctanoic acid, perfluorooctane
6.28 sulfonate, and perfluorobutanoic acid from
6.29 known concentrations of these compounds
6.30 in drinking water. The evaluation shall be
6.31 completed by December 31, 2007, and the
6.32 commissioner of health may contract for
6.33 services to complete the evaluation.

6.34 By January 15, 2008, the commissioner shall
6.35 amend agency rules and, where legislative

7.1 action is necessary, provide recommendations
7.2 to the house of representatives and senate
7.3 divisions on environmental finance on
7.4 water and air fee changes that will result in
7.5 revenue to the environmental fund to pay for
7.6 regulatory services to the ethanol, mining,
7.7 and other developing economic sectors.

7.8 Notwithstanding Minnesota Statutes, section
7.9 16A.28, the appropriations encumbered
7.10 under contract on or before June 30, 2009,
7.11 for clean water partnership, individual
7.12 sewage treatment systems (ISTS), Minnesota
7.13 River, total maximum daily loads (TMDL's),
7.14 stormwater contracts or grants, and local and
7.15 basinwide water quality protection contracts
7.16 or grants in this subdivision are available
7.17 until June 30, 2011.

7.18	<u>Subd. 3. Air</u>	<u>10,623,000</u>	<u>10,890,000</u>
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7.19	<u>Appropriations by Fund</u>		
7.20	<u>Environmental</u>	<u>10,623,000</u>	<u>10,890,000</u>

7.21 Up to \$150,000 the first year and \$150,000
7.22 the second year may be transferred from the
7.23 environmental fund to the small business
7.24 environmental improvement loan account
7.25 established in Minnesota Statutes, section
7.26 116.993.

7.27 \$200,000 the first year and \$200,000 the
7.28 second year are from the environmental fund
7.29 for a monitoring program under Minnesota
7.30 Statutes, section 116.454.

7.31 \$125,000 the first year and \$125,000 the
7.32 second year are from the environmental fund
7.33 for monitoring ambient air for hazardous
7.34 pollutants in the metropolitan area.

8.1 \$760,000 the first year and \$760,000 the
8.2 second year are from the environmental fund
8.3 to provide regulatory services to the ethanol,
8.4 mining, and other developing economic
8.5 sectors. This is a onetime appropriation.

8.6	<u>Subd. 4. Land</u>	<u>18,081,000</u>	<u>18,151,000</u>
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8.7	<u>Appropriations by Fund</u>		
8.8	<u>Environmental</u>	<u>7,065,000</u>	<u>7,065,000</u>
8.9	<u>Remediation</u>	<u>11,016,000</u>	<u>11,086,000</u>

8.10 All money for environmental response,
8.11 compensation, and compliance in the
8.12 remediation fund not otherwise appropriated
8.13 is appropriated to the commissioners of the
8.14 Pollution Control Agency and agriculture
8.15 for purposes of Minnesota Statutes, section
8.16 115B.20, subdivision 2, clauses (1), (2),
8.17 (3), (6), and (7). At the beginning of each
8.18 fiscal year, the two commissioners shall
8.19 jointly submit an annual spending plan
8.20 to the commissioner of finance and the
8.21 house and senate chairs of environment and
8.22 natural resources finance that maximizes the
8.23 utilization of resources and appropriately
8.24 allocates the money between the two
8.25 departments. This appropriation is available
8.26 until June 30, 2009.

8.27 \$3,616,000 the first year and \$3,616,000
8.28 the second year are transferred from the
8.29 petroleum tank fund to the remediation fund
8.30 for appropriation to the commissioner for
8.31 purposes of the leaking underground storage
8.32 tank program to protect the land.

8.33 \$252,000 the first year and \$252,000 the
8.34 second year are from the remediation fund to
8.35 be transferred to the Department of Health

9.1	<u>for health assessments, drinking water</u>		
9.2	<u>advisories, and public information activities</u>		
9.3	<u>for areas contaminated by hazardous releases.</u>		
9.4	<u>Subd. 5. Multimedia</u>	<u>4,879,000</u>	<u>4,911,000</u>
9.5	<u>Appropriations by Fund</u>		
9.6	<u>General</u>	<u>2,288,000</u>	<u>2,320,000</u>
9.7	<u>Environmental</u>	<u>2,591,000</u>	<u>2,591,000</u>
9.8	<u>\$550,000 the first year and \$550,000 the</u>		
9.9	<u>second year are from the environmental fund</u>		
9.10	<u>to provide regulatory services to the ethanol,</u>		
9.11	<u>mining, and other developing economic</u>		
9.12	<u>sectors. This is a onetime appropriation.</u>		
9.13	<u>Notwithstanding Minnesota Statutes, section</u>		
9.14	<u>16A.28, the appropriations encumbered</u>		
9.15	<u>under contract on or before June 30, 2009, for</u>		
9.16	<u>total maximum daily load (TMDL) contracts</u>		
9.17	<u>or grants are available until June 30, 2011.</u>		
9.18	<u>Subd. 6. Environmental Assistance</u>	<u>22,142,000</u>	<u>22,142,000</u>
9.19	<u>\$14,000,000 each year is from the</u>		
9.20	<u>environmental fund for SCORE block grants</u>		
9.21	<u>to counties.</u>		
9.22	<u>Any unencumbered grant and loan balances</u>		
9.23	<u>in the first year do not cancel but are available</u>		
9.24	<u>for grants and loans in the second year.</u>		
9.25	<u>All money deposited in the environmental</u>		
9.26	<u>fund for the metropolitan solid waste landfill</u>		
9.27	<u>fee under Minnesota Statutes, section</u>		
9.28	<u>473.843, and not otherwise appropriated, is</u>		
9.29	<u>appropriated to the agency for the purposes</u>		
9.30	<u>of Minnesota Statutes, section 473.844.</u>		
9.31	<u>\$119,000 the first year and \$119,000 the</u>		
9.32	<u>second year are from the environmental</u>		
9.33	<u>fund for environmental assistance grants</u>		

10.1 or loans under Minnesota Statutes, section
10.2 115A.0716.
10.3 \$1,200,000 the first year and \$1,200,000 the
10.4 second year are from the environmental fund
10.5 to retrofit school buses statewide, including
10.6 buses for preschool children, and for loans to
10.7 small trucking firms to install equipment to
10.8 reduce fuel consumption. This is a onetime
10.9 appropriation.
10.10 Notwithstanding Minnesota Statutes, section
10.11 16A.28, the appropriations encumbered
10.12 under contract on or before June 30,
10.13 2009, for environmental assistance grants
10.14 awarded under Minnesota Statutes, section
10.15 115A.0716, and for technical and research
10.16 assistance under Minnesota Statutes,
10.17 section 115A.152, technical assistance
10.18 under Minnesota Statutes, section 115A.52,
10.19 and pollution prevention assistance under
10.20 Minnesota Statutes, section 115D.04, are
10.21 available until June 30, 2011.

10.22	<u>Subd. 7. Administrative Support</u>	<u>1,618,000</u>	<u>1,647,000</u>
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10.23 The commissioner may transfer money from
10.24 the environmental fund to the remediation
10.25 fund as necessary for the purposes of the
10.26 remediation fund under Minnesota Statutes,
10.27 section 116.155, subdivision 2.

10.28 Sec. 4. **NATURAL RESOURCES**

10.29	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>245,396,000</u>	<u>\$</u>	<u>250,238,000</u>
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10.30	<u>Appropriations by Fund</u>			
10.31		<u>2008</u>	<u>2009</u>	
10.32	<u>General</u>	<u>80,587,000</u>	<u>82,778,000</u>	
10.33	<u>Natural Resources</u>	<u>74,436,000</u>	<u>75,128,000</u>	
10.34	<u>Game and Fish</u>	<u>90,073,000</u>	<u>92,032,000</u>	

11.1	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>
11.2	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>
11.3	<u>The amounts that may be spent for each</u>		
11.4	<u>purpose are specified in the following</u>		
11.5	<u>subdivisions.</u>		
11.6	<u>Subd. 2. Land and Mineral Resources</u>		
11.7	<u>Management</u>	<u>11,461,000</u>	<u>11,448,000</u>
11.8	<u>Appropriations by Fund</u>		
11.9	<u>General</u>	<u>6,347,000</u>	<u>6,406,000</u>
11.10	<u>Natural Resources</u>	<u>3,551,000</u>	<u>3,447,000</u>
11.11	<u>Game and Fish</u>	<u>1,363,000</u>	<u>1,395,000</u>
11.12	<u>Permanent School</u>	<u>200,000</u>	<u>200,000</u>
11.13	<u>\$475,000 the first year and \$475,000 the</u>		
11.14	<u>second year are for iron ore cooperative</u>		
11.15	<u>research. Of this amount, \$200,000 each year</u>		
11.16	<u>is from the minerals management account in</u>		
11.17	<u>the natural resources fund and \$275,000 each</u>		
11.18	<u>year is from the general fund. \$237,500 the</u>		
11.19	<u>first year and \$237,500 the second year are</u>		
11.20	<u>available only as matched by \$1 of nonstate</u>		
11.21	<u>money for each \$1 of state money. The</u>		
11.22	<u>match may be cash or in-kind.</u>		
11.23	<u>\$86,000 the first year and \$86,000 the</u>		
11.24	<u>second year are for minerals cooperative</u>		
11.25	<u>environmental research, of which \$43,000</u>		
11.26	<u>the first year and \$43,000 the second year are</u>		
11.27	<u>available only as matched by \$1 of nonstate</u>		
11.28	<u>money for each \$1 of state money. The</u>		
11.29	<u>match may be cash or in-kind.</u>		
11.30	<u>\$2,800,000 the first year and \$2,696,000</u>		
11.31	<u>the second year are from the minerals</u>		
11.32	<u>management account in the natural resources</u>		
11.33	<u>fund for use as provided in Minnesota</u>		
11.34	<u>Statutes, section 93.2236, paragraph (c).</u>		

12.1 \$200,000 the first year and \$200,000 the
12.2 second year are from the state forest suspense
12.3 account in the permanent school fund to
12.4 accelerate land exchanges, land sales, and
12.5 commercial leasing of school trust lands and
12.6 to identify, evaluate, and lease construction
12.7 aggregate located on school trust lands. This
12.8 appropriation is to be used for securing
12.9 maximum long-term economic return
12.10 from the school trust lands consistent with
12.11 fiduciary responsibilities and sound natural
12.12 resources conservation and management
12.13 principles.

12.14 \$15,000 the first year is for a report
12.15 by February 1, 2008, to the house and
12.16 senate committees with jurisdiction over
12.17 environment and natural resources on
12.18 proposed minimum legal and conservation
12.19 standards that could be applied to
12.20 conservation easements acquired with public
12.21 money.

12.22 \$701,000 the first year and \$701,000 the
12.23 second year are to support the land records
12.24 management system. Of this amount,
12.25 \$326,000 the first year and \$326,000 the
12.26 second year are from the game and fish fund
12.27 and \$375,000 the first year and \$375,000 the
12.28 second year are from the natural resources
12.29 fund.

12.30	<u>Subd. 3. Water Resources Management</u>	<u>12,931,000</u>	<u>13,116,000</u>
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12.31	<u>Appropriations by Fund</u>		
12.32	<u>General</u>	<u>12,651,000</u>	<u>12,836,000</u>
12.33	<u>Natural Resources</u>	<u>280,000</u>	<u>280,000</u>

12.34 \$310,000 the first year and \$310,000 the
12.35 second year are for grants for up to 50

13.1	<u>percent of the cost of implementing the Red</u>		
13.2	<u>River mediation agreement.</u>		
13.3	<u>\$65,000 the first year and \$65,000 the</u>		
13.4	<u>second year are for a grant to the Mississippi</u>		
13.5	<u>Headwaters Board for up to 50 percent of</u>		
13.6	<u>the cost of implementing the comprehensive</u>		
13.7	<u>plan for the upper Mississippi within areas</u>		
13.8	<u>under the board's jurisdiction.</u>		
13.9	<u>\$5,000 the first year and \$5,000 the second</u>		
13.10	<u>year are for payment to the Leech Lake Band</u>		
13.11	<u>of Chippewa Indians to implement the band's</u>		
13.12	<u>portion of the comprehensive plan for the</u>		
13.13	<u>upper Mississippi.</u>		
13.14	<u>\$200,000 the first year and \$200,000 the</u>		
13.15	<u>second year are for the construction of ring</u>		
13.16	<u>dikes under Minnesota Statutes, section</u>		
13.17	<u>103F.161. The ring dikes may be publicly</u>		
13.18	<u>or privately owned. Any unencumbered</u>		
13.19	<u>balance does not cancel at the end of the</u>		
13.20	<u>first year and is available for the second</u>		
13.21	<u>year. If the appropriation in the first year is</u>		
13.22	<u>insufficient, the appropriation for the second</u>		
13.23	<u>year is available in the first year.</u>		
13.24	<u>\$1,280,000 the first year and \$1,280,000 the</u>		
13.25	<u>second year are to support the identification</u>		
13.26	<u>of impaired waters and develop plans to</u>		
13.27	<u>address those impairments, as required by the</u>		
13.28	<u>federal Clean Water Act. This is a onetime</u>		
13.29	<u>appropriation.</u>		
13.30	<u>Subd. 4. Forest Management</u>	<u>41,098,000</u>	<u>41,830,000</u>
13.31	<u>Appropriations by Fund</u>		
13.32	<u>General</u>	<u>22,858,000</u>	<u>23,273,000</u>
13.33	<u>Natural Resources</u>	<u>17,983,000</u>	<u>18,293,000</u>
13.34	<u>Game and Fish</u>	<u>257,000</u>	<u>264,000</u>

14.1 \$7,217,000 the first year and \$7,217,000
14.2 the second year are for prevention,
14.3 presuppression, and suppression costs of
14.4 emergency firefighting and other costs
14.5 incurred under Minnesota Statutes, section
14.6 88.12. If the appropriation for either
14.7 year is insufficient to cover all costs of
14.8 presuppression and suppression, the amount
14.9 necessary to pay for these costs during the
14.10 biennium is appropriated from the general
14.11 fund.

14.12 By November 15 of each year, the
14.13 commissioner of natural resources shall
14.14 submit a report to the chairs of the house
14.15 and senate committees and divisions having
14.16 jurisdiction over environment and natural
14.17 resources finance, identifying all firefighting
14.18 costs incurred and reimbursements received
14.19 in the prior fiscal year. These appropriations
14.20 may not be transferred. Any reimbursement
14.21 of firefighting expenditures made to the
14.22 commissioner from any source other than
14.23 federal mobilizations shall be deposited into
14.24 the general fund.

14.25 \$17,983,000 the first year and \$18,293,000
14.26 the second year are from the forest
14.27 management investment account in the
14.28 natural resources fund for only the purposes
14.29 specified in Minnesota Statutes, section
14.30 89.039, subdivision 2.

14.31 \$780,000 the first year and \$780,000 the
14.32 second year are for the Forest Resources
14.33 Council for implementation of the
14.34 Sustainable Forest Resources Act.

15.1 \$350,000 the first year and \$350,000 the
15.2 second year are for the FORIST timber
15.3 management information system, other
15.4 information systems, and for increased
15.5 forestry management. The amount in the
15.6 second year is also available in the first year.

15.7 \$257,000 the first year and \$264,000 the
15.8 second year are from the game and fish
15.9 fund to implement ecological classification
15.10 systems (ECS) standards on forested
15.11 landscapes. This appropriation is from
15.12 revenue deposited in the game and fish fund
15.13 under Minnesota Statutes, section 297A.94,
15.14 paragraph (e), clause (1).

15.15 \$55,000 the first year and \$55,000 the
15.16 second year are to develop and implement
15.17 a statewide information and education
15.18 campaign regarding the proposed statewide
15.19 ban on the transport, storage, or use of
15.20 nonapproved firewood on state administered
15.21 land.

15.22 \$75,000 the first year is to the Forest
15.23 Resources Council for a task force on
15.24 forest protection and \$75,000 the second
15.25 year is appropriated to the commissioner
15.26 for grants to cities, counties, townships,
15.27 special recreation areas, and park and
15.28 recreation boards in cities of the first class
15.29 for the identification, removal, disposal, and
15.30 replacement of dead or dying shade trees
15.31 lost to forest pests or disease. For purposes
15.32 of this section, "shade tree" means a woody
15.33 perennial grown primarily for aesthetic or
15.34 environmental purposes with minimal to
15.35 residual timber value. The commissioner

16.1	<u>shall consult with municipalities; park and</u>		
16.2	<u>recreation boards in cities of the first class;</u>		
16.3	<u>nonprofit organizations; and other interested</u>		
16.4	<u>parties in developing eligibility criteria.</u>		
16.5	<u>Subd. 5. Parks and Recreation Management</u>	<u>35,141,000</u>	<u>35,959,000</u>
16.6	<u>Appropriations by Fund</u>		
16.7	<u>General</u>	<u>20,560,000</u>	<u>20,923,000</u>
16.8	<u>Natural Resources</u>	<u>14,581,000</u>	<u>15,036,000</u>
16.9	<u>\$640,000 the first year and \$640,000 the</u>		
16.10	<u>second year are from the water recreation</u>		
16.11	<u>account in the natural resources fund for state</u>		
16.12	<u>park water access projects.</u>		
16.13	<u>\$3,996,000 the first year and \$3,996,000 the</u>		
16.14	<u>second year are from the natural resources</u>		
16.15	<u>fund for state park and recreation area</u>		
16.16	<u>operations. This appropriation is from the</u>		
16.17	<u>revenue deposited in the natural resources</u>		
16.18	<u>fund under Minnesota Statutes, section</u>		
16.19	<u>297A.94, paragraph (e), clause (2).</u>		
16.20	<u>\$5,000 each year is for payment of expenses</u>		
16.21	<u>of the Cuyuna Country State Recreation Area</u>		
16.22	<u>Citizens Advisory Council.</u>		
16.23	<u>The appropriation in Laws 2003, chapter</u>		
16.24	<u>128, article 1, section 5, subdivision 6, from</u>		
16.25	<u>the water recreation account in the natural</u>		
16.26	<u>resources fund for a cooperative project with</u>		
16.27	<u>the United States Army Corps of Engineers</u>		
16.28	<u>to develop the Mississippi Whitewater Park</u>		
16.29	<u>is available until June 30, 2009.</u>		
16.30	<u>Subd. 6. Trails and Waterways Management</u>	<u>29,727,000</u>	<u>29,822,000</u>
16.31	<u>Appropriations by Fund</u>		
16.32	<u>General</u>	<u>2,528,000</u>	<u>2,548,000</u>
16.33	<u>Natural Resources</u>	<u>25,080,000</u>	<u>25,080,000</u>
16.34	<u>Game and Fish</u>	<u>2,119,000</u>	<u>2,194,000</u>

17.1 \$8,424,000 the first year and \$8,424,000
17.2 the second year are from the snowmobile
17.3 trails and enforcement account in the natural
17.4 resources fund for snowmobile grants-in-aid.
17.5 The additional money under this paragraph
17.6 may be used for new grant-in-aid trails. Any
17.7 unencumbered balance does not cancel at the
17.8 end of the first year and is available for the
17.9 second year.

17.10 \$925,000 the first year and \$825,000 the
17.11 second year are from the natural resources
17.12 fund for off-highway vehicle grants-in-aid.
17.13 Of this amount, \$575,000 the first year
17.14 and \$575,000 the second year are from the
17.15 all-terrain vehicle account; \$150,000 each
17.16 year is from the off-highway motorcycle
17.17 account; and \$200,000 the first year and
17.18 \$100,000 the second year are from the
17.19 off-road vehicle account. Any unencumbered
17.20 balance does not cancel at the end of the first
17.21 year and is available for the second year.

17.22 \$261,000 the first year and \$261,000 the
17.23 second year are from the water recreation
17.24 account in the natural resources fund for a
17.25 safe harbor program on Lake Superior.

17.26 \$742,000 the first year and \$760,000
17.27 the second year are from the natural
17.28 resources fund for state trail operations
17.29 and maintenance. The money may be used
17.30 for trail maintenance, signage, mapping,
17.31 interpretation, native prairie restoration
17.32 using best management practices, and
17.33 maintenance of nonmotorized forest trails.
17.34 This appropriation is from the revenue
17.35 deposited in the natural resources fund

18.1 under Minnesota Statutes, section 297A.94,
18.2 paragraph (e), clause (2).
18.3 \$32,000 the first year and \$107,000 the
18.4 second year are from the game and fish fund
18.5 and is added to the base for expenditures
18.6 on water access sites according to the
18.7 requirements of the federal sport and fish
18.8 restoration program.

18.9 Money appropriated under Laws 2005, First
18.10 Special Session chapter 1, article 2, section
18.11 11, subdivision 6, paragraph (h), for the Paul
18.12 Bunyan State Trail connection is available
18.13 until June 30, 2008.

18.14	<u>Subd. 7. Fish and Wildlife Management</u>	<u>67,072,000</u>	<u>68,394,000</u>
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18.15	<u>Appropriations by Fund</u>		
18.16	<u>General</u>	<u>3,255,000</u>	<u>3,255,000</u>
18.17	<u>Natural Resources</u>	<u>1,876,000</u>	<u>1,876,000</u>
18.18	<u>Game and Fish</u>	<u>61,941,000</u>	<u>63,263,000</u>

18.19 \$410,000 the first year and \$418,000 the
18.20 second year are for resource population
18.21 surveys in the 1837 treaty area. Of this
18.22 amount, \$274,000 the first year and \$288,000
18.23 the second year are from the game and fish
18.24 fund.

18.25 \$8,061,000 the first year and \$8,167,000
18.26 the second year are from the heritage
18.27 enhancement account in the game and
18.28 fish fund for only the purposes specified
18.29 in Minnesota Statutes, section 297A.94,
18.30 paragraph (e), clause (1). Of this amount,
18.31 \$1,175,000 the first year and \$1,175,000 the
18.32 second year are for preserving, restoring, and
18.33 enhancing grassland/wetland complexes on
18.34 public lands.

19.1 Notwithstanding Minnesota Statutes, section
19.2 84.943, \$13,000 the first year and \$13,000
19.3 the second year from the critical habitat
19.4 private sector matching account may be used
19.5 to publicize the critical habitat license plate
19.6 match program.

19.7 \$8,000 the first year and \$8,000 the second
19.8 year are appropriated from the game and
19.9 fish fund for transfer to the wild turkey
19.10 management account for purposes specified
19.11 in Minnesota Statutes, section 97A.075,
19.12 subdivision 5.

19.13 \$108,000 the first year and \$108,000 the
19.14 second year are from the game and fish
19.15 fund for costs associated with administering
19.16 fishing contest permits.

19.17 \$182,000 the first year and \$132,000 the
19.18 second year are to accelerate wildlife health
19.19 programs and to prevent the spread of
19.20 disease from livestock and poultry to the
19.21 wildlife population. \$50,000 in the first
19.22 year is for fencing cattle-feeding areas in
19.23 bovine tuberculosis control zones, under the
19.24 emergency deterrent materials assistance
19.25 program in Minnesota Statutes, section
19.26 97A.028, subdivision 3. This appropriation
19.27 is available until June 30, 2009. \$66,000 of
19.28 this amount is permanent.

19.29 \$575,000 the first year and \$575,000 the
19.30 second year are for preserving, restoring, and
19.31 enhancing grassland/wetland complexes on
19.32 public lands.

19.33 \$150,000 the first year and \$150,000 the
19.34 second year are from the game and fish fund
19.35 to expand the roadsides for wildlife program.

20.1 \$175,000 the first year and \$175,000 the
20.2 second year are appropriated from the game
20.3 and fish fund to the commissioner of natural
20.4 resources for grants to Let's Go Fishing
20.5 of Minnesota to promote opportunities
20.6 for fishing. The grants must be matched
20.7 equally with cash or in-kind contributions
20.8 from nonstate sources. This is a onetime
20.9 appropriation.

20.10 Notwithstanding Minnesota Statutes, section
20.11 16A.28, the appropriations encumbered
20.12 under contract on or before June 30, 2009, for
20.13 aquatic restoration grants and wildlife habitat
20.14 grants are available until June 30, 2010.

20.15	<u>Subd. 8. Ecological Services</u>	<u>14,201,000</u>	<u>15,404,000</u>
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20.16	<u>Appropriations by Fund</u>		
20.17	<u>General</u>	<u>6,831,000</u>	<u>7,934,000</u>
20.18	<u>Natural Resources</u>	<u>3,488,000</u>	<u>3,519,000</u>
20.19	<u>Game and Fish</u>	<u>3,882,000</u>	<u>3,951,000</u>

20.20 \$1,192,000 the first year and \$1,223,000 the
20.21 second year are from the nongame wildlife
20.22 management account in the natural resources
20.23 fund for the purpose of nongame wildlife
20.24 management. Notwithstanding Minnesota
20.25 Statutes, section 290.431, \$100,000 the first
20.26 year and \$100,000 the second year may be
20.27 used for nongame information, education,
20.28 and promotion.

20.29 \$1,612,000 the first year and \$1,636,000
20.30 the second year are from the heritage
20.31 enhancement account in the game and
20.32 fish fund for only the purposes specified
20.33 in Minnesota Statutes, section 297A.94,
20.34 paragraph (e), clause (1), on public lands.

21.1 \$2,765,000 in the first year and \$3,985,000
21.2 in the second year, of which \$1,795,000 the
21.3 first year and \$1,795,000 the second year
21.4 are from the invasive species account in the
21.5 natural resources fund for law enforcement
21.6 and water access inspection to prevent the
21.7 spread of invasive species, grants to manage
21.8 invasive plants in public waters, technical
21.9 assistance to grant applicants for improving
21.10 lake quality, and management of terrestrial
21.11 invasive species on state-administered lands.
21.12 Priority shall be given to preventing the
21.13 spread of aquatic invertebrates. Of this
21.14 amount, \$250,000 the first year and \$250,000
21.15 the second year are for a zebra mussel pilot
21.16 program. This is a onetime appropriation.
21.17 An applicant for a grant to manage invasive
21.18 plants in public waters must have a workable
21.19 plan for improving water quality and
21.20 reducing the need for additional treatment.
21.21 Grants may not be made for chemicals that
21.22 are likely endocrine disruptors. A plan to
21.23 prevent the introduction of asian carp into
21.24 Minnesota waters must be made available to
21.25 the public by November 1, 2007.
21.26 \$125,000 the first year is to support a
21.27 technical advisory committee and for land
21.28 management units that manage grass lands
21.29 in order to develop plans to optimize
21.30 native prairie seed harvest and replanting
21.31 on state-owned lands. The work must
21.32 use best management practices with an
21.33 outcome of ensuring the survival of the
21.34 native prairie remaining in Minnesota and to
21.35 estimate the value of the seeds. Maximizing
21.36 seed harvest may include allowing seed

22.1 producers to keep a portion of the seed as
22.2 compensation for supplying equipment and
22.3 labor. The Department of Natural Resources
22.4 in cooperation with the Department of
22.5 Agriculture and the Board of Water and
22.6 Soil Resources shall establish the technical
22.7 advisory committee which has the expertise
22.8 to develop (1) criteria to identify public
22.9 and private marginal lands which could be
22.10 used to produce native prairie seeds of a
22.11 local eco-type or restore native prairies that
22.12 could be used to produce clean energy, (2)
22.13 guidelines for production that ensure high
22.14 carbon sequestration, protection of wildlife
22.15 and waters, and minimization of inputs and
22.16 that do not compromise the survival of the
22.17 native prairie remaining in Minnesota, and
22.18 (3) recommendations for incentives that will
22.19 result in the production of native prairie seeds
22.20 of a local eco-type or restore native prairies.
22.21 In addition to agency members, the advisory
22.22 committee shall have one member from
22.23 each of two statewide farm organizations,
22.24 one member from a statewide sustainable
22.25 farmer organization, one member each from
22.26 three statewide rural economic development
22.27 organizations, one member each from three
22.28 statewide environmental organizations, and
22.29 one member each from three statewide
22.30 wildlife or conservation organizations.
22.31 No person registered as a lobbyist under
22.32 Minnesota Statutes, section 10A.03, may
22.33 serve on the technical advisory committee.
22.34 The technical committee shall work with the
22.35 NextGen Energy Board to develop a clean
22.36 energy program. A report on outcomes from

23.1 the technical committee is due December
23.2 15, 2007, to the legislative finance chairs on
23.3 environment and natural resources.

23.4 \$50,000 in the first year is for the
23.5 commissioner, in consultation with the
23.6 Environmental Quality Board, to report to
23.7 the house and senate committees having
23.8 jurisdiction over environmental policy
23.9 and finance by February 1, 2008, on the
23.10 Mississippi River critical area program. The
23.11 report shall include the status of critical
23.12 area plans, zoning ordinances, the number
23.13 and types of revisions anticipated, and the
23.14 nature and number of variances sought. The
23.15 report shall include recommendations that
23.16 adequately protect and manage the aesthetic
23.17 integrity and natural environment of the river
23.18 corridor.

23.19 \$1,500,000 the first year and \$1,500,000 the
23.20 second year are to support the identification
23.21 of impaired waters and develop plans to
23.22 address those impairments, as required by the
23.23 federal Clean Water Act. This is a onetime
23.24 appropriation.

23.25	<u>Subd. 9. Enforcement</u>	<u>29,971,000</u>	<u>30,490,000</u>
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23.26	<u>Appropriations by Fund</u>		
23.27	<u>General</u>	<u>3,336,000</u>	<u>3,392,000</u>
23.28	<u>Natural Resources</u>	<u>7,113,000</u>	<u>7,113,000</u>
23.29	<u>Game and Fish</u>	<u>19,422,000</u>	<u>19,885,000</u>
23.30	<u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

23.31 \$100,000 each year is for a conservation
23.32 officer position to be stationed at Mississippi
23.33 Headwaters State Forest to work with local
23.34 jurisdictions in enforcing state law along
23.35 the Mississippi River from Lake Itasca

24.1 downstream to Lake Bemidji and in the
24.2 Bemidji region.

24.3 \$1,082,000 the first year and \$1,082,000 the
24.4 second year are from the water recreation
24.5 account in the natural resources fund for
24.6 grants to counties for boat and water safety.

24.7 \$100,000 the first year and \$100,000 the
24.8 second year are from the remediation fund
24.9 for solid waste enforcement activities under
24.10 Minnesota Statutes, section 116.073.

24.11 \$315,000 the first year and \$315,000 the
24.12 second year are from the snowmobile
24.13 trails and enforcement account in the
24.14 natural resources fund for grants to local
24.15 law enforcement agencies for snowmobile
24.16 enforcement activities.

24.17 \$1,164,000 the first year and \$1,164,000
24.18 the second year are from the heritage
24.19 enhancement account in the game and
24.20 fish fund for only the purposes specified
24.21 in Minnesota Statutes, section 297A.94,
24.22 paragraph (e), clause (1).

24.23 \$225,000 the first year and \$225,000
24.24 the second year are from the natural
24.25 resources fund for grants to county law
24.26 enforcement agencies for off-highway
24.27 vehicle enforcement and public education
24.28 activities based on off-highway vehicle use
24.29 in the county. Of this amount, \$213,000 each
24.30 year is from the all-terrain vehicle account,
24.31 \$11,000 each year is from the off-highway
24.32 motorcycle account, and \$1,000 each year
24.33 is from the off-road vehicle account. The
24.34 county enforcement agencies may use
24.35 money received under this appropriation

25.1 to make grants to other local enforcement
25.2 agencies within the county that have a high
25.3 concentration of off-highway vehicle use. Of
25.4 this appropriation, \$25,000 each year is for
25.5 administration of these grants.

25.6 \$15,000 the first year and \$5,000 the second
25.7 year are from the off-road vehicle account
25.8 in the natural resources fund to establish
25.9 the off-road vehicle environment and safety
25.10 education and training program under
25.11 Minnesota Statutes, section 84.8015.

25.12 Overtime must be distributed to conservation
25.13 officers at historical levels; however, a
25.14 reasonable reduction or addition may be
25.15 made to the officer's allocation, if justified,
25.16 based on an individual officer's workload. If
25.17 funding for enforcement is reduced because
25.18 of an unallotment, the overtime bank may be
25.19 reduced in proportion to reductions made in
25.20 other areas of the budget.

25.21	<u>Subd. 10. Operations Support</u>	<u>3,794,000</u>	<u>3,775,000</u>
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25.22	<u>Appropriations by Fund</u>		
25.23	<u>General</u>	<u>2,221,000</u>	<u>2,211,000</u>
25.24	<u>Natural Resources</u>	<u>484,000</u>	<u>484,000</u>
25.25	<u>Game and Fish</u>	<u>1,089,000</u>	<u>1,080,000</u>

25.26 \$38,000 in the first year is from the game and
25.27 fish fund for the study on the natural stands
25.28 of wild rice required in article 2.

25.29 \$270,000 the first year and \$270,000 the
25.30 second year are from the natural resources
25.31 fund for grants to be divided equally between
25.32 the city of St. Paul for the Como Zoo
25.33 and Conservatory and the city of Duluth
25.34 for the Duluth Zoo. This appropriation
25.35 is from the revenue deposited to the fund

26.1 under Minnesota Statutes, section 297A.94,
26.2 paragraph (e), clause (5).
26.3 \$55,000 in the first year and \$7,000 in the
26.4 second year are to be transferred to the
26.5 Environmental Quality Board to fulfill the
26.6 requirement of Minnesota Statutes, sections
26.7 116C.92 and 116C.94.

26.8	Sec. 5. <u>BOARD OF WATER AND SOIL</u>			
26.9	<u>RESOURCES</u>	<u>\$</u>	<u>22,369,000</u>	<u>\$</u> <u>22,728,000</u>

26.10 \$4,102,000 the first year and \$4,102,000 the
26.11 second year are for natural resources block
26.12 grants to local governments. The board may
26.13 reduce the amount of the natural resources
26.14 block grant to a county by an amount equal to
26.15 any reduction in the county's general services
26.16 allocation to a soil and water conservation
26.17 district from the county's previous year
26.18 allocation when the board determines that
26.19 the reduction was disproportionate. Grants
26.20 must be matched with a combination of local
26.21 cash or in-kind contributions. The base grant
26.22 portion related to water planning must be
26.23 matched by an amount that would be raised
26.24 by a levy under Minnesota Statutes, section
26.25 103B.3369.

26.26 \$3,566,000 the first year and \$3,566,000
26.27 the second year are for grants requested
26.28 by soil and water conservation districts for
26.29 general purposes, nonpoint engineering,
26.30 and implementation of the reinvest in
26.31 Minnesota conservation reserve program.
26.32 Upon approval of the board, expenditures
26.33 may be made from these appropriations for
26.34 supplies and services benefiting soil and
26.35 water conservation districts. Any district

27.1 requesting a grant under this paragraph
27.2 shall create and maintain a Web page that
27.3 publishes, at a minimum, its annual plan,
27.4 annual report, annual audit, and annual
27.5 budget, including membership dues and
27.6 meeting notices and minutes.

27.7 \$3,250,000 the first year and \$3,250,000
27.8 the second year are for grants to soil and
27.9 water conservation districts for cost-sharing
27.10 contracts for erosion control and water
27.11 quality management. Of this amount, at least
27.12 \$1,200,000 the first year and \$1,200,000 the
27.13 second year are for grants for cost-sharing
27.14 contracts to establish and maintain vegetation
27.15 buffers of restored native prairie and restored
27.16 prairie using seeds of a local ecotype region.

27.17 \$300,000 the first year and \$300,000 the
27.18 second year are available to begin county
27.19 cooperative weed management programs
27.20 on natural lands and private lands enrolled
27.21 in state and federal conservation programs
27.22 and to restore native plants in selected
27.23 invasive species management sites by
27.24 providing local native seeds and plants
27.25 to landowners for implementation. This
27.26 appropriation is available until expended. If
27.27 the appropriation in either year is insufficient,
27.28 the appropriation in the other year is available
27.29 for it. Notwithstanding Minnesota Statutes,
27.30 section 103C.501, any balance in the board's
27.31 cost-share program that remains from the
27.32 fiscal year 2007 appropriation is available
27.33 in an amount up to \$2,000 for a grant to
27.34 the Faribault Soil and Water Conservation
27.35 District to pay for erosion repair on the Blue
27.36 Earth River, and up to \$40,000 is available for

28.1 grants to soil and water conservation districts
28.2 for Web site development and reporting; and
28.3 \$100,000 in fiscal years 2008 and 2009 is
28.4 for evaluating and reporting on performance,
28.5 financial, and activity information of local
28.6 water management entities as provided for in
28.7 article 2, section 73.

28.8 The board shall develop a forestry practice
28.9 docket for cost-share money. The board shall
28.10 develop standards or policies for cost-share
28.11 practices for the following purposes: (1)
28.12 establishment and maintenance of vegetated
28.13 buffers of restored prairie or restored native
28.14 prairie using seeds of a local ecotype;
28.15 (2) establishment of cooperative weed
28.16 management programs on private natural
28.17 lands and lands enrolled in state and federal
28.18 conservation programs and restoration of
28.19 native plants in selected invasive species
28.20 management sites by providing local native
28.21 seeds and plants to landowners; and (3)
28.22 establishment of soil and water conservation
28.23 and ecological improvement practices on
28.24 private forest lands.

28.25 \$100,000 the first year and \$100,000 the
28.26 second year are for a grant to the Red
28.27 River Basin Commission to develop a Red
28.28 River basin plan and to coordinate water
28.29 management activities in the states and
28.30 provinces bordering the Red River. The
28.31 unencumbered balance in the first year does
28.32 not cancel but is available for the second
28.33 year.

29.1 \$5,450,000 the first year and \$5,450,000 the
29.2 second year are for implementation of the
29.3 Clean Water Legacy Act as follows:

29.4 (1) \$1,500,000 each year is for targeted
29.5 nonpoint restoration cost-share and incentive
29.6 payments, of which up to \$1,400,000 each
29.7 year is available for grants. Of this amount,
29.8 \$250,000 each year must be contracted for
29.9 services with the Minnesota Conservation
29.10 Corps. The grant funds are available until
29.11 expended;

29.12 (2) \$2,000,000 each year is for targeted
29.13 nonpoint restoration and protection and
29.14 technical, compliance, and engineering
29.15 assistance activities, of which up to
29.16 \$1,325,000 the first year and \$1,700,000
29.17 the second year are available for grants, of
29.18 which \$225,000 the first year is to inventory
29.19 wetland mitigation opportunities and water
29.20 quality and watershed improvement projects
29.21 in a greater than 80 percent area and of
29.22 which \$150,000 the first year is to conduct a
29.23 regionwide wetland mitigation siting analysis
29.24 for greater than 80 percent areas. The
29.25 \$225,000 amount shall include an inventory
29.26 of the wetland and water resources that have
29.27 been developed on former mine lands and
29.28 an analysis of the functions and values of
29.29 those wetland and water resources. This is a
29.30 onetime appropriation and is available until
29.31 June 30, 2009. The \$150,000 amount for
29.32 analysis shall (i) evaluate wetland mitigation
29.33 opportunities in each watershed and wetland
29.34 bank service area, (ii) develop goals for
29.35 maintaining water quality in the greater than
29.36 80 percent areas, and (iii) identify wetland

30.1 mitigation opportunities in other regions with
30.2 a greater loss of wetlands or with impaired
30.3 waters. This is a onetime appropriation and
30.4 is available until June 30, 2009. A report on
30.5 the analysis outcomes shall be given to the
30.6 house and senate chairs of the environment
30.7 and natural resources policy and finance
30.8 committees by January 15, 2009;

30.9 (3) \$200,000 each year is for reporting
30.10 and evaluating applied soil and water
30.11 conservation practices;

30.12 (4) \$1,000,000 each year is for grants
30.13 to implement county individual sewage
30.14 treatment system programs. Of this
30.15 amount, after a county has complied with
30.16 requirements to adopt ordinances pursuant
30.17 to Minnesota Statutes, section 115.55,
30.18 subdivision 2, the county may request grants
30.19 of up to \$60,000 the first year and \$60,000
30.20 the second year to inventory properties with
30.21 individual sewage treatment systems that
30.22 are an imminent threat to public health or
30.23 safety due to water discharges of untreated
30.24 sewage, and require compliance under an
30.25 applicable ordinance. The grant amount
30.26 shall be proportional to the number of
30.27 properties expected to be inventoried. Each
30.28 county receiving an appropriation under
30.29 this paragraph shall report the number of
30.30 inspections and the number determined to be
30.31 an imminent threat to public health or safety
30.32 to the Pollution Control Agency by February
30.33 1 of each year;

31.1 (5) \$650,000 each year is for feedlot water
31.2 quality grants for feedlots under 300 animal
31.3 units where there are impaired waters; and
31.4 (6) \$100,000 each year is to the Minnesota
31.5 River Basin Joint Powers Board, also known
31.6 as the Minnesota River Board, for operating
31.7 expenses to measure and report the results of
31.8 projects in the 12 major watersheds within
31.9 the Minnesota River basin.
31.10 If the appropriations in clauses (1) to (6) in
31.11 either year are insufficient, the appropriation
31.12 in the other year is available for it. All of
31.13 the money appropriated in clauses (1) to
31.14 (6) as grants to local governments shall be
31.15 administered through the Board of Water
31.16 and Soil Resources' local water resources
31.17 protection and management program under
31.18 Minnesota Statutes, section 103B.3369.
31.19 \$140,000 the first year and \$140,000
31.20 the second year are for a grant to Area
31.21 II, Minnesota River Basin Projects,
31.22 for floodplain management, including
31.23 administration of programs.
31.24 \$1,120,000 the first year and \$1,060,000 the
31.25 second year may be spent for the following
31.26 purposes to support implementation of the
31.27 Wetland Conservation Act: \$500,000 each
31.28 year is to make grants to local units of
31.29 governments to improve response to major
31.30 wetland violations; \$500,000 each year is for
31.31 staffing to provide adequate state oversight
31.32 and technical support to local governments
31.33 administering the Wetland Conservation Act;
31.34 \$60,000 each year is for staff to monitor and
31.35 enforce wetland replacement and wetland

32.1 bank sites; and \$60,000 the first year is
32.2 for rulemaking required by changes to the
32.3 Wetland Conservation Act.
32.4 \$450,000 the first year and \$800,000
32.5 the second year are to implement
32.6 recommendations of the Drainage Work
32.7 Group to enhance public drainage and
32.8 modernization as follows: \$150,000 the first
32.9 year is to develop guidelines for drainage
32.10 records preservation and modernization;
32.11 \$500,000 the second year is for cost-share
32.12 grants to local governments for public
32.13 drainage records modernization; and
32.14 \$300,000 each year is to provide assistance
32.15 to local drainage management officials, to
32.16 facilitate the work of the Drainage Work
32.17 Group, to staff a drainage assistance team,
32.18 and to update the Minnesota Public Drainage
32.19 Manual. All of the money appropriated in
32.20 this paragraph as grants to local governments
32.21 shall be administered through the Board
32.22 of Water and Soil Resources' local water
32.23 resources protection and management
32.24 program under Minnesota Statutes, section
32.25 103B.3369.
32.26 In addition to other authorities, the Board
32.27 of Water and Soil Resources may reduce,
32.28 withhold, or redirect grants and other funding
32.29 if the local water management entity has
32.30 not corrected deficiencies as prescribed in a
32.31 notice from the board within one year from
32.32 the date of the notice.

32.33	Sec. 6. <u>METROPOLITAN COUNCIL</u>	<u>\$</u>	<u>8,620,000</u>	<u>\$</u>	<u>8,620,000</u>
32.34	<u>Appropriations by Fund</u>				
32.35	<u>2008</u>	<u>2009</u>			

33.1	<u>General</u>	<u>4,050,000</u>	<u>4,050,000</u>
33.2	<u>Natural Resources</u>	<u>4,570,000</u>	<u>4,570,000</u>

33.3 \$4,050,000 the first year and \$4,050,000
33.4 the second year are for metropolitan parks
33.5 operations.

33.6 \$4,570,000 the first year and \$4,570,000 the
33.7 second year are from the natural resources
33.8 fund for metropolitan area regional parks
33.9 and trails maintenance and operations. This
33.10 appropriation is from the revenue deposited
33.11 in the natural resources fund under Minnesota
33.12 Statutes, section 297A.94, paragraph (e),
33.13 clause (3).

33.14	Sec. 7. <u>MINNESOTA CONSERVATION</u>			
33.15	<u>CORPS</u>	<u>\$</u>	<u>840,000</u>	<u>\$ 840,000</u>

33.16	<u>Appropriations by Fund</u>		
33.17		<u>2008</u>	<u>2009</u>
33.18	<u>General</u>	<u>350,000</u>	<u>350,000</u>
33.19	<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>

33.20 The Minnesota Conservation Corps may
33.21 receive money appropriated from the
33.22 natural resources fund under this section
33.23 only as provided in an agreement with the
33.24 commissioner of natural resources.

33.25 **ARTICLE 2**
33.26 **ENVIRONMENT AND NATURAL RESOURCES POLICY**

33.27 Section 1. Minnesota Statutes 2006, section 10A.01, subdivision 35, is amended to
33.28 read:

33.29 Subd. 35. **Public official.** "Public official" means any:
33.30 (1) member of the legislature;
33.31 (2) individual employed by the legislature as secretary of the senate, legislative
33.32 auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or
33.33 attorney in the Office of Senate Counsel and Research or House Research;

(3) constitutional officer in the executive branch and the officer's chief administrative deputy;

(4) solicitor general or deputy, assistant, or special assistant attorney general;

(5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06, or the state chief information officer;

(6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;

(7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;

(8) executive director of the State Board of Investment;

(9) deputy of any official listed in clauses (7) and (8);

(10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Employment and Economic Development;

(12) member, regional administrator, division director, general counsel, or operations manager of the Metropolitan Council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Minnesota Technology, Inc.;

(17) member of the board of directors or executive director of the Minnesota State High School League;

(18) member of the Minnesota Ballpark Authority established in section 473.755; ~~or~~

(19) citizen member of the Legislative-Citizen Commission on Minnesota Resources;

(20) manager of a watershed district or member of a watershed management organization; or

(21) supervisor of a soil and water conservation district.

Sec. 2. Minnesota Statutes 2006, section 15.99, subdivision 3, is amended to read:

Subd. 3. **Application; extensions.** (a) The time limit in subdivision 2 begins upon the agency's receipt of a written request containing all information required by law or by

a previously adopted rule, ordinance, or policy of the agency, including the applicable application fee. If an agency receives a written request that does not contain all required information, the 60-day limit starts over only if the agency sends written notice within 15 business days of receipt of the request telling the requester what information is missing.

(b) If a request relating to zoning, septic systems, watershed district review, soil and water conservation district review, or expansion of the metropolitan urban service area requires the approval of more than one state agency in the executive branch, the 60-day period in subdivision 2 begins to run for all executive branch agencies on the day a request containing all required information is received by one state agency. The agency receiving the request must forward copies to other state agencies whose approval is required.

(c) An agency response, including an approval with conditions, meets the 60-day time limit if the agency can document that the response was sent within 60 days of receipt of the written request. Failure to satisfy the conditions, if any, may be a basis to revoke or rescind the approval by the agency and will not give rise to a claim that the 60-day limit was not met.

(d) The time limit in subdivision 2 is extended if a state statute, federal law, or court order requires a process to occur before the agency acts on the request, and the time periods prescribed in the state statute, federal law, or court order make it impossible to act on the request within 60 days. In cases described in this paragraph, the deadline is extended to 60 days after completion of the last process required in the applicable statute, law, or order. Final approval of an agency receiving a request is not considered a process for purposes of this paragraph.

(e) The time limit in subdivision 2 is extended if: (1) a request submitted to a state agency requires prior approval of a federal agency; or (2) an application submitted to a city, county, town, school district, metropolitan or regional entity, or other political subdivision requires prior approval of a state or federal agency. In cases described in this paragraph, the deadline for agency action is extended to 60 days after the required prior approval is granted.

(f) An agency may extend the time limit in subdivision 2 before the end of the initial 60-day period by providing written notice of the extension to the applicant. The notification must state the reasons for the extension and its anticipated length, which may not exceed 60 days unless approved by the applicant.

(g) An applicant may by written notice to the agency request an extension of the time limit under this section.

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

Sec. 3. Minnesota Statutes 2006, section 16A.531, subdivision 1a, is amended to read:

Subd. 1a. **Revenues.** The following revenues must be deposited in the environmental fund:

- (1) all revenue from the motor vehicle transfer fee imposed under section 115A.908;
- (2) all fees collected under section 116.07, subdivision 4d;
- (3) all money collected by the Pollution Control Agency in enforcement matters as provided in section 115.073;
- (4) all revenues from license fees for individual sewage treatment systems under section 115.56;
- (5) all loan repayments deposited under section 115A.0716;
- (6) all revenue from pollution prevention fees imposed under section 115D.12;
- (7) all loan repayments deposited under section 116.994;
- (8) all fees collected under section 116C.834;
- (9) revenue collected from the solid waste management tax pursuant to chapter 297H;
- (10) fees collected under section 473.844; ~~and~~
- (11) interest accrued on the fund; and
- (12) money received in the form of gifts, grants, reimbursement, or appropriation from any source for any of the purposes provided in subdivision 2, except federal grants.

Sec. 4. **[17.035] VENISON DISTRIBUTION AND REIMBURSEMENT.**

Subdivision 1. **Reimbursement.** A meat processor holding a license under chapter 28A may apply to the commissioner of agriculture for reimbursement of \$70 towards the cost of processing a deer donated according to subdivision 1. The meat processor shall deliver the deer, processed into cuts or ground meat, to a charitable organization that is registered under chapter 309 and with the commissioner of agriculture and that operates a food assistance program. To request reimbursement, the processor shall submit an application, on a form prescribed by the commissioner of agriculture, the tag number under which the deer was taken, and a receipt for the deer from the charitable organization.

Subd. 2. **Distribution.** (a) The commissioner of agriculture shall ensure the equitable statewide distribution of processed deer by requiring the charitable organization to allocate and distribute processed deer according to the allocation formula used in the distribution of United States Department of Agriculture commodities under the federal emergency food assistance program. The charitable organization must submit quarterly reports to the commissioner on forms prescribed by the commissioner. The reports must include, but are not limited to, information on the amount of processed deer received and the organizations to which the meat was distributed.

37.1 (b) The commissioner of agriculture may adopt rules to implement this section.

37.2 Sec. 5. Minnesota Statutes 2006, section 17.4984, subdivision 1, is amended to read:

37.3 Subdivision 1. **License required.** (a) A person or entity may not operate an aquatic
37.4 farm without first obtaining an aquatic farm license from the commissioner.

37.5 (b) Applications for an aquatic farm license must be made on forms provided by
37.6 the commissioner.

37.7 (c) Licenses are valid for five years and are transferable upon notification to the
37.8 commissioner.

37.9 (d) The commissioner shall issue an aquatic farm license on payment of the required
37.10 license fee under section 17.4988.

37.11 (e) A license issued by the commissioner is not a determination of private property
37.12 rights, but is only based on a determination that the licensee does not have a significant
37.13 detrimental impact on the public resource.

37.14 (f) The commissioner shall not issue a new license to farm minnows in a natural
37.15 water body if the natural water body is the subject of a protective easement or other
37.16 interest in land that was acquired with funding from federal waterfowl stamp proceeds
37.17 or migratory waterfowl stamp proceeds under section 97A.075, subdivision 2, or if the
37.18 natural water body was the subject of any other development, restoration, maintenance, or
37.19 preservation project funded under section 97A.075, subdivision 2.

37.20 **EFFECTIVE DATE.** This section is effective July 1, 2008.

37.21 Sec. 6. Minnesota Statutes 2006, section 18G.03, is amended by adding a subdivision
37.22 to read:

37.23 Subd. 5. **Certain species not subject to chapter 18G.** This chapter does not apply
37.24 to exotic aquatic plants and wild animal species regulated under chapter 84D.

37.25 Sec. 7. Minnesota Statutes 2006, section 18G.11, is amended to read:

37.26 **18G.11 COOPERATION WITH OTHER JURISDICTIONS.**

37.27 Subdivision 1. **Detection and control agreements.** The commissioner may enter
37.28 into cooperative agreements with organizations, persons, civic groups, governmental
37.29 agencies, or other organizations to adopt and execute plans to detect and control areas
37.30 infested or infected with harmful plant pests. The cooperative agreements may include
37.31 provisions of joint funding of any control treatment.

If a harmful plant pest infestation or infection occurs and cannot be adequately controlled by individual persons, owners, tenants, or local units of government, the commissioner may conduct the necessary control measures independently or on a cooperative basis with federal or other units of government.

Subd. 2. **New and emerging plant pest programs.** The commissioner may make grants to municipalities or enter into contracts with municipalities, nurseries, colleges, universities, state or federal agencies in connection with new or emerging plant pest programs, including research, or any other organization with the legal authority to enter into contractual agreements.

Sec. 8. **[84.02] DEFINITIONS.**

Subdivision 1. **Definitions.** For purposes of this chapter, the terms defined in this section shall have the meanings given them.

Subd. 2. **Best management practice for native prairie restoration.** "Best management practice for native prairie restoration" means using seeds collected from a native prairie within the same county or within 25 miles of the county's border, but not across the boundary of an ecotype region.

Subd. 3. **Created grassland.** "Created grassland" means a restoration using seeds or plants with origins outside of the state of Minnesota.

Subd. 4. **Ecotype region.** "Ecotype region" means the following ecological subsections and counties based on the Department of Natural Resources map, "County Landscape Groupings Based on Ecological Subsections," dated February 15, 2007.

<u>Ecotype Region</u>	<u>Counties or portions thereof:</u>
<u>Rochester Plateau, Blufflands, and Oak Savanna</u>	<u>Houston, Winona, Fillmore, Wabasha, Goodhue, Mower, Freeborn, Steele, Olmsted, Rice, Waseca, Dakota, Dodge</u>
<u>Anoka Sand Plain, Big Woods, and St. Paul Baldwin Plains and Moraines</u>	<u>Anoka, Hennepin, Ramsey, Washington, Chisago, Scott, Carver, McLeod, Wright, Benton, Isanti, Le Sueur, Sherburne</u>
<u>Inner Coteau and Coteau Moraines</u>	<u>Lincoln, Lyon, Pipestone, Rock, Murray, Nobles, Jackson, Cottonwood</u>
<u>Red River Prairie (South)</u>	<u>Traverse, Wilkin, Clay, Becker</u>
<u>Red River Prairie (North) and Aspen Parklands</u>	<u>Kittson, Roseau, Red Lake, Pennington, Marshall, Clearwater, Mahnommen, Polk, Norman</u>
<u>Minnesota River Prairie (North)</u>	<u>Big Stone, Pope, Stevens, Grant, Swift, Chippewa, Meeker, Kandiyohi, Renville, Lac qui Parle, Yellow Medicine</u>

39.1	<u>Minnesota River Prairie (South)</u>	<u>Nicollet, Redwood, Brown, Watonwan,</u>
39.2		<u>Martin, Faribault, Blue Earth, Sibley</u>
39.3	<u>Hardwood Hills</u>	<u>Douglas, Morrison, Otter Tail, Stearns,</u>
39.4		<u>Todd</u>

39.5 Subd. 5. **Native prairie.** "Native prairie" means land that has never been plowed
39.6 where native prairie vegetation originating from the site currently predominates or, if
39.7 disturbed, is predominantly covered with native prairie vegetation that originated from the
39.8 site. Unbroken pasture land used for livestock grazing can be considered native prairie if it
39.9 has predominantly native vegetation originating from the site and conservation practices
39.10 have maintained biological diversity.

39.11 Subd. 6. **Native prairie species of a local ecotype.** "Native prairie species of a local
39.12 ecotype" means a genetically differentiated population of a species that has at least one
39.13 trait (morphological, biochemical, fitness, or phenological) that is evolutionarily adapted
39.14 to local environmental conditions, notably plant competitors, pathogens, pollinators, soil
39.15 microorganisms, growing season length, climate, hydrology, and soil.

39.16 Subd. 7. **Restored native prairie.** "Restored native prairie" means a restoration
39.17 using at least 25 representative and biologically diverse native prairie plant species of a
39.18 local ecotype originating in the same county as the restoration site or within 25 miles of
39.19 the county's border, but not across the boundary of an ecotype region.

39.20 Subd. 8. **Restored prairie.** "Restored prairie" means a restoration using at least
39.21 25 representative and biologically diverse native prairie plant species originating from
39.22 the same ecotype region in which the restoration occurs.

39.23 Sec. 9. Minnesota Statutes 2006, section 84.025, subdivision 9, is amended to read:

39.24 Subd. 9. **Professional services support account.** The commissioner of natural
39.25 resources may bill the various programs carried out by the commissioner for the costs of
39.26 providing them with professional support services. Except as provided under section
39.27 89.421, receipts must be credited to a special account in the state treasury and are
39.28 appropriated to the commissioner to pay the costs for which the billings were made.

39.29 The commissioner of natural resources shall submit to the commissioner of finance
39.30 before the start of each fiscal year a work plan showing the estimated work to be done
39.31 during the coming year, the estimated cost of doing the work, and the positions and fees
39.32 that will be necessary. This account is exempted from statewide and agency indirect
39.33 cost payments.

39.34 Sec. 10. Minnesota Statutes 2006, section 84.026, subdivision 1, is amended to read:

Subdivision 1. **Contracts.** The commissioner of natural resources is authorized to enter into contractual agreements with any public or private entity for the provision of statutorily prescribed natural resources services by the department. The contracts shall specify the services to be provided. Except as provided under section 89.421, funds generated in a contractual agreement made pursuant to this section shall be deposited in the special revenue fund and are appropriated to the department for purposes of providing the services specified in the contracts. The commissioner shall report revenues collected and expenditures made under this subdivision to the chairs of the Committees on Ways and Means in the house and Finance in the senate by January 1 of each odd-numbered year.

Sec. 11. Minnesota Statutes 2006, section 84.0272, is amended by adding a subdivision to read:

Subd. 5. **Easement information.** Parties to an easement purchased under the authority of the commissioner must:

- (1) specify in the easement all provisions that are perpetual in nature;
- (2) file the easement with the county recorder or registrar of titles in the county in which the land is located; and
- (3) submit an electronic copy of the easement to the commissioner.

Sec. 12. Minnesota Statutes 2006, section 84.0855, subdivision 1, is amended to read:

Subdivision 1. **Sales authorized; gift certificates.** The commissioner may sell natural resources-related publications and maps; forest resource assessment products; federal migratory waterfowl, junior duck, and other federal stamps; and other nature-related merchandise, and may rent or sell items for the convenience of persons using Department of Natural Resources facilities or services. The commissioner may sell gift certificates for any items rented or sold. Notwithstanding section 16A.1285, a fee charged by the commissioner under this section may include a reasonable amount in excess of the actual cost to support Department of Natural Resources programs. The commissioner may advertise the availability of a program or item offered under this section.

Sec. 13. Minnesota Statutes 2006, section 84.0855, subdivision 2, is amended to read:

Subd. 2. **Receipts; appropriation.** Except as provided under section 89.421, money received by the commissioner under this section or to buy supplies for the use of volunteers, may be credited to one or more special accounts in the state treasury and is appropriated to the commissioner for the purposes for which the money was received. Money received from sales at the state fair shall be available for state fair related costs.

41.1 Money received from sales of intellectual property and software products or services shall
41.2 be available for development, maintenance, and support of software products and systems.

41.3 Sec. 14. Minnesota Statutes 2006, section 84.780, is amended to read:

41.4 **84.780 OFF-HIGHWAY VEHICLE DAMAGE ACCOUNT.**

41.5 (a) The off-highway vehicle damage account is created in the natural resources fund.
41.6 Money in the off-highway vehicle damage account is appropriated to the commissioner
41.7 of natural resources for the repair or restoration of property damaged by the operation of
41.8 off-highway vehicles in an ~~unpermitted~~ illegal area after August 1, 2003, and for the costs
41.9 of administration for this section. Before the commissioner may make a payment from
41.10 this account, the commissioner must determine whether the damage to the property was
41.11 caused by the ~~unpermitted~~ illegal use of off-highway vehicles, that the applicant has made
41.12 reasonable efforts to identify the responsible individual and obtain payment from the
41.13 individual, and that the applicant has made reasonable efforts to prevent reoccurrence.
41.14 ~~By June 30, 2008, the commissioner of finance must transfer the remaining balance in the~~
41.15 ~~account to the off-highway motorcycle account under section 84.794, the off-road vehicle~~
41.16 ~~account under section 84.803, and the all-terrain vehicle account under section 84.927.~~
41.17 ~~The amount transferred to each account must be proportionate to the amounts received in~~
41.18 ~~the damage account from the relevant off-highway vehicle accounts.~~

41.19 (b) Determinations of the commissioner under this section may be made by written
41.20 order and are exempt from the rulemaking provisions of chapter 14. Section 14.386
41.21 does not apply.

41.22 (c) ~~This section expires July 1, 2008~~ These funds are available until expended.

41.23 Sec. 15. **[84.8045] RESTRICTIONS ON OFF-ROAD VEHICLE TRAILS.**

41.24 Notwithstanding any provision of sections 84.797 to 84.805 or other law to the
41.25 contrary, the commissioner shall not permit land administered by the commissioner in
41.26 Beltrami, Cass, Crow Wing, and Hubbard Counties to be used or developed for trails
41.27 primarily for off-road vehicles as defined in section 84.797, subdivision 7, except:

- 41.28 (1) upon approval by the legislature; or
41.29 (2) in designated off-road vehicle use areas.

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

41.31 Sec. 16. **[84.9011] OFF-HIGHWAY VEHICLE SAFETY AND CONSERVATION**
41.32 **PROGRAM.**

Subdivision 1. **Creation.** The commissioner of natural resources shall establish a program to promote the safe and responsible operation of off-highway vehicles in a manner that does not harm the environment. The commissioner shall coordinate the program through the regional offices of the Department of Natural Resources.

Subd. 2. **Purpose.** The purpose of the program is to encourage off-highway vehicle clubs to assist, on a volunteer basis, in improving, maintaining, and monitoring of trails on state forest land and other public lands.

Subd. 3. **Agreements.** (a) The commissioner shall enter into informal agreements with off-highway vehicle clubs for volunteer services to maintain, make improvements to, and monitor trails on state forest land and other public lands. The off-highway vehicle clubs shall promote the operation of off-highway vehicles in a safe and responsible manner that complies with the laws and rules that relate to the operation of off-highway vehicles.

(b) The off-highway vehicle clubs may provide assistance to the department in locating, recruiting, and training instructors for off-highway vehicle training programs.

(c) The commissioner may provide assistance to enhance the comfort and safety of volunteers and to facilitate the implementation and administration of the safety and conservation program.

Subd. 4. **Worker displacement prohibited.** The commissioner may not enter into any agreement that has the purpose of or results in the displacement of public employees by volunteers participating in the off-highway safety and conservation program under this section. The commissioner must certify to the appropriate bargaining agent that the work performed by a volunteer will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits.

Sec. 17. Minnesota Statutes 2006, section 84.927, subdivision 2, is amended to read:

Subd. 2. **Purposes.** Subject to appropriation by the legislature, money in the all-terrain vehicle account may only be spent for:

- (1) the education and training program under section 84.925;
- (2) administration, enforcement, and implementation of sections 84.773 to 84.929;
- (3) acquisition, maintenance, and development of vehicle trails and use areas;
- (4) grant-in-aid programs to counties and municipalities to construct and maintain all-terrain vehicle trails and use areas;
- (5) grants-in-aid to local safety programs; ~~and~~
- (6) enforcement and public education grants to local law enforcement agencies; and

(7) maintenance of minimum-maintenance forest roads according to section 89.71, subdivision 5, and county forest roads within state forest boundaries as defined under section 89.021.

The distribution of funds made available through grant-in-aid programs must be guided by the statewide comprehensive outdoor recreation plan.

Sec. 18. Minnesota Statutes 2006, section 84.963, is amended to read:

84.963 PRAIRIE PLANT SEED PRODUCTION AREAS.

(a) The commissioner of natural resources shall study the feasibility of establishing private or public prairie plant seed production areas within prairie land locations. If prairie plant seed production is feasible, the commissioner may aid the establishment of production areas. The commissioner may enter cost-share or sharecrop agreements with landowners having easements for conservation purposes of ten or more years on their land to commercially produce prairie plant seed of Minnesota origin. The commissioner may only aid prairie plant seed production areas on agricultural land used to produce crops before December 23, 1985, and cropped three out of five years between 1981 and 1985.

(b) The commissioner shall compile, prepare, and electronically disseminate to the public prairie establishment guidance materials and resources. The resources must provide information and guidance on project planning, seed selection including ecotype and species mix, site preparation, seeding, maintenance, and technical service providers. The commissioner shall use actual prairie restoration projects under development on state-owned land to illustrate and demonstrate the practices described.

Sec. 19. Minnesota Statutes 2006, section 84D.02, is amended by adding a subdivision to read:

Subd. 7. **Contracts for services for emergency invasive species prevention work; commissions to persons employed.** The commissioner may contract for or accept the services of any persons whose aid is available, temporarily or otherwise, in emergency invasive species prevention work, either gratuitously or for compensation not in excess of the limits provided by law with respect to the employment of labor by the commissioner. The commissioner may issue a commission, or other written evidence of authority, to any person whose services are so arranged for and may thereby empower the person to act, temporarily or otherwise, in any other capacity, with powers and duties as may be specified in the commission or other written evidence of authority, but not in excess of the powers conferred by law. The commissioner of agriculture, under authority provided by law, shall cooperate with the commissioner in emergency control of invasive species prevention.

44.1 Sec. 20. Minnesota Statutes 2006, section 84D.13, subdivision 7, is amended to read:

44.2 Subd. 7. **Satisfaction of civil penalties.** A civil penalty is due and a watercraft
44.3 license suspension is effective 30 days after issuance of the civil citation. A civil penalty
44.4 collected under this section is payable to the commissioner and must be credited to the
44.5 ~~water recreation account~~ invasive species account.

44.6 Sec. 21. Minnesota Statutes 2006, section 84D.14, is amended to read:

44.7 **84D.14 EXEMPTIONS.**

44.8 This chapter does not apply to:

- 44.9 (1) pathogens and terrestrial arthropods regulated under sections 18G.01 to ~~18G.16~~
44.10 18G.15; or
44.11 (2) mammals and birds defined by statute as livestock.

44.12 Sec. 22. **[84D.15] INVASIVE SPECIES ACCOUNT.**

44.13 Subdivision 1. **Creation.** The invasive species account is created in the state
44.14 treasury in the natural resources fund.

44.15 Subd. 2. **Receipts.** Money received from surcharges on watercraft licenses under
44.16 section 86B.415, subdivision 7, and civil penalties under section 84D.13 shall be deposited
44.17 in the invasive species account. Each year, the commissioner of finance shall transfer from
44.18 the game and fish fund to the invasive species account, the annual surcharge collected on
44.19 nonresident fishing licenses under section 97A.475, subdivision 7, paragraph (b).

44.20 Subd. 3. **Use of money in account.** Money credited to the invasive species account
44.21 in subdivision 2 shall be used for management of invasive species and implementation of
44.22 this chapter as it pertains to invasive species, including control, public awareness, law
44.23 enforcement, assessment and monitoring, management planning, and research.

44.24 Sec. 23. Minnesota Statutes 2006, section 85.013, is amended by adding a subdivision
44.25 to read:

44.26 Subd. 11b. Greenleaf Lake State Recreation Area, which is hereby renamed from
44.27 Greenleaf Lake State Park.

44.28 Sec. 24. **[85.0146] CUYUNA COUNTRY STATE RECREATION AREA;**
44.29 **CITIZENS ADVISORY COUNCIL.**

44.30 Subdivision 1. **Advisory council created.** The Cuyuna Country State Recreation
44.31 Area Citizens Advisory Council is established. Membership on the advisory council
44.32 shall include:

45.1 (1) a representative of the Cuyuna Range Mineland Recreation Area Joint Powers
45.2 Board;

45.3 (2) a representative of the Croft Mine Historical Park Joint Powers Board;

45.4 (3) a designee of the Cuyuna Range Mineland Reclamation Committee who has
45.5 worked as a miner in the local area;

45.6 (4) a representative of the Crow Wing County Board;

45.7 (5) an elected state official;

45.8 (6) a representative of the Grand Rapids regional office of the Department of Natural
45.9 Resources;

45.10 (7) a designee of the Iron Range Resources and Rehabilitation Board;

45.11 (8) a designee of the local business community selected by the area chambers of
45.12 commerce;

45.13 (9) a designee of the local environmental community selected by the Crow Wing
45.14 County District 5 commissioner;

45.15 (10) a designee of a local education organization selected by the Crosby-Ironton
45.16 School Board;

45.17 (11) a designee of one of the recreation area user groups selected by the Cuyuna
45.18 Range Chamber of Commerce; and

45.19 (12) a member of the Cuyuna Country Heritage Preservation Society.

45.20 Subd. 2. **Administration.** (a) The advisory council must meet at least four times
45.21 annually. The council shall elect a chair and meetings shall be at the call of the chair.

45.22 (b) Members of the advisory council shall serve as volunteers for two-year terms
45.23 with the ability to be reappointed. Members shall accept no per diem.

45.24 (c) The state recreation area manager may attend the council meetings and advise
45.25 the council of issues in management of the recreation area.

45.26 (d) Before a major decision is implemented in the Cuyuna Country State Recreation
45.27 Area, the area manager must consult with the council and take into consideration any
45.28 council comments or advice that may impact the major decision.

45.29 Sec. 25. Minnesota Statutes 2006, section 85.054, subdivision 12, is amended to read:

45.30 Subd. 12. **Soudan Underground Mine State Park.** A state park permit is not
45.31 required and a fee may not be charged for motor vehicle entry ~~or~~ parking at the visitor
45.32 parking area of Soudan Underground Mine State Park, or for tours of the High Energy
45.33 Physics Lab by supervised kindergarten through grade 12 school classes during the school
45.34 year.

Sec. 26. Minnesota Statutes 2006, section 85.054, is amended by adding a subdivision to read:

Subd. 13. **Cuyuna Country State Recreation Area.** A state park permit is not required and a fee may not be charged for motor vehicle entry or parking at Croft Mine Historical Park and Portsmouth Mine Lake Overlook in Cuyuna Country State Recreation Area, except for overnight camping.

Sec. 27. Minnesota Statutes 2006, section 86B.706, subdivision 2, is amended to read:

Subd. 2. **Money deposited in account.** The following shall be deposited in the state treasury and credited to the water recreation account:

- (1) fees ~~and surcharges~~ from titling and licensing of watercraft under this chapter;
- (2) fines, installment payments, and forfeited bail according to section 86B.705, subdivision 2;
- (3) ~~civil penalties according to section 84D.13;~~
- ~~(4)~~ mooring fees and receipts from the sale of marine gas at state-operated or state-assisted small craft harbors and mooring facilities according to section 86A.21;
- ~~(5)~~ (4) the unrefunded gasoline tax attributable to watercraft use under section 296A.18; and
- ~~(6)~~ (5) fees for permits issued to control or harvest aquatic plants other than wild rice under section 103G.615, subdivision 2.

Sec. 28. Minnesota Statutes 2006, section 88.01, is amended by adding a subdivision to read:

Subd. 27. **Community forest.** "Community forest" means public and private trees and associated plants occurring individually, in small groups, or under forest conditions within a municipality.

Sec. 29. Minnesota Statutes 2006, section 88.79, subdivision 1, is amended to read:

Subdivision 1. **Employment of competent foresters; service to private owners.**
The commissioner of natural resources may employ competent foresters to furnish owners of forest lands within the state of Minnesota who own not more than 1,000 acres of forest land, forest management services consisting of:

- (1) advice in management and protection of timber, including written stewardship and forest management plans;
- (2) selection and marking of timber to be cut;
- (3) measurement of products;

47.1 (4) aid in marketing harvested products;
47.2 (5) provision of tree-planting equipment; ~~and~~
47.3 (6) advice in community forest management; and
47.4 (7) such other services as the commissioner of natural resources deems necessary
47.5 or advisable to promote maximum sustained yield of timber and other benefits upon
47.6 such forest lands.

47.7 Sec. 30. Minnesota Statutes 2006, section 88.79, subdivision 2, is amended to read:

47.8 Subd. 2. **Charge for service; receipts to special revenue fund.** The commissioner
47.9 of natural resources may charge the owner receiving such services such sums as the
47.10 commissioner shall determine to be fair and reasonable. The charges must account for
47.11 differences in the value of timber and other benefits. The receipts from such services shall
47.12 be credited to the special revenue fund and are annually appropriated to the commissioner
47.13 for the purposes specified in subdivision 1.

47.14 Sec. 31. Minnesota Statutes 2006, section 88.82, is amended to read:

47.15 **88.82 MINNESOTA RELEAF PROGRAM.**

47.16 The Minnesota releaf program is established in the Department of Natural Resources
47.17 to encourage, promote, and fund the inventory, planting, assessment, maintenance, and
47.18 improvement, protection, and restoration of trees and forest resources in this state to
47.19 enhance community forest ecosystem health and sustainability as well as to reduce
47.20 atmospheric carbon dioxide levels and promote energy conservation.

47.21 Sec. 32. Minnesota Statutes 2006, section 89.001, subdivision 8, is amended to read:

47.22 Subd. 8. **Forest resources.** "Forest resources" means those natural assets of forest
47.23 lands, including timber and other forest crops; biological diversity; recreation; fish and
47.24 wildlife habitat; wilderness; rare and distinctive flora and fauna; air; water; soil; climate;
47.25 and educational, aesthetic, and historic values.

47.26 Sec. 33. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision
47.27 to read:

47.28 Subd. 15. **Forest pest.** "Forest pest" means any vertebrate or invertebrate animal,
47.29 plant pathogen, or plant that is determined by the commissioner to be harmful, injurious,
47.30 or destructive to forests or timber.

48.1 Sec. 34. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision
48.2 to read:

48.3 Subd. 16. **Shade tree pest.** "Shade tree pest" means any vertebrate or invertebrate
48.4 animal, plant pathogen, or plant that is determined by the commissioner to be harmful,
48.5 injurious, or destructive to shade trees or community forests.

48.6 Sec. 35. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision
48.7 to read:

48.8 Subd. 17. **Community forest.** "Community forest" has the meaning given under
48.9 section 88.01, subdivision 27.

48.10 Sec. 36. Minnesota Statutes 2006, section 89.001, is amended by adding a subdivision
48.11 to read:

48.12 Subd. 18. **Shade tree.** "Shade tree" means a woody perennial grown primarily
48.13 for aesthetic or environmental purposes.

48.14 Sec. 37. Minnesota Statutes 2006, section 89.01, subdivision 1, is amended to read:

48.15 Subdivision 1. **Best methods.** The commissioner shall ascertain and observe the
48.16 best methods of reforesting cutover and denuded lands, foresting waste lands, ~~preventing~~
48.17 ~~destruction~~ minimizing loss or damage of forests and lands forest resources by fire, forest
48.18 pests, or shade tree pests, administering forests on forestry principles, encouraging private
48.19 owners to preserve and grow trees or timber for commercial or other purposes, and
48.20 conserving the forests around the head waters of streams and on the watersheds of the state.

48.21 Sec. 38. Minnesota Statutes 2006, section 89.01, subdivision 2, is amended to read:

48.22 Subd. 2. **General duties.** The commissioner shall execute all rules pertaining
48.23 to forestry and forest protection within the jurisdiction of the state; have charge of the
48.24 work of protecting all forests and lands from fire, forest pests, and shade tree pests;
48.25 shall investigate the origin of all forest fires; and prosecute all violators as provided by
48.26 law; shall prepare and print for public distribution an abstract of the forest fire laws of
48.27 Minnesota, together with such rules as may be formulated.

48.28 The commissioner shall prepare printed notices calling attention to the dangers from
48.29 forest fires and cause them to be posted in conspicuous places.

48.30 Sec. 39. Minnesota Statutes 2006, section 89.01, subdivision 4, is amended to read:

Subd. 4. **Forest plans.** The commissioner shall cooperate with the several departments of the state and federal governments and with counties, towns, municipalities, corporations, or individuals in the preparation of plans for forest protection; and management; and planting or replacement of trees; in wood lots; and community forests or on timber tracts, using such influence as time will permit toward the establishment of scientific forestry principles in the management, protection, and promotion of the forest resources of the state.

Sec. 40. Minnesota Statutes 2006, section 89.22, subdivision 2, is amended to read:

Subd. 2. **Receipts to ~~natural resources~~ special revenue fund.** Fees collected under subdivision 1 shall be credited to ~~a forest land use account in the natural resources fund~~ the special revenue fund and are annually appropriated to the commissioner to recoup the costs of developing, operating, and maintaining facilities necessary for the specified uses in subdivision 1 or to prevent or mitigate resource impacts of those uses.

EFFECTIVE DATE. This section is effective July 1, 2007, and applies to fees collected according to Minnesota Statutes, section 89.22, subdivision 1, after August 1, 2006.

Sec. 41. **[89.421] FOREST RESOURCE ASSESSMENT PRODUCTS AND SERVICES ACCOUNT.**

Subdivision 1. **Creation.** The forest resource assessment products and services account is created in the state treasury in the natural resources fund.

Subd. 2. **Receipts.** Money received from forest resource assessment product sales and services provided by the commissioner under sections 84.025, subdivision 9; 84.026; and 84.0855 shall be credited to the forest resource assessment products and services account. Forest resource assessment products and services include the sale of aerial photography, remote sensing, and satellite imagery products and services.

Subd. 3. **Use of money in account.** Money credited to the forest resource assessment products and services account under subdivision 2 is appropriated for fiscal years 2008 and 2009 to the commissioner and shall be used to maintain the staff and facilities producing the aerial photography, remote sensing, and satellite imagery products and services.

Sec. 42. Minnesota Statutes 2006, section 89.51, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** For the purposes of sections 89.51 to ~~89.61~~ 89.64 the terms described in this section have the meanings ascribed to them.

50.1 Sec. 43. Minnesota Statutes 2006, section 89.51, subdivision 6, is amended to read:

50.2 Subd. 6. **Infestation.** "Infestation;" includes actual, potential, incipient, or
50.3 ~~emergency~~ emergent infestation or infection by forest pests or shade tree pests.

50.4 Sec. 44. Minnesota Statutes 2006, section 89.51, subdivision 9, is amended to read:

50.5 Subd. 9. **Forest land or forest.** "Forest land" or "forest;" means land on which
50.6 occurs a stand or potential stand of trees valuable for timber products, watershed or
50.7 wildlife protection, recreational uses, community forest benefits, or other purposes, and
50.8 shall include lands owned or controlled by the state of Minnesota.

50.9 Sec. 45. Minnesota Statutes 2006, section 89.52, is amended to read:

50.10 **89.52 SURVEYS, INVESTIGATIONS.**

50.11 The commissioner shall make surveys and investigations to determine the presence
50.12 of infestations of forest pests or shade tree pests. For this purpose, duly designated
50.13 representatives of the commissioner may enter at reasonable times on public and private
50.14 lands ~~for the purpose of conducting such~~ to conduct the surveys and investigations.

50.15 Sec. 46. Minnesota Statutes 2006, section 89.53, is amended to read:

50.16 **89.53 CONTROL OF FOREST PESTS AND SHADE TREE PESTS.**

50.17 Subdivision 1. **Commissioner's duties; notice of control measures.** Whenever the
50.18 commissioner finds that an area in the state is infested or threatened to be infested with
50.19 forest pests or shade tree pests, the commissioner shall determine whether measures of
50.20 control are needed ~~and are available~~, what control measures are to be applied, and the area
50.21 over which the control measures shall be applied. The commissioner shall prescribe
50.22 a proposed zone of infestation covering the area in which control measures are to be
50.23 applied and shall publish notice of the proposal once a week, for two successive weeks
50.24 in a newspaper having a general circulation in each county located in whole or in part
50.25 in the proposed zone of infestation. Prescribing zones of infestation ~~is~~ and prescribing
50.26 measures of control are exempt from the rulemaking provisions of chapter 14 and section
50.27 14.386 does not apply.

50.28 Subd. 2. **Notice requirements; public comment.** The notice shall include a
50.29 description of the boundaries of the proposed zone of infestation, the control measures
50.30 to be applied, and a time and place where municipalities and owners of forest lands or
50.31 shade trees in the zone may show cause orally or in writing why the zone and control
50.32 measures should or should not be established. The commissioner shall consider any

51.1 statements received in determining whether the zone shall be established and the control
51.2 measures applied.

51.3 Subd. 3. **Experimental programs.** The commissioner may establish experimental
51.4 programs for the control of forest pests or shade tree pests and for municipal reforestation.

51.5 Sec. 47. Minnesota Statutes 2006, section 89.54, is amended to read:

51.6 **89.54 ZONES OF INFESTATION, ESTABLISHMENT.**

51.7 Upon the decision by the commissioner that the establishment of a zone of
51.8 infestation is necessary, the commissioner shall make a written order establishing ~~said~~
51.9 the zone, and upon making ~~said the~~ order, ~~said the~~ zone shall be established. Notice of the
51.10 establishment of the zone shall thereupon be published in a newspaper having a general
51.11 circulation in each county located in whole or in part in the proposed zone and posted on
51.12 the Department of Natural Resources Web site.

51.13 Sec. 48. Minnesota Statutes 2006, section 89.55, is amended to read:

51.14 **89.55 INFESTATION CONTROL, COSTS.**

51.15 Upon the establishment of the zone of infestation, the commissioner may apply
51.16 measures of infestation prevention and control on public and private forest and other
51.17 lands within such zone and to any trees, ~~timber~~, plants ~~or shrubs thereon~~, wood or wood
51.18 products, or contaminated soil harboring or which may harbor the forest pests or shade
51.19 tree pests. For this purpose, the duly authorized representatives of the commissioner
51.20 are authorized to enter upon any lands, public or private within ~~such the~~ zone. The
51.21 commissioner may enter into agreements with owners of the lands in the zone covering
51.22 the control work on their lands, and fixing the pro rata basis on which the cost of ~~such the~~
51.23 work will be shared between the commissioner and ~~said the~~ owner.

51.24 Sec. 49. Minnesota Statutes 2006, section 89.56, subdivision 1, is amended to read:

51.25 Subdivision 1. **Statement of expenses; cost to owners.** At the end of each fiscal
51.26 year and upon completion of the infestation control measures in any zone of infestation,
51.27 the commissioner shall prepare a certified statement of expenses incurred in carrying
51.28 out ~~such the~~ measures, including expenses of owners covered by agreements entered
51.29 into pursuant to section 89.55. The statement shall show the amount ~~which that~~ the
51.30 commissioner determines to be ~~its~~ the commissioner's share of the expenses. The share of
51.31 the commissioner may include funds and the value of other contributions made available
51.32 by the federal government and other cooperators. The balance of ~~such the~~ costs shall
51.33 constitute a charge on an acreage basis as provided herein against the owners of lands in

52.1 the zone containing trees ~~valuable or potentially valuable for commercial timber purposes~~
52.2 ~~and~~ affected or likely to be affected by the forest pests or shade tree pests for which control
52.3 measures were conducted. In fixing the rates at which charges shall be made against each
52.4 owner, the commissioner shall consider the present commercial value of the trees on the
52.5 land, the present and potential benefits to ~~such~~ the owner from the application of the
52.6 control measures, ~~and~~ the cost of applying ~~such~~ the measures to the land, and such other
52.7 factors as in the discretion of the commissioner will enable determination of an equitable
52.8 distribution of the cost to all ~~such~~ owners. No charge shall be made against owners to the
52.9 extent that they have individually or as members of a cooperative association contributed
52.10 funds, supplies, or services pursuant to agreement under this section.

52.11 Sec. 50. Minnesota Statutes 2006, section 89.56, subdivision 3, is amended to read:

52.12 Subd. 3. **Collection.** The unpaid charges assessed under sections 89.51 to ~~89.61~~
52.13 89.64 and the actions of the commissioner on any protests filed pursuant to subdivision 2,
52.14 shall be reported to the tax levying authority for the county in which the lands for which
52.15 the charges are assessed are situated and shall be made a public record. Any charges
52.16 finally determined to be due shall become a special assessment and shall be payable
52.17 in the same manner and with the same interest and penalty charges and with the same
52.18 procedure for collection as apply to ad valorem property taxes. Upon collection of the
52.19 charges, the county treasurer shall forthwith cause the amounts thereof to be paid to the
52.20 forest pest and shade tree pest control fund ~~and~~ account created by section 89.58. Any unpaid
52.21 charge or lien against the lands shall not be affected by the sale thereof or by dissolution
52.22 of the zone of infestation.

52.23 Sec. 51. Minnesota Statutes 2006, section 89.57, is amended to read:

52.24 **89.57 DISSOLUTION OF ZONE INFESTATION.**

52.25 Whenever the commissioner shall determine that forest pest or shade tree pest
52.26 control work within an established zone of infestation is no longer necessary or feasible,
52.27 the commissioner shall dissolve the zone.

52.28 Sec. 52. Minnesota Statutes 2006, section 89.58, is amended to read:

52.29 **89.58 FOREST PEST AND SHADE TREE PEST CONTROL ACCOUNT.**

52.30 All money collected under the provisions of sections 89.51 to ~~89.61~~ 89.64, together
52.31 with such money as may be appropriated by the legislature or allocated by the Legislative
52.32 Advisory Commission for the purposes of sections 89.51 to ~~89.61~~ 89.64, and such money
52.33 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 and shade tree pest control account, which account is hereby created, and any moneys therein are appropriated to the commissioner for use in carrying out the purposes ~~hereof~~ of sections 89.51 to 89.64.

Sec. 53. Minnesota Statutes 2006, section 89.59, is amended to read:

89.59 COOPERATION.

The commissioner may cooperate with the United States or agencies thereof, other agencies of the state, county or municipal governments, agencies of neighboring states, or other public or private organizations or individuals and may accept such funds, equipment, supplies, or services from cooperators and others as ~~it~~ the commissioner may provide in agreements with the United States or its agencies for matching of federal funds as required under laws of the United States relating to forest pests and shade tree pests.

Sec. 54. Minnesota Statutes 2006, section 89.60, is amended to read:

89.60 DUTIES, RULES; COMMISSIONER.

The commissioner is authorized to employ personnel in accordance with the laws of this state, to procure necessary equipment, supplies, and service, to enter into contracts, to provide funds to any agency of the United States for work or services under sections 89.51 to ~~89.61~~ 89.64, and to designate or appoint, as ~~its~~ the commissioner's representatives, employees of ~~its~~ cooperators, including employees of the United States or any agency thereof. The commissioner may prescribe rules for carrying out the purposes ~~hereof~~ of this section.

Sec. 55. Minnesota Statutes 2006, section 89.61, is amended to read:

89.61 ACT SUPPLEMENTAL.

Provisions of sections 89.51 to ~~89.61~~ 89.64 are supplementary to and not to be construed to repeal existing legislation.

Sec. 56. [89.62] SHADE TREE PEST CONTROL; GRANT PROGRAM.

Subdivision 1. Grants. The commissioner may make grants to aid in the control of a shade tree pest. To be eligible, a grantee must have a pest control program approved by the commissioner that:

(1) defines tree ownership and who is responsible for the costs associated with control measures;

54.1 (2) defines the zone of infestation within which the control measures are to be
54.2 applied;

54.3 (3) includes a tree inspector certified under section 89.63 and having the authority to
54.4 enter and inspect private lands;

54.5 (4) has the means to enforce measures needed to limit the spread of shade tree
54.6 pests; and

54.7 (5) provides that grant money received will be deposited in a separate fund to be
54.8 spent only for the purposes authorized by this section.

54.9 Subd. 2. **Grant eligibility.** The following are eligible for grants under this section:

54.10 (1) a home rule charter or statutory city or a town that exercises municipal powers
54.11 under section 368.01 or any general or special law;

54.12 (2) a special park district organized under chapter 398;

54.13 (3) a special-purpose park and recreation board;

54.14 (4) a soil and water conservation district;

54.15 (5) a county; or

54.16 (6) any other organization with the legal authority to enter into contractual
54.17 agreements.

54.18 Subd. 3. **Rules; applicability to municipalities.** The rules and procedures adopted
54.19 under this section by the commissioner apply in a municipality unless the municipality
54.20 adopts an ordinance determined by the commissioner to be more stringent than the rules
54.21 and procedures of the commissioner. The rules and procedures of the commissioner or
54.22 the municipality apply to all state agencies, special purpose districts, and metropolitan
54.23 commissions as defined in section 473.121, subdivision 5a, that own or control land
54.24 adjacent to or within a zone of infestation.

54.25 Sec. 57. **[89.63] CERTIFICATION OF TREE INSPECTORS.**

54.26 (a) The governing body of a municipality may appoint a qualified tree inspector.
54.27 Two or more municipalities may jointly appoint a tree inspector for the purpose of
54.28 administering their respective pest control programs.

54.29 (b) Upon a determination by the commissioner that a candidate for the position
54.30 of tree inspector is qualified, the commissioner shall issue a certificate of qualification
54.31 to the tree inspector. The certificate is valid for one year. A person certified as a tree
54.32 inspector by the commissioner may enter and inspect any public or private property that
54.33 might harbor forest pests or shade tree pests. The commissioner shall offer an annual tree
54.34 inspector certification workshop, upon completion of which participants are qualified
54.35 as tree inspectors.

55.1 (c) The commissioner may suspend and, upon notice and hearing, decertify a
55.2 tree inspector if the tree inspector fails to act competently or in the public interest in
55.3 the performance of duties.

55.4 Sec. 58. **[89.64] EXEMPTIONS.**

55.5 This chapter does not supersede the authority of the Department of Agriculture
55.6 under chapter 18G.

55.7 Sec. 59. Minnesota Statutes 2006, section 90.161, is amended by adding a subdivision
55.8 to read:

55.9 Subd. 4. **Change of security.** Prior to any harvest activity, or activities incidental
55.10 to the preparation for harvest, a purchaser having posted a bond for 100 percent of the
55.11 purchase price of a sale may request the release of the bond and the commissioner
55.12 shall grant such release upon cash payment to the commissioner of the down payment
55.13 requirement of the sale, plus interest.

55.14 Sec. 60. Minnesota Statutes 2006, section 93.22, subdivision 1, is amended to read:

55.15 Subdivision 1. **Generally.** (a) All payments under sections 93.14 to 93.285 shall
55.16 be made to the Department of Natural Resources and shall be credited according to this
55.17 section.

55.18 ~~(a) If the lands or minerals and mineral rights covered by a lease are held by the state~~
55.19 ~~by virtue of an act of Congress, payments made under the lease shall be credited to the~~
55.20 ~~permanent fund of the class of land to which the leased premises belong.~~

55.21 ~~(b) If a lease covers the bed of navigable waters, payments made under the lease~~
55.22 ~~shall be credited to the permanent school fund of the state.~~

55.23 ~~(c) If the lands or minerals and mineral rights covered by a lease are held by the~~
55.24 ~~state in trust for the taxing districts, payments made under the lease shall be distributed~~
55.25 ~~annually on the first day of September as follows:~~

55.26 ~~(1) 20 percent to the general fund; and~~

55.27 ~~(2) 80 percent to the respective counties in which the lands lie, to be apportioned~~
55.28 ~~among the taxing districts interested therein as follows: county, three-ninths; town or city,~~
55.29 ~~two-ninths; and school district, four-ninths.~~

55.30 ~~(d) Except as provided under this section and except where the disposition of~~
55.31 ~~payments may be otherwise directed by law, all payments shall be paid into the general~~
55.32 ~~fund of the state.~~

(b) Twenty percent of all payments under sections 93.14 to 93.285 shall be credited to the minerals management account in the natural resources fund as costs for the administration and management of state mineral resources by the commissioner of natural resources.

(c) The remainder of the payments shall be credited as follows:

(1) if the lands or minerals and mineral rights covered by a lease are held by the state by virtue of an act of Congress, payments made under the lease shall be credited to the permanent fund of the class of land to which the leased premises belong;

(2) if a lease covers the bed of navigable waters, payments made under the lease shall be credited to the permanent school fund of the state;

(3) if the lands or minerals and mineral rights covered by a lease are held by the state in trust for the taxing districts, payments made under the lease shall be distributed annually on the first day of September to the respective counties in which the lands lie, to be apportioned among the taxing districts interested therein as follows: county, three-ninths; town or city, two-ninths; and school district, four-ninths;

(4) if the lands or mineral rights covered by a lease became the absolute property of the state under the provisions of chapter 84A, payments made under the lease shall be distributed as follows: county containing the land from which the income was derived, five-eighths; and general fund of the state, three-eighths; and

(5) except as provided under this section and except where the disposition of payments may be otherwise directed by law, payments made under a lease shall be paid into the general fund of the state.

Sec. 61. Minnesota Statutes 2006, section 97A.055, subdivision 4, is amended to read:

Subd. 4. **Game and fish annual reports.** (a) By December 15 each year, the commissioner shall submit to the legislative committees having jurisdiction over appropriations and the environment and natural resources reports on each of the following:

(1) the amount of revenue from the following and purposes for which expenditures were made:

(i) the small game license surcharge under section 97A.475, subdivision 4;

(ii) the Minnesota migratory waterfowl stamp under section 97A.475, subdivision 5, clause (1);

(iii) the trout and salmon stamp under section 97A.475, subdivision 10;

(iv) the pheasant stamp under section 97A.475, subdivision 5, clause (2); ~~and~~

(v) the turkey stamp under section 97A.475, subdivision 5, clause (3); and

(vi) the deer license surcharge under section 97A.475, subdivision 3a;

(2) the amounts available under section 97A.075, subdivision 1, paragraphs (b) and (c), and the purposes for which these amounts were spent;

(3) money credited to the game and fish fund under this section and purposes for which expenditures were made from the fund;

(4) outcome goals for the expenditures from the game and fish fund; and

(5) summary and comments of citizen oversight committee reviews under subdivision 4b.

(b) The report must include the commissioner's recommendations, if any, for changes in the laws relating to the stamps and surcharge referenced in paragraph (a).

Sec. 62. Minnesota Statutes 2006, section 97A.065, is amended by adding a subdivision to read:

Subd. 6. **Deer license surcharge.** The surcharge collected under section 97A.475, subdivision 3a, shall be deposited in a special revenue account and is appropriated for fiscal years 2008 and 2009 to the commissioner for deer management, including for grants or payments to agencies, organizations, or individuals for assisting with the cost of processing deer taken for population management purposes for venison donation programs. None of the additional license fees shall be transferred to any other agency for administration of programs other than venison donation. If any money transferred by the commissioner is not used for a venison donation program, it shall be returned to the commissioner.

Sec. 63. Minnesota Statutes 2006, section 97A.133, is amended by adding a subdivision to read:

Subd. 66. Vermillion Highlands Wildlife Management Area, Dakota County.

Sec. 64. Minnesota Statutes 2006, section 97A.205, is amended to read:

97A.205 ENFORCEMENT OFFICER POWERS.

An enforcement officer is authorized to:

(1) execute and serve court issued warrants and processes relating to wild animals, wild rice, public waters, water pollution, conservation, and use of water, in the same manner as a sheriff;

(2) enter any land to carry out the duties and functions of the division;

(3) make investigations of violations of the game and fish laws;

(4) take an affidavit, if it aids an investigation;

(5) arrest, without a warrant, a person who is detected in the actual violation of the game and fish laws, a provision of chapters 84, 84A, 84D, 85, 86A, 88 to 97C, 103E,

58.1 103F, 103G, sections 86B.001 to 86B.815, 89.51 to ~~89.61~~ 89.64; or 609.66, subdivision 1,
58.2 clauses (1), (2), (5), and (7); and 609.68; and

58.3 (6) take an arrested person before a court in the county where the offense was
58.4 committed and make a complaint.

58.5 Nothing in this section grants an enforcement officer any greater powers than other
58.6 licensed peace officers.

58.7 Sec. 65. Minnesota Statutes 2006, section 97A.473, subdivision 3, is amended to read:

58.8 Subd. 3. **Lifetime small game hunting license; fee.** (a) A resident lifetime small
58.9 game hunting license authorizes a person to hunt and trap small game in the state. The
58.10 license authorizes those hunting and trapping activities authorized by the annual resident
58.11 small game hunting ~~license~~ and trapping licenses. The license does not include a turkey
58.12 stamp validation or any other hunting stamps required by law.

58.13 (b) The fees for a resident lifetime small game hunting license are:

58.14 (1) age 3 and under, \$217;

58.15 (2) age 4 to age 15, \$290;

58.16 (3) age 16 to age 50, \$363; and

58.17 (4) age 51 and over, \$213.

58.18 **EFFECTIVE DATE.** This section is effective the day following final enactment
58.19 and applies retroactively to licenses issued after February 28, 2001.

58.20 Sec. 66. Minnesota Statutes 2006, section 97A.473, subdivision 5, is amended to read:

58.21 Subd. 5. **Lifetime sporting license; fee.** (a) A resident lifetime sporting license
58.22 authorizes a person to take fish by angling and hunt and trap small game in the state.
58.23 The license authorizes those activities authorized by the annual resident angling ~~and~~,
58.24 resident small game hunting, and resident trapping licenses. The license does not include
58.25 a trout and salmon stamp validation, a turkey stamp validation, or any other hunting
58.26 stamps required by law.

58.27 (b) The fees for a resident lifetime sporting license are:

58.28 (1) age 3 and under, \$357;

58.29 (2) age 4 to age 15, \$480;

58.30 (3) age 16 to age 50, \$613; and

58.31 (4) age 51 and over, \$413.

58.32 **EFFECTIVE DATE.** This section is effective the day following final enactment
58.33 and applies retroactively to licenses issued after February 28, 2001.

Sec. 67. Minnesota Statutes 2006, section 97A.475, is amended by adding a subdivision to read:

Subd. 3a. **Deer license surcharge.** (a) Fees for annual resident and nonresident licenses to take deer by firearms or archery established under subdivisions 2, clauses (4), (5), (9), and (11), and 3, clauses (2), (3), and (7), must be increased by a surcharge of \$1, except as provided under section 97A.065, subdivision 6. An additional commission may not be assessed on the surcharge and the following statement must be included in the annual deer hunting regulations: "The \$1 deer license surcharge is being paid by hunters for deer management, including assisting with the costs of processing deer donated for charitable purposes."

(b) The commissioner shall report to the legislature on the participation in and effectiveness of the venison donation program by February 1, 2010.

Sec. 68. Minnesota Statutes 2006, section 97A.475, subdivision 7, is amended to read:

Subd. 7. **Nonresident fishing.** (a) Fees for the following licenses, to be issued to nonresidents, are:

(1) to take fish by angling, \$34;

(2) to take fish by angling limited to seven consecutive days selected by the licensee, \$24;

(3) to take fish by angling for a 72-hour period selected by the licensee, \$20;

(4) to take fish by angling for a combined license for a family for one or both parents and dependent children under the age of 16, \$46;

(5) to take fish by angling for a 24-hour period selected by the licensee, \$8.50; and

(6) to take fish by angling for a combined license for a married couple, limited to 14 consecutive days selected by one of the licensees, \$35.

(b) A \$2 surcharge shall be added to all nonresident fishing licenses, except licenses issued under paragraph (a), clause (5). An additional commission may not be assessed on this surcharge.

EFFECTIVE DATE. This section is effective March 1, 2008.

Sec. 69. Minnesota Statutes 2006, section 97A.485, subdivision 7, is amended to read:

Subd. 7. **Electronic licensing system commission.** The commissioner shall retain for the operation of the electronic licensing system the commission established under section 84.027, subdivision 15, and issuing fees collected by the commissioner on all license fees collected, excluding:

(1) the small game surcharge; and

60.1 (2) the deer license surcharge; and
60.2 (3) \$2.50 of the license fee for the licenses in section 97A.475, subdivisions 6,
60.3 clauses (1), (2), and (4), 7, 8, 12, and 13.

60.4 Sec. 70. **[97B.303] VENISON DONATIONS.**

60.5 An individual who legally takes a deer may donate the deer, for distribution to
60.6 charitable food assistance programs, to a meat processor that is licensed under chapter
60.7 28A. An individual donating a deer must supply the processor with the tag number under
60.8 which the deer was taken.

60.9 Sec. 71. Minnesota Statutes 2006, section 97C.081, subdivision 3, is amended to read:

60.10 Subd. 3. **Contests requiring a permit.** (a) A person must have a permit from the
60.11 commissioner to conduct a fishing contest that does not meet the criteria in subdivision 2.
60.12 ~~Permits shall be issued without a fee.~~ The commissioner shall charge a fee for the permit
60.13 that recovers the costs of issuing the permit and of monitoring the activities allowed by
60.14 the permit. Receipts collected from this fee shall be credited to the game and fish fund.
60.15 Notwithstanding section 16A.1283, the commissioner may, by written order published in
60.16 the State Register, establish contest permit fees. The fees are not subject to the rulemaking
60.17 provisions of chapter 14 and section 14.386 does not apply.

60.18 (b) If entry fees are over \$25 per person, or total prizes are valued at more than
60.19 \$25,000, and if the applicant has either:

60.20 (1) not previously conducted a fishing contest requiring a permit under this
60.21 subdivision; or

60.22 (2) ever failed to make required prize awards in a fishing contest conducted by
60.23 the applicant, the commissioner may require the applicant to furnish the commissioner
60.24 evidence of financial responsibility in the form of a surety bond or bank letter of credit in
60.25 the amount of \$25,000.

60.26 (c) The permit fee for any individual contest may not exceed the following amounts:

60.27 (1) \$120 for an open water contest not exceeding 100 participants and without
60.28 off-site weigh-in;

60.29 (2) \$400 for an open water contest with more than 100 participants and without
60.30 off-site weigh-in;

60.31 (3) \$500 for an open water contest not exceeding 100 participants with off-site
60.32 weigh-in;

60.33 (4) \$1,000 for an open water contest with more than 100 participants with off-site
60.34 weigh-in; or

61.1 (5) \$120 for an ice fishing contest with more than 150 participants.

61.2 Sec. 72. Minnesota Statutes 2006, section 103B.101, is amended by adding a
61.3 subdivision to read:

61.4 Subd. 12. **Authority to issue penalty orders.** The board may issue an order
61.5 requiring violations to be corrected and administratively assessing monetary penalties for
61.6 violations of this chapter and chapters 103C, 103D, 103E, 103F, and 103G, any rules
61.7 adopted under those chapters, and any standards, limitations, or conditions established
61.8 by the board.

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

61.10 Sec. 73. **[103B.102] LOCAL WATER MANAGEMENT ACCOUNTABILITY**
61.11 **AND OVERSIGHT.**

61.12 Subdivision 1. **Findings; improving accountability and oversight.** The legislature
61.13 finds that a process is needed to monitor the performance and activities of local water
61.14 management entities. The process should be preemptive so that problems can be identified
61.15 early and systematically. Underperforming entities should be provided assistance and
61.16 direction for improving performance in a reasonable time frame.

61.17 Subd. 2. **Definitions.** For the purposes of this section, "local water management
61.18 entities" means watershed districts, soil and water conservation districts, metropolitan
61.19 water management organizations, and counties operating separately or jointly in their
61.20 role as local water management authorities under chapter 103B, 103C, 103D, or 103G
61.21 and chapter 114D.

61.22 Subd. 3. **Evaluation and report.** The Board of Water and Soil Resources shall
61.23 evaluate performance, financial, and activity information for each local water management
61.24 entity. The board shall evaluate the entities' progress in accomplishing their adopted
61.25 plans on a regular basis, but not less than once every five years. The board shall maintain
61.26 a summary of local water management entity performance on the board's Web site.
61.27 Beginning February 1, 2008, and annually thereafter, the board shall provide an analysis
61.28 of local water management entity performance to the chairs of the house and senate
61.29 committees having jurisdiction over environment and natural resources policy.

61.30 Subd. 4. **Corrective actions.** (a) In addition to other authorities, the Board of Water
61.31 and Soil Resources may, based on its evaluation in subdivision 3, reduce, withhold, or
61.32 redirect grants and other funding if the local water management entity has not corrected
61.33 deficiencies as prescribed in a notice from the board within one year from the date of
61.34 the notice.

62.1 (b) The board may defer a decision on a termination petition filed under section
62.2 103B.221, 103C.225, or 103D.271 for up to one year to conduct or update the evaluation
62.3 under subdivision 3 or to communicate the results of the evaluation to petitioners or to
62.4 local and state government agencies.

62.5 Sec. 74. Minnesota Statutes 2006, section 103C.321, is amended by adding a
62.6 subdivision to read:

62.7 Subd. 6. **Credit card use.** The supervisors may authorize the use of a credit card
62.8 by any soil and water conservation district officer or employee otherwise authorized
62.9 to make a purchase on behalf of the soil and water conservation district. If a soil and
62.10 water conservation district officer or employee makes a purchase by credit card that is not
62.11 approved by the supervisors, the officer or employee is personally liable for the amount of
62.12 the purchase. A purchase by credit card must otherwise comply with all statutes, rules,
62.13 or soil and water conservation district policy applicable to soil and water conservation
62.14 district purchases.

62.15 Sec. 75. Minnesota Statutes 2006, section 103D.325, is amended by adding a
62.16 subdivision to read:

62.17 Subd. 4. **Credit card use.** The managers may authorize the use of a credit card
62.18 by any watershed district officer or employee otherwise authorized to make a purchase
62.19 on behalf of the watershed district. If a watershed district officer or employee makes a
62.20 purchase by credit card that is not approved by the managers, the officer or employee is
62.21 personally liable for the amount of the purchase. A purchase by credit card must otherwise
62.22 comply with all statutes, rules, or watershed district policy applicable to watershed district
62.23 purchases.

62.24 Sec. 76. Minnesota Statutes 2006, section 103E.021, subdivision 1, is amended to read:

62.25 Subdivision 1. **Spoil banks must be spread and ~~grass-planted~~ permanent**
62.26 **vegetation established.** In any proceeding to establish, construct, improve, or do any
62.27 work affecting a public drainage system under any law that appoints viewers to assess
62.28 benefits and damages, the authority having jurisdiction over the proceeding shall order
62.29 spoil banks to be spread consistent with the plan and function of the drainage system. The
62.30 authority shall order that permanent grass, other than a noxious weed, be planted on
62.31 ~~the banks~~ ditch side slopes and on a strip that a permanent strip of perennial vegetation
62.32 approved by the drainage authority be established on each side of the ditch. Preference
62.33 should be given to planting native species of a local ecotype. The approved perennial

63.1 vegetation shall not impede future maintenance of the ditch. The permanent strips of
63.2 perennial vegetation shall be 16-1/2 feet in width measured outward from the top edge
63.3 of the constructed channel resulting from the proceeding, or to the crown of the leveled
63.4 spoil bank, whichever is the greater, ~~on each side of the top edge of the channel of the~~
63.5 ~~ditch.~~ except for an action by a drainage authority that results only in a redetermination of
63.6 benefits and damages, for which the required width shall be 16-1/2 feet. Drainage system
63.7 rights-of-way for the acreage and additional property required for the ~~planting~~ permanent
63.8 strips must be acquired by the authority having jurisdiction.

63.9 Sec. 77. Minnesota Statutes 2006, section 103E.021, subdivision 2, is amended to read:

63.10 Subd. 2. **Reseeding and harvesting ~~grass~~ perennial vegetation.** The authority
63.11 having jurisdiction over the repair and maintenance of the drainage system shall supervise
63.12 all necessary reseeding. The permanent ~~grass~~ strips of perennial vegetation must be
63.13 maintained in the same manner as other drainage system repairs. Harvest of the ~~grass~~
63.14 vegetation from the ~~grass~~ permanent strip in a manner not harmful to the ~~grass~~ vegetation
63.15 or the drainage system is the privilege of the fee owner or assigns. The ~~county~~ drainage
63.16 inspector shall establish rules for the fee owner and assigns to harvest the ~~grass~~ vegetation.

63.17 Sec. 78. Minnesota Statutes 2006, section 103E.021, subdivision 3, is amended to read:

63.18 Subd. 3. **Agricultural practices prohibited.** Agricultural practices, other than
63.19 those required for the maintenance of a permanent growth of ~~grass~~ perennial vegetation,
63.20 are not permitted on any portion of the property acquired for ~~planting~~ perennial vegetation.

63.21 Sec. 79. Minnesota Statutes 2006, section 103E.021, is amended by adding a
63.22 subdivision to read:

63.23 Subd. 6. **Incremental implementation of vegetated ditch buffer strips and side**
63.24 **inlet controls.** (a) Notwithstanding other provisions of this chapter requiring appointment
63.25 of viewers and redetermination of benefits and damages, a drainage authority may
63.26 implement permanent buffer strips of perennial vegetation approved by the drainage
63.27 authority or side inlet controls, or both, adjacent to a public drainage ditch, where
63.28 necessary to control erosion and sedimentation, improve water quality, or maintain the
63.29 efficiency of the drainage system. Preference should be given to planting native species of
63.30 a local ecotype. The approved perennial vegetation shall not impede future maintenance
63.31 of the ditch. The permanent strips of perennial vegetation shall be 16-1/2 feet in width
63.32 measured outward from the top edge of the existing constructed channel. Drainage system

64.1 rights-of-way for the acreage and additional property required for the permanent strips
64.2 must be acquired by the authority having jurisdiction.

64.3 (b) A project under this subdivision shall be implemented as a repair according to
64.4 section 103E.705, except that the drainage authority may appoint an engineer to examine
64.5 the drainage system and prepare an engineer's repair report for the project.

64.6 (c) Damages shall be determined by the drainage authority, or viewers, appointed by
64.7 the drainage authority, according to section 103E.315, subdivision 8. A damages statement
64.8 shall be prepared, including an explanation of how the damages were determined for each
64.9 property affected by the project, and filed with the auditor or watershed district. Within 30
64.10 days after the damages statement is filed, the auditor or watershed district shall prepare
64.11 property owners' reports according to section 103E.323, subdivision 1, clauses (1), (2),
64.12 (6), (7), and (8), and mail a copy of the property owner's report and damages statement to
64.13 each owner of property affected by the proposed project.

64.14 (d) After a damages statement is filed, the drainage authority shall set a time, by
64.15 order, not more than 30 days after the date of the order, for a hearing on the project. At
64.16 least ten days before the hearing, the auditor or watershed district shall give notice by mail
64.17 of the time and location of the hearing to the owners of property and political subdivisions
64.18 likely to be affected by the project.

64.19 (e) The drainage authority shall make findings and order the repairs to be made if
64.20 the drainage authority determines from the evidence presented at the hearing and by the
64.21 viewers and engineer, if appointed, that the repairs are necessary for the drainage system
64.22 and the costs of the repairs are within the limitations of section 103E.705.

64.23 Sec. 80. **[103E.067] DITCH BUFFER STRIP ANNUAL REPORTING.**

64.24 The drainage authority shall annually submit a report to the Board of Water and Soil
64.25 Resources for the calendar year including:

- 64.26 (1) the number and types of actions for which viewers were appointed;
64.27 (2) the number of miles of buffer strips established according to section 103E.021;
64.28 (3) the number of drainage system inspections conducted; and
64.29 (4) the number of violations of section 103E.021 identified and enforcement actions
64.30 taken.

64.31 Sec. 81. Minnesota Statutes 2006, section 103E.315, subdivision 8, is amended to read:

64.32 Subd. 8. **Extent of damages.** Damages to be paid may include:

- 64.33 (1) the fair market value of the property required for the channel of an open ditch
64.34 and the permanent ~~grass~~ strip of perennial vegetation under section 103E.021;

65.1 (2) the diminished value of a farm due to severing a field by an open ditch;
65.2 (3) loss of crop production during drainage project construction; ~~and~~
65.3 (4) the diminished productivity or land value from increased overflow; and
65.4 (5) costs to restore a perennial vegetative cover or structural practice existing
65.5 under a federal or state conservation program adjacent to the permanent drainage system
65.6 right-of-way and damaged by the drainage project.

65.7 Sec. 82. Minnesota Statutes 2006, section 103E.321, subdivision 1, is amended to read:

65.8 Subdivision 1. **Requirements.** The viewers' report must show, in tabular form,
65.9 for each lot, 40-acre tract, and fraction of a lot or tract under separate ownership that
65.10 is benefited or damaged:

65.11 (1) a description of the lot or tract, under separate ownership, that is benefited or
65.12 damaged;

65.13 (2) the names of the owners as they appear on the current tax records of the county
65.14 and their addresses;

65.15 (3) the number of acres in each tract or lot;

65.16 (4) the number and value of acres added to a tract or lot by the proposed drainage of
65.17 public waters;

65.18 (5) the damage, if any, to riparian rights;

65.19 (6) the damages paid for the permanent ~~grass~~ strip of perennial vegetation under
65.20 section 103E.021;

65.21 (7) the total number and value of acres added to a tract or lot by the proposed
65.22 drainage of public waters, wetlands, and other areas not currently being cultivated;

65.23 (8) the number of acres and amount of benefits being assessed for drainage of areas
65.24 which before the drainage benefits could be realized would require a public waters work
65.25 permit to work in public waters under section 103G.245 to excavate or fill a navigable
65.26 water body under United States Code, title 33, section 403, or a permit to discharge into
65.27 waters of the United States under United States Code, title 33, section 1344;

65.28 (9) the number of acres and amount of benefits being assessed for drainage of areas
65.29 that would be considered conversion of a wetland under United States Code, title 16,
65.30 section 3821, if the area was placed in agricultural production;

65.31 (10) the amount of right-of-way acreage required; and

65.32 (11) the amount that each tract or lot will be benefited or damaged.

65.33 Sec. 83. Minnesota Statutes 2006, section 103E.701, is amended by adding a
65.34 subdivision to read:

66.1 Subd. 7. **Restoration; disturbance or destruction by repair.** If a drainage system
66.2 repair disturbs or destroys a perennial vegetative cover or structural practice existing
66.3 under a federal or state conservation program adjacent to the permanent drainage system
66.4 right-of-way, the practice must be restored according to the applicable practice plan or
66.5 as determined by the drainage authority, if a practice plan is not available. Restoration
66.6 costs shall be paid by the drainage system.

66.7 Sec. 84. Minnesota Statutes 2006, section 103E.705, subdivision 1, is amended to read:

66.8 Subdivision 1. **Inspection.** After the construction of a drainage system has been
66.9 completed, the drainage authority shall maintain the drainage system that is located in its
66.10 jurisdiction, including ~~grass~~ the permanent strips of perennial vegetation under section
66.11 103E.021, and provide the repairs necessary to make the drainage system efficient. The
66.12 drainage authority shall have the drainage system inspected on a regular basis by an
66.13 inspection committee of the drainage authority or a drainage inspector appointed by the
66.14 drainage authority. Open drainage ditches shall be inspected at a minimum of every five
66.15 years when no violation of section 103E.021 is found and annually when a violation of
66.16 section 103E.021 is found, until one year after the violation is corrected.

66.17 Sec. 85. Minnesota Statutes 2006, section 103E.705, subdivision 2, is amended to read:

66.18 Subd. 2. ~~Grass~~ **Permanent strip of perennial vegetation inspection and**
66.19 **compliance notice.** (a) The drainage authority having jurisdiction over a drainage system
66.20 must inspect the drainage system for violations of section 103E.021. If an inspection
66.21 committee of the drainage authority or a drainage inspector determines that permanent
66.22 ~~grass~~ strips of perennial vegetation are not being maintained in compliance with section
66.23 103E.021, a compliance notice must be sent to the property owner.

66.24 (b) The notice must state:

66.25 (1) the date the ditch was inspected;

66.26 (2) the persons making the inspection;

66.27 (3) that spoil banks are to be spread in a manner consistent with the plan and function
66.28 of the drainage system and that the drainage system has acquired a ~~grass~~ permanent strip
66.29 ~~16-1/2 feet in width or to the crown of the spoil bank, whichever is greater~~ of perennial
66.30 vegetation, according to section 103E.021;

66.31 (4) the violations of section 103E.021;

66.32 (5) the measures that must be taken by the property owner to comply with section
66.33 103E.021 and the date when the property must be in compliance; and

(6) that if the property owner does not comply by the date specified, the drainage authority will perform the work necessary to bring the area into compliance with section 103E.021 and charge the cost of the work to the property owner.

(c) If a property owner does not bring an area into compliance with section 103E.021 as provided in the compliance notice, the inspection committee or drainage inspector must notify the drainage authority.

(d) This subdivision applies to property acquired under section 103E.021.

Sec. 86. Minnesota Statutes 2006, section 103E.705, subdivision 3, is amended to read:

Subd. 3. **Drainage inspection report.** For each drainage system that the board designates and requires the drainage inspector to examine, the drainage inspector shall make a drainage inspection report in writing to the board after examining a drainage system, designating portions that need repair or maintenance of ~~grass~~ the permanent strips of perennial vegetation and the location and nature of the repair or maintenance. The board shall consider the drainage inspection report at its next meeting and may repair all or any part of the drainage system as provided under this chapter. The ~~grass permanent strips of perennial vegetation~~ must be maintained in compliance with section 103E.021.

Sec. 87. Minnesota Statutes 2006, section 103E.728, subdivision 2, is amended to read:

Subd. 2. **Additional assessment for agricultural practices on ~~grass permanent strip of perennial vegetation~~.** (a) The drainage authority may, after notice and hearing, charge an additional assessment on property that has agricultural practices on or otherwise violates provisions related to the permanent ~~grass~~ strip of perennial vegetation acquired under section 103E.021.

(b) The drainage authority may determine the cost of the repair per mile of open ditch on the ditch system. Property that is in violation of the ~~grass~~ requirement shall be assessed a cost of 20 percent of the repair cost per open ditch mile multiplied by the length of open ditch in miles on the property in violation.

(c) After the amount of the additional assessment is determined and applied to the repair cost, the balance of the repair cost may be apportioned pro rata as provided in subdivision 1.

Sec. 88. **[103G.122] COMMISSIONER'S AUTHORITY TO REMOVE DEBRIS.**

(a) The commissioner shall remove debris from public waters that was:

(1) caused by a disaster or a public emergency as defined in chapter 12; and

(2) constitutes a threat to public safety in any way, including swimming, boating, or other recreational use of the public waters.

(b) A statutory or home rule charter city or county may allow residents and adjacent property owners to place debris retrieved from public waters onto the public access for pickup.

Sec. 89. Minnesota Statutes 2006, section 103G.222, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value under a replacement plan approved as provided in section 103G.2242, a replacement plan under a local governmental unit's comprehensive wetland protection and management plan approved by the board under section 103G.2243, or, if a permit to mine is required under section 93.481, under a mining reclamation plan approved by the commissioner under the permit to mine. Mining reclamation plans shall apply the same principles and standards for replacing wetlands by restoration or creation of wetland areas that are applicable to mitigation plans approved as provided in section 103G.2242. Public value must be determined in accordance with section 103B.3355 or a comprehensive wetland protection and management plan established under section 103G.2243. Sections 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently flooded areas of types 3, 4, and 5 wetlands.

(b) Replacement must be guided by the following principles in descending order of priority:

(1) avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;

(2) minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;

(3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;

(4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity;

(5) compensating for the impact by restoring a wetland; and

(6) compensating for the impact by replacing or providing substitute wetland resources or environments.

For a project involving the draining or filling of wetlands in an amount not exceeding 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,

paragraph (a), the local government unit may make an on-site sequencing determination without a written alternatives analysis from the applicant.

(c) If a wetland is located in a cultivated field, then replacement must be accomplished through restoration only without regard to the priority order in paragraph (b), provided that a deed restriction is placed on the altered wetland prohibiting nonagricultural use for at least ten years.

(d) If a wetland is drained under section 103G.2241, subdivision 2, the local government unit may require a deed restriction that prohibits nonagricultural use for at least ten years unless the drained wetland is replaced as provided under this section. The local government unit may require the deed restriction if it determines the wetland area drained is at risk of conversion to a nonagricultural use within ten years based on the zoning classification, proximity to a municipality or full service road, or other criteria as determined by the local government unit.

(e) Restoration and replacement of wetlands must be accomplished in accordance with the ecology of the landscape area affected and ponds that are created primarily to fulfill stormwater management, and water quality treatment requirements may not be used to satisfy replacement requirements under this chapter unless the design includes pretreatment of runoff and the pond is functioning as a wetland.

~~(e)~~ (f) Except as provided in paragraph ~~(f)~~ (g), for a wetland or public waters wetland located on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland for each acre of drained or filled wetland.

~~(f)~~ (g) For a wetland or public waters wetland located on agricultural land or in a greater than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for each acre of drained or filled wetland.

~~(g)~~ (h) Wetlands that are restored or created as a result of an approved replacement plan are subject to the provisions of this section for any subsequent drainage or filling.

~~(h)~~ (i) Except in a greater than 80 percent area, only wetlands that have been restored from previously drained or filled wetlands, wetlands created by excavation in nonwetlands, wetlands created by dikes or dams along public or private drainage ditches, or wetlands created by dikes or dams associated with the restoration of previously drained or filled wetlands may be used in a statewide banking program established in rules adopted under section 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring wetlands from one type to another are not eligible for enrollment in a statewide wetlands bank.

~~(i)~~ (j) The Technical Evaluation Panel established under section 103G.2242, subdivision 2, shall ensure that sufficient time has occurred for the wetland to develop

wetland characteristics of soils, vegetation, and hydrology before recommending that the wetland be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason to believe that the wetland characteristics may change substantially, the panel shall postpone its recommendation until the wetland has stabilized.

~~(j)~~ (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply to the state and its departments and agencies.

~~(k)~~ (l) For projects involving draining or filling of wetlands associated with a new public transportation project, and for projects expanded solely for additional traffic capacity, public transportation authorities may purchase credits from the board at the cost to the board to establish credits. Proceeds from the sale of credits provided under this paragraph are appropriated to the board for the purposes of this paragraph.

~~(l)~~ (m) A replacement plan for wetlands is not required for individual projects that result in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or replacement of a currently serviceable existing state, city, county, or town public road necessary, as determined by the public transportation authority, to meet state or federal design or safety standards or requirements, excluding new roads or roads expanded solely for additional traffic capacity lanes. This paragraph only applies to authorities for public transportation projects that:

(1) minimize the amount of wetland filling or draining associated with the project and consider mitigating important site-specific wetland functions on-site;

(2) except as provided in clause (3), submit project-specific reports to the board, the Technical Evaluation Panel, the commissioner of natural resources, and members of the public requesting a copy at least 30 days prior to construction that indicate the location, amount, and type of wetlands to be filled or drained by the project or, alternatively, convene an annual meeting of the parties required to receive notice to review projects to be commenced during the upcoming year; and

(3) for minor and emergency maintenance work impacting less than 10,000 square feet, submit project-specific reports, within 30 days of commencing the activity, to the board that indicate the location, amount, and type of wetlands that have been filled or drained.

Those required to receive notice of public transportation projects may appeal minimization, delineation, and on-site mitigation decisions made by the public transportation authority to the board according to the provisions of section 103G.2242, subdivision 9. The Technical Evaluation Panel shall review minimization and delineation decisions made by the public transportation authority and provide recommendations

71.1 regarding on-site mitigation if requested to do so by the local government unit, a
71.2 contiguous landowner, or a member of the Technical Evaluation Panel.

71.3 Except for state public transportation projects, for which the state Department of
71.4 Transportation is responsible, the board must replace the wetlands, and wetland areas of
71.5 public waters if authorized by the commissioner or a delegated authority, drained or filled
71.6 by public transportation projects on existing roads.

71.7 Public transportation authorities at their discretion may deviate from federal and
71.8 state design standards on existing road projects when practical and reasonable to avoid
71.9 wetland filling or draining, provided that public safety is not unreasonably compromised.
71.10 The local road authority and its officers and employees are exempt from liability for
71.11 any tort claim for injury to persons or property arising from travel on the highway and
71.12 related to the deviation from the design standards for construction or reconstruction under
71.13 this paragraph. This paragraph does not preclude an action for damages arising from
71.14 negligence in construction or maintenance on a highway.

71.15 ~~(m)~~ (n) If a landowner seeks approval of a replacement plan after the proposed
71.16 project has already affected the wetland, the local government unit may require the
71.17 landowner to replace the affected wetland at a ratio not to exceed twice the replacement
71.18 ratio otherwise required.

71.19 ~~(n)~~ (o) A local government unit may request the board to reclassify a county or
71.20 watershed on the basis of its percentage of presettlement wetlands remaining. After
71.21 receipt of satisfactory documentation from the local government, the board shall change
71.22 the classification of a county or watershed. If requested by the local government unit,
71.23 the board must assist in developing the documentation. Within 30 days of its action to
71.24 approve a change of wetland classifications, the board shall publish a notice of the change
71.25 in the Environmental Quality Board Monitor.

71.26 ~~(o)~~ (p) One hundred citizens who reside within the jurisdiction of the local
71.27 government unit may request the local government unit to reclassify a county or watershed
71.28 on the basis of its percentage of presettlement wetlands remaining. In support of their
71.29 petition, the citizens shall provide satisfactory documentation to the local government unit.
71.30 The local government unit shall consider the petition and forward the request to the board
71.31 under paragraph ~~(n)~~ (o) or provide a reason why the petition is denied.

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

71.33 Sec. 90. Minnesota Statutes 2006, section 103G.222, subdivision 3, is amended to read:

71.34 Subd. 3. **Wetland replacement siting.** (a) Siting wetland replacement must follow
71.35 this priority order:

72.1 (1) on site or in the same minor watershed as the affected wetland;

72.2 (2) in the same watershed as the affected wetland;

72.3 (3) in the same county as the affected wetland;

72.4 (4) for replacement by wetland banking, in the same wetland bank service area as
72.5 the impacted wetland, except that impacts in a 50 to 80 percent area must be replaced in
72.6 a 50 to 80 percent area and impacts in a less than 50 percent area must be replaced in a
72.7 less than 50 percent area;

72.8 (5) for project specific replacement, in an adjacent watershed or county to the
72.9 affected wetland, or for replacement by wetland banking, in an adjacent wetland bank
72.10 service area, except that impacts in a 50 to 80 percent area must be replaced in a 50 to
72.11 80 percent area and impacts in a less than 50 percent area must be replaced in a less
72.12 than 50 percent area; and

72.13 ~~(5) (6) statewide, only for wetlands affected in greater than 80 percent areas and for~~
72.14 ~~public transportation projects, except that wetlands affected in less than 50 percent areas~~
72.15 ~~must be replaced in less than 50 percent areas, and wetlands affected in the seven-county~~
72.16 ~~metropolitan area must be replaced at a ratio of two to one in: (i) the affected county or,~~
72.17 ~~(ii) in another of the seven metropolitan counties, or (iii) in one of the major watersheds~~
72.18 ~~that are wholly or partially within the seven-county metropolitan area, but at least one to~~
72.19 ~~one must be replaced within the seven-county metropolitan area.~~

72.20 (b) Notwithstanding paragraph (a), siting wetland replacement in greater than 80
72.21 percent areas may follow the priority order under this paragraph: (1) by wetland banking
72.22 after evaluating on-site replacement and replacement within the watershed; (2) replaced
72.23 in an adjacent wetland bank service area if wetland bank credits are not reasonably
72.24 available in the same wetland bank service area as the affected wetland, as determined
72.25 by the local government unit or by a comprehensive inventory approved by the board;
72.26 and (3) statewide.

72.27 (c) Notwithstanding paragraph (a), siting wetland replacement in the seven-county
72.28 metropolitan area must follow the priority order under this paragraph: (1) in the affected
72.29 county; (2) in another of the seven metropolitan counties; or (3) in one of the major
72.30 watersheds that are wholly or partially within the seven-county metropolitan area, but at
72.31 least one to one must be replaced within the seven-county metropolitan area.

72.32 (d) The exception in paragraph (a), clause (5) (6), does not apply to replacement
72.33 completed using wetland banking credits established by a person who submitted a
72.34 complete wetland banking application to a local government unit by April 1, 1996.

~~(e)~~ (e) When reasonable, practicable, and environmentally beneficial replacement opportunities are not available in siting priorities listed in paragraph (a), the applicant may seek opportunities at the next level.

~~(d)~~ (f) For the purposes of this section, "reasonable, practicable, and environmentally beneficial replacement opportunities" are defined as opportunities that:

(1) take advantage of naturally occurring hydrogeomorphological conditions and require minimal landscape alteration;

(2) have a high likelihood of becoming a functional wetland that will continue in perpetuity;

(3) do not adversely affect other habitat types or ecological communities that are important in maintaining the overall biological diversity of the area; and

(4) are available and capable of being done after taking into consideration cost, existing technology, and logistics consistent with overall project purposes.

~~(e)~~ (g) Regulatory agencies, local government units, and other entities involved in wetland restoration shall collaborate to identify potential replacement opportunities within their jurisdictional areas.

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

Sec. 91. Minnesota Statutes 2006, section 103G.2241, subdivision 1, is amended to read:

Subdivision 1. **Agricultural activities.** ~~(a)~~ A replacement plan for wetlands is not required for:

~~(1) activities in a wetland that was planted with annually seeded crops, was in a crop rotation seeding of pasture grass or legumes, or was required to be set aside to receive price support or other payments under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to January 1, 1991;~~

~~(2) activities in a wetland that is or has been enrolled in the federal conservation reserve program under United States Code, title 16, section 3831, that:~~

~~(i) was planted with annually seeded crops, was in a crop rotation seeding, or was required to be set aside to receive price support or payment under United States Code, title 7, sections 1421 to 1469, in six of the last ten years prior to being enrolled in the program; and~~

~~(ii) has not been restored with assistance from a public or private wetland restoration program;~~

~~(3) activities in a wetland that has received a commenced drainage determination provided for by the federal Food Security Act of 1985, that was made to the county~~

~~Agricultural Stabilization and Conservation Service office prior to September 19, 1988, and a ruling and any subsequent appeals or reviews have determined that drainage of the wetland had been commenced prior to December 23, 1985;~~

~~(4) activities in a type 1 wetland on agricultural land, except for bottomland hardwood type 1 wetlands, and activities in a type 2 or type 6 wetland that is less than two acres in size and located on agricultural land;~~

(1) activities in a wetland conducted as part of normal farming practices. For purposes of this clause, "normal farming practices" means farming, silvicultural, grazing, and ranching activities such as plowing, seeding, cultivating, and harvesting for the production of feed, food, fuel, fiber, and forest products, but does not include activities that result in the draining or filling of wetlands in whole or part;

(2) soil and water conservation practices approved by the soil and water conservation district, after review by the Technical Evaluation Panel;

~~(5)~~ (3) aquaculture activities including pond excavation and construction and maintenance of associated access roads and dikes authorized under, and conducted in accordance with, a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344, but not including construction or expansion of buildings; or

~~(6)~~ (4) wild rice production activities, including necessary diking and other activities authorized under a permit issued by the United States Army Corps of Engineers under section 404 of the federal Clean Water Act, United States Code, title 33, section 1344;

~~(7) normal agricultural practices to control noxious or secondary weeds as defined by rule of the commissioner of agriculture, in accordance with applicable requirements under state and federal law, including established best management practices; and~~

~~(8) agricultural activities in a wetland that is on agricultural land:~~

~~(i) annually enrolled in the federal Agriculture Improvement and Reform Act of 1996 and is subject to United States Code, title 16, sections 3821 to 3823, in effect on January 1, 2000; or~~

~~(ii) subject to subsequent federal farm program restrictions that meet minimum state standards under this chapter and sections 103A.202 and 103B.3355 and that have been approved by the Board of Water and Soil Resources, the commissioners of natural resources and agriculture, and the Pollution Control Agency.~~

~~(b) Land enrolled in a federal farm program under paragraph (a), clause (8), is eligible for easement participation for those acres not already compensated under a federal program.~~

~~(c) The exemption under paragraph (a), clause (4), may be expanded to additional acreage, including types 1, 2, and 6 wetlands that are part of a larger wetland system, when the additional acreage is part of a conservation plan approved by the local soil and water conservation district, the additional draining or filling is necessary for efficient operation of the farm, the hydrology of the larger wetland system is not adversely affected, and wetlands other than types 1, 2, and 6 are not drained or filled.~~

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

Sec. 92. Minnesota Statutes 2006, section 103G.2241, subdivision 2, is amended to read:

Subd. 2. **Drainage.** (a) For the purposes of this subdivision, "public drainage system" means a drainage system as defined in section 103E.005, subdivision 12, and any ditch or tile lawfully connected to the drainage system. If wetlands drained under this subdivision are converted to uses prohibited under paragraph (b), clause (2), during the ten-year period following drainage, the wetlands must be replaced according to section 103G.222.

(b) A replacement plan is not required for draining of type 1 wetlands, or up to five acres of type 2 or 6 wetlands, in an unincorporated area on land that has been assessed drainage benefits for a public drainage system, provided that:

(1) during the 20-year period that ended January 1, 1992:

(i) there was an expenditure made from the drainage system account for the public drainage system;

(ii) the public drainage system was repaired or maintained as approved by the drainage authority; or

(iii) no repair or maintenance of the public drainage system was required under section 103E.705, subdivision 1, as determined by the public drainage authority; and

(2) the wetlands are not drained for conversion to:

(i) platted lots;

(ii) planned unit, commercial, or industrial developments; or

(iii) any development with more than one residential unit per 40 acres.

~~If wetlands drained under this paragraph are converted to uses prohibited under clause (2) during the ten-year period following drainage, the wetlands must be replaced under section 103G.222.~~

(c) A replacement plan is not required for draining or filling of wetlands, except for draining types 3, 4, and 5 wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing public drainage systems.

(d) A replacement plan is not required for draining or filling of wetlands, except for draining wetlands that have been in existence for more than 25 years, resulting from maintenance and repair of existing drainage systems other than public drainage systems.

~~(e) A replacement plan is not required for draining or filling of wetlands resulting from activities conducted as part of a public drainage system improvement project that received final approval from the drainage authority before July 1, 1991, and after July 1, 1986, if:~~

~~(1) the approval remains valid;~~

~~(2) the project remains active; and~~

~~(3) no additional drainage will occur beyond that originally approved.~~

(e) A replacement plan is not required for draining agricultural land that: (1) was planted with annually seeded crops before July 5, except for crops that are normally planted after that date, in eight out of the ten most recent years prior to the impact; (2) was in a crop rotation seeding of pasture grass or legumes in eight out of the ten most recent years prior to the impact; or (3) was enrolled in a state or federal land conservation program and met the requirements of clause (1) or (2) before enrollment.

(f) The public drainage authority may, as part of the repair, install control structures, realign the ditch, construct dikes along the ditch, or make other modifications as necessary to prevent drainage of the wetland.

(g) Wetlands of all types that would be drained as a part of a public drainage repair project are eligible for the permanent wetlands preserve under section 103F.516. The board shall give priority to acquisition of easements on types 3, 4, and 5 wetlands that have been in existence for more than 25 years on public drainage systems and other wetlands that have the greatest risk of drainage from a public drainage repair project.

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

Sec. 93. Minnesota Statutes 2006, section 103G.2241, subdivision 3, is amended to read:

Subd. 3. **Federal approvals.** A replacement plan for wetlands is not required for: ~~(1) activities exempted from federal regulation under United States Code, title 33, section 1344(f), as in effect on January 1, 1991;~~

~~(2) activities authorized under, and conducted in accordance with, an applicable general permit issued by the United States Army Corps of Engineers under section 404~~

77.1 ~~of the federal Clean Water Act, United States Code, title 33, section 1344, except the~~
77.2 ~~nationwide permit in Code of Federal Regulations, title 33, section 330.5, paragraph (a),~~
77.3 ~~clauses (14), limited to when a new road crosses a wetland, and (26), as in effect on~~
77.4 ~~January 1, 1991; or~~

77.5 ~~(3) activities authorized under the federal Clean Water Act, section 404, or the~~
77.6 ~~Rivers and Harbors Act, section 10, regulations that meet minimum state standards~~
77.7 ~~under this chapter and sections 103A.202 and 103B.3355 and that have been approved~~
77.8 ~~by the Board of Water and Soil Resources, the commissioners of natural resources and~~
77.9 ~~agriculture, and the Pollution Control Agency.~~

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

77.11 Sec. 94. Minnesota Statutes 2006, section 103G.2241, subdivision 6, is amended to
77.12 read:

77.13 Subd. 6. **Utilities; public works.** (a) A replacement plan for wetlands is not
77.14 required for:

77.15 ~~(1) placement, maintenance, repair, enhancement, or replacement of utility or~~
77.16 ~~utility-type service if:~~

77.17 ~~(i) the impacts of the proposed project on the hydrologic and biological~~
77.18 ~~characteristics of the wetland have been avoided and minimized to the extent possible; and~~

77.19 ~~(ii) the proposed project significantly modifies or alters less than one-half acre of~~
77.20 ~~wetlands;~~

77.21 ~~(2) activities associated with routine maintenance of utility and pipeline~~
77.22 ~~rights-of-way, provided the activities do not result in additional intrusion into the wetland;~~

77.23 ~~(3) alteration of a wetland associated with the operation, maintenance, or repair of~~
77.24 ~~an interstate pipeline within all existing or acquired interstate pipeline rights-of-way;~~

77.25 ~~(4) emergency repair and normal maintenance and repair of existing public works,~~
77.26 ~~provided the activity does not result in additional intrusion of the public works into the~~
77.27 ~~wetland and does not result in the draining or filling, wholly or partially, of a wetland;~~

77.28 ~~(5) normal maintenance and minor repair of structures causing no additional~~
77.29 ~~intrusion of an existing structure into the wetland, and maintenance and repair of private~~
77.30 ~~crossings that do not result in the draining or filling, wholly or partially, of a wetland; or~~

77.31 ~~(6) repair and updating of existing individual sewage treatment systems as necessary~~
77.32 ~~to comply with local, state, and federal regulations.~~

77.33 (1) new placement or maintenance, repair, enhancement, or replacement of existing
77.34 utility or utility-type service, including pipelines, if:

(i) the direct and indirect impacts of the proposed project have been avoided and minimized to the extent possible; and

(ii) the proposed project significantly modifies or alters less than one-half acre of wetlands;

(2) activities associated with operation, routine maintenance, or emergency repair of existing utilities and public work structures, including pipelines, provided the activities do not result in additional wetland intrusion or additional draining or filling of a wetland either wholly or partially; or

(3) repair and updating of existing individual sewage treatment systems necessary to comply with local, state, and federal regulations.

(b) For maintenance, repair, and replacement, the local government unit may issue a seasonal or annual exemption certification or the utility may proceed without local government unit certification if the utility is carrying out the work according to approved best management practices. Work of an emergency nature may proceed as necessary and any drain or fill activities shall be addressed with the local government unit after the emergency work has been completed.

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

Sec. 95. Minnesota Statutes 2006, section 103G.2241, subdivision 9, is amended to read:

Subd. 9. **De minimis.** (a) Except as provided in paragraphs (b) and (c), a replacement plan for wetlands is not required for draining or filling the following amounts of wetlands as part of a project:

(1) 10,000 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a greater than 80 percent area;

(2) ~~5,000~~ 2,500 square feet of type 1, 2, 6, or 7 wetland, excluding white cedar and tamarack wetlands, outside of the shoreland wetland protection zone in a 50 to 80 percent area;

(3) ~~2,000~~ 1,000 square feet of type 1, 2, or 6 wetland, outside of the shoreland wetland protection zone in a less than 50 percent area;

(4) ~~400~~ 100 square feet of wetland types not listed in clauses (1) to (3) outside of the building setback zone of the shoreland wetland protection zones in all counties; or

(5) 400 square feet of ~~type 1, 2, 3, 4, 5, 6, 7, or 8~~ wetland types listed in clauses (1) to (3), in beyond the building setback zone, as defined in the local shoreland management ordinance, but within the shoreland wetland protection zone, except that. In a greater

than 80 percent area, the local government unit may increase the de minimis amount up to 1,000 square feet ~~in the shoreland protection zone in areas beyond the building setback~~ if the wetland is isolated and is determined to have no direct surficial connection to the public water. To the extent that a local shoreland management ordinance is more restrictive than this provision, the local shoreland ordinance applies; or

(6) up to 20 square feet of wetland, regardless of type or location.

(b) The amounts listed in paragraph (a), clauses (1) to ~~(5)~~ (6), may not be combined on a project.

(c) This exemption no longer applies to a landowner's portion of a wetland when the cumulative area drained or filled of the landowner's portion since January 1, 1992, is the greatest of:

(1) the applicable area listed in paragraph (a), if the landowner owns the entire wetland;

(2) five percent of the landowner's portion of the wetland; or

(3) 400 square feet.

(d) This exemption may not be combined with another exemption in this section on a project.

(e) Property may not be divided to increase the amounts listed in paragraph (a).

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

Sec. 96. Minnesota Statutes 2006, section 103G.2241, subdivision 11, is amended to read:

Subd. 11. **Exemption conditions.** (a) A person conducting an activity in a wetland under an exemption in subdivisions 1 to 10 shall ensure that:

(1) appropriate erosion control measures are taken to prevent sedimentation of the water;

(2) the activity does not block fish passage in a watercourse; and

(3) the activity is conducted in compliance with all other applicable federal, state, and local requirements, including best management practices and water resource protection requirements established under chapter 103H.

(b) An activity is exempt if it qualifies for any one of the exemptions, even though it may be indicated as not exempt under another exemption.

(c) Persons proposing to conduct an exempt activity are encouraged to contact the local government unit or the local government unit's designee for advice on minimizing wetland impacts.

(d) The board shall develop rules that address the application and implementation of exemptions and that provide for estimates and reporting of exempt wetland impacts, including those in section 103G.2241, subdivisions 2, 6, and 9.

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

Sec. 97. Minnesota Statutes 2006, section 103G.2242, subdivision 2, is amended to read:

Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an on-site inspection. The Technical Evaluation Panel shall be composed of a technical professional employee of the board, a technical professional employee of the local soil and water conservation district or districts, a technical professional with expertise in water resources management appointed by the local government unit, and a technical professional employee of the Department of Natural Resources for projects affecting public waters or wetlands adjacent to public waters. The panel shall use the "United States Army Corps of Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater Habitats of the United States" (1979 edition). The panel shall provide the wetland determination and recommendations on other technical matters to the local government unit that must approve a replacement plan, wetland banking plan, exemption determination, no-loss determination, or wetland boundary or type determination and may recommend approval or denial of the plan. The authority must consider and include the decision of the Technical Evaluation Panel in their approval or denial of a plan or determination.

(b) Persons conducting wetland or public waters boundary delineations or type determinations are exempt from the requirements of chapter 326. ~~By January 15, 2001, the board, in consultation with the Minnesota Association of Professional Soil Scientists, the University of Minnesota, and the Wetland Delineators' Association, shall submit a plan for a professional wetland delineator certification program to the legislature. The board~~ may develop a professional wetland delineator certification program.

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

Sec. 98. Minnesota Statutes 2006, section 103G.2242, subdivision 2a, is amended to read:

Subd. 2a. **Wetland boundary or type determination.** (a) A landowner may apply for a wetland boundary or type determination from the local government unit. The landowner applying for the determination is responsible for submitting proof necessary to make the determination, including, but not limited to, wetland delineation field data, observation well data, topographic mapping, survey mapping, and information regarding soils, vegetation, hydrology, and groundwater both within and outside of the proposed wetland boundary.

(b) A local government unit that receives an application under paragraph (a) may seek the advice of the Technical Evaluation Panel as described in subdivision 2, and, if necessary, expand the Technical Evaluation Panel. The local government unit may delegate the decision authority for wetland boundary or type determinations ~~with the zoning administrator~~ to designated staff, or establish other procedures it considers appropriate.

(c) The local government unit decision must be made in compliance with section 15.99. Within ten calendar days of the decision, the local government unit decision must be mailed to the landowner, members of the Technical Evaluation Panel, the watershed district or watershed management organization, if one exists, and individual members of the public who request a copy.

(d) Appeals of decisions made by designated local government staff must be made to the local government unit. Notwithstanding any law to the contrary, a ruling on an appeal must be made by the local government unit within 30 days from the date of the filing of the appeal.

(e) The local government unit decision is valid for three years unless the Technical Evaluation Panel determines that natural or artificial changes to the hydrology, vegetation, or soils of the area have been sufficient to alter the wetland boundary or type.

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

Sec. 99. Minnesota Statutes 2006, section 103G.2242, subdivision 9, is amended to read:

Subd. 9. **Appeal.** (a) Appeal of a replacement plan, exemption, wetland banking, wetland boundary or type determination, ~~or no-loss decision, or restoration order~~ may be obtained by mailing a petition and payment of a filing fee ~~of \$200~~, which shall be retained by the board to defray administrative costs, to the board within 30 days after the postmarked date of the mailing specified in subdivision 7. If appeal is not sought within 30 days, the decision becomes final. ~~The local government unit may require the petitioner to post a letter of credit, cashier's check, or cash in an amount not to exceed \$500. If the~~

82.1 petition for hearing is accepted, the amount posted must be returned to the petitioner.

82.2 Appeal may be made by:

82.3 (1) the wetland owner;

82.4 (2) any of those to whom notice is required to be mailed under subdivision 7; or

82.5 (3) 100 residents of the county in which a majority of the wetland is located.

82.6 (b) Within 30 days after receiving a petition, the board shall decide whether to
82.7 grant the petition and hear the appeal. The board shall grant the petition unless the board
82.8 finds that:

82.9 (1) the appeal is meritless, trivial, or brought solely for the purposes of delay;

82.10 (2) the petitioner has not exhausted all local administrative remedies;

82.11 (3) expanded technical review is needed;

82.12 (4) the local government unit's record is not adequate; or

82.13 (5) the petitioner has not posted a letter of credit, cashier's check, or cash if required
82.14 by the local government unit.

82.15 (c) In determining whether to grant the appeal, the board shall also consider the
82.16 size of the wetland, other factors in controversy, any patterns of similar acts by the local
82.17 government unit or petitioner, and the consequences of the delay resulting from the appeal.

82.18 (d) All appeals must be heard by the committee for dispute resolution of the board,
82.19 and a decision made within 60 days of filing the local government unit's record and the
82.20 written briefs submitted for the appeal. The decision must be served by mail on the parties
82.21 to the appeal, and is not subject to the provisions of chapter 14. A decision whether to
82.22 grant a petition for appeal and a decision on the merits of an appeal must be considered the
82.23 decision of an agency in a contested case for purposes of judicial review under sections
82.24 14.63 to 14.69.

82.25 (e) Notwithstanding section 16A.1283, the board shall establish a fee schedule to
82.26 defray the administrative costs of appeals made to the board under this subdivision. Fees
82.27 established under this authority shall not exceed \$1,000. Establishment of the fee is not
82.28 subject to the rulemaking process of chapter 14 and section 14.386 does not apply.

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

82.30 Sec. 100. Minnesota Statutes 2006, section 103G.2242, subdivision 12, is amended to
82.31 read:

82.32 Subd. 12. **Replacement credits.** (a) No public or private wetland restoration,
82.33 enhancement, or construction may be allowed for replacement unless specifically
82.34 designated for replacement and paid for by the individual or organization performing the

83.1 wetland restoration, enhancement, or construction, and is completed prior to any draining
83.2 or filling of the wetland.

83.3 (b) Paragraph (a) does not apply to a wetland whose owner has paid back with
83.4 interest the individual or organization restoring, enhancing, or constructing the wetland.

83.5 (c) Notwithstanding section 103G.222, subdivision 1, paragraph ~~(h)~~ (i), the
83.6 following actions, and others established in rule, that are consistent with criteria in rules
83.7 adopted by the board in conjunction with the commissioners of natural resources and
83.8 agriculture, are eligible for replacement credit as determined by the local government unit,
83.9 including enrollment in a statewide wetlands bank:

83.10 (1) reestablishment of permanent native, noninvasive vegetative cover on a wetland
83.11 on agricultural land that was planted with annually seeded crops, was in a crop rotation
83.12 seeding of pasture grasses or legumes, or was in a land retirement program during the
83.13 past ten years;

83.14 (2) buffer areas of permanent native, noninvasive vegetative cover established or
83.15 preserved on upland adjacent to replacement wetlands;

83.16 (3) wetlands restored for conservation purposes under terminated easements or
83.17 contracts; and

83.18 (4) water quality treatment ponds constructed to pretreat storm water runoff prior
83.19 to discharge to wetlands, public waters, or other water bodies, provided that the water
83.20 quality treatment ponds must be associated with an ongoing or proposed project that
83.21 will impact a wetland and replacement credit for the treatment ponds is based on the
83.22 replacement of wetland functions and on an approved stormwater management plan for
83.23 the local government.

83.24 (d) Notwithstanding section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g),
83.25 the board may establish by rule different replacement ratios for restoration projects with
83.26 exceptional natural resource value.

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

83.28 Sec. 101. Minnesota Statutes 2006, section 103G.2242, subdivision 15, is amended to
83.29 read:

83.30 Subd. 15. **Fees paid to board.** All fees established in ~~subdivision~~ subdivisions 9
83.31 and 14 must be paid to the Board of Water and Soil Resources ~~and credited to the general~~
83.32 ~~fund~~ and to be used for the purpose of administration of the wetland bank and to process
83.33 appeals under section 103G.2242, subdivision 9.

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

Sec. 102. Minnesota Statutes 2006, section 103G.2243, subdivision 2, is amended to read:

Subd. 2. **Plan contents.** A comprehensive wetland protection and management plan may:

(1) provide for classification of wetlands in the plan area based on:

(i) an inventory of wetlands in the plan area;

(ii) an assessment of the wetland functions listed in section 103B.3355, using a methodology chosen by the Technical Evaluation Panel from one of the methodologies established or approved by the board under that section; and

(iii) the resulting public values;

(2) vary application of the sequencing standards in section 103G.222, subdivision 1, paragraph (b), for projects based on the classification and criteria set forth in the plan;

(3) vary the replacement standards of section 103G.222, subdivision 1, paragraphs ~~(e)~~ (f) and ~~(f)~~ (g), based on the classification and criteria set forth in the plan, for specific wetland impacts provided there is no net loss of public values within the area subject to the plan, and so long as:

(i) in a 50 to 80 percent area, a minimum acreage requirement of one acre of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area subject to the plan; and

(ii) in a less than 50 percent area, a minimum acreage requirement of two acres of replaced wetland for each acre of drained or filled wetland requiring replacement is met within the area subject to the plan, except that replacement for the amount above a 1:1 ratio can be accomplished as described in section 103G.2242, subdivision 12; and

(4) in a greater than 80 percent area, allow replacement credit, based on the classification and criteria set forth in the plan, for any project that increases the public value of wetlands, including activities on adjacent upland acres; and

~~(5) in a greater than 80 percent area, based on the classification and criteria set forth in the plan, expand the application of the exemptions in section 103G.2241, subdivision 1, paragraph (a), clause (4), to also include nonagricultural land, provided there is no net loss of wetland values.~~

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

Sec. 103. Minnesota Statutes 2006, section 103G.235, is amended to read:

103G.235 RESTRICTIONS ON ACCESS TO ~~PUBLIC WATERS~~ WETLANDS.

85.1 Subdivision 1. **Wetlands adjacent to roads.** To protect the public health or safety,
85.2 local units of government may by ordinance restrict public access to public waters
85.3 wetlands from municipality, county, or township roads that abut public waters wetlands.

85.4 Subd. 2. **Privately restored or created wetlands.** When a landowner creates a new
85.5 wetland or restores a formerly existing wetland on private land that is adjacent to public
85.6 land or a public road right-of-way, there is no public access to the created or restored
85.7 wetland if posted by the landowner.

85.8 Sec. 104. Minnesota Statutes 2006, section 103G.301, subdivision 2, is amended to
85.9 read:

85.10 **Subd. 2. Permit application fees.** (a) A permit application fee to defray the costs of
85.11 receiving, recording, and processing the application must be paid for a permit authorized
85.12 under this chapter and for each request to amend or transfer an existing permit.

85.13 (b) The fee to apply for a permit to appropriate water by a nonpublic applicant or a
85.14 nonagricultural irrigation applicant must be assessed to recover the reasonable costs of
85.15 preparing and issuing the permit. Fees collected under this paragraph must be credited
85.16 to an account in the natural resources fund and are appropriated for fiscal years 2008
85.17 and 2009 to the commissioner.

85.18 ~~(b)~~ (c) The fee to apply for a permit to appropriate water, other than a permit subject
85.19 to the fee under paragraph (b); a permit to construct or repair a dam that is subject to dam
85.20 safety inspection; or a state general permit or to apply for the state water bank program is
85.21 \$150. The application fee for a permit to work in public waters or to divert waters for
85.22 mining must be at least \$150, but not more than \$1,000, according to a schedule of fees
85.23 adopted under section 16A.1285.

85.24 Sec. 105. Minnesota Statutes 2006, section 115.55, subdivision 1, is amended to read:

85.25 **Subdivision 1. Definitions.** (a) The definitions in this subdivision apply to sections
85.26 115.55 to 115.56.

85.27 (b) "Advisory committee" means the Advisory Committee on Individual Sewage
85.28 Treatment Systems established under the individual sewage treatment system rules. The
85.29 advisory committee must be appointed to ensure geographic representation of the state
85.30 and include elected public officials.

85.31 (c) "Applicable requirements" means:

85.32 (1) local ordinances that comply with the individual sewage treatment system rules,
85.33 as required in subdivision 2; or

(2) in areas not subject to the ordinances described in clause (1), the individual sewage treatment system rules.

(d) "City" means a statutory or home rule charter city.

(e) "Commissioner" means the commissioner of the Pollution Control Agency.

(f) "Dwelling" means a building or place used or intended to be used by human occupants as a single-family or two-family unit.

(g) "Individual sewage treatment system" or "system" means a sewage treatment system, or part thereof, ~~serving a dwelling, other establishment, or group thereof,~~ that uses subsurface soil treatment and disposal, or a holding tank, serving a dwelling, other establishment, or a group thereof.

(h) "Individual sewage treatment system professional" means an inspector, installer, site evaluator or designer, or pumper.

(i) "Individual sewage treatment system rules" means rules adopted by the agency that establish minimum standards and criteria for the design, location, installation, use, and maintenance of individual sewage treatment systems.

(j) "Inspector" means a person who inspects individual sewage treatment systems for compliance with the applicable requirements.

(k) "Installer" means a person who constructs or repairs individual sewage treatment systems.

(l) "Local unit of government" means a township, city, or county.

(m) "Performance-based system" means a system that is designed specifically for a site and the environmental conditions on that site and designed to adequately protect the public health and the environment and provide long-term performance. At a minimum, a performance based system must ensure that applicable water quality standards are met in both ground and surface water that ultimately receive the treated wastewater.

(n) "Pumper" means a person who maintains components of individual sewage treatment systems including, but not limited to, septic, aerobic, and holding tanks.

~~(n)~~ (o) "Seasonal dwelling" means a dwelling that is occupied or used for less than 180 days per year and less than 120 consecutive days.

~~(p)~~ (p) "Septic system tank" means any covered receptacle designed, constructed, and installed as part of an individual sewage treatment system.

~~(p)~~ (q) "Site evaluator or designer" means a person who:

(1) investigates soils and site characteristics to determine suitability, limitations, and sizing requirements; and

(2) designs individual sewage treatment systems.

87.1 ~~(q)~~ (r) "Straight-pipe system" means a sewage disposal system that includes toilet
87.2 waste and transports raw or partially settled sewage directly to a lake, a stream, a drainage
87.3 system, or ground surface.

87.4 Sec. 106. Minnesota Statutes 2006, section 115.55, subdivision 2, is amended to read:

87.5 Subd. 2. **Local ordinances.** (a) All counties ~~that did not adopt ordinances by~~
87.6 ~~May 7, 1994, or that do not have ordinances,~~ must adopt ordinances that comply with
87.7 revisions to the individual sewage treatment system rules by January 1, 1999, unless all
87.8 ~~towns and cities in the county have adopted such ordinances~~ within two years of the final
87.9 adoption by the agency. County ordinances must apply to all areas of the county other
87.10 than cities or towns that have adopted ordinances that comply with this section and are
87.11 as strict as the applicable county ordinances. ~~Any ordinance adopted by a local unit of~~
87.12 ~~government before May 7, 1994, to regulate individual sewage treatment systems must be~~
87.13 ~~in compliance with the individual sewage treatment system rules by January 1, 1998.~~

87.14 (b) A copy of each ordinance adopted under this subdivision must be submitted to
87.15 the commissioner upon adoption.

87.16 (c) A local unit of government must make available to the public upon request a
87.17 written list of any differences between its ordinances and rules adopted under this section.

87.18 Sec. 107. Minnesota Statutes 2006, section 115.55, subdivision 3, is amended to read:

87.19 Subd. 3. **Rules.** (a) The agency shall adopt rules containing minimum standards and
87.20 criteria for the design, location, installation, use, and maintenance of individual sewage
87.21 treatment systems. The rules must include:

87.22 (1) how the agency will ensure compliance under subdivision 2;

87.23 (2) how local units of government shall enforce ordinances under subdivision 2,
87.24 including requirements for permits and inspection programs;

87.25 (3) how the advisory committee will participate in review and implementation of
87.26 the rules;

87.27 (4) provisions for ~~alternative~~ nonstandard systems and performance-based systems;

87.28 (5) provisions for handling and disposal of effluent;

87.29 (6) provisions for system abandonment; and

87.30 (7) procedures for variances, including the consideration of variances based on cost
87.31 and variances that take into account proximity of a system to other systems.

87.32 (b) The agency shall consult with the advisory committee before adopting rules
87.33 under this subdivision.

(c) Notwithstanding the repeal of the agency rule under which the commissioner has established a list of warranted individual sewage treatment systems, the warranties for all systems so listed as of the effective date of the repeal shall continue to be valid for the remainder of the warranty period.

(d) The rules required in paragraph (a) must also address the following:

(1) a definition of redoximorphic features and other criteria that can be used by system designers and inspectors;

(2) direction on the interpretation of observed soil features that may be redoximorphic and their relation to zones of seasonal saturation; and

(3) procedures on how to resolve professional disagreements on seasonally saturated soils.

These rules must be in place by March 31, 2006.

Sec. 108. Minnesota Statutes 2006, section 115.55, is amended by adding a subdivision to read:

Subd. 12. **Advisory committee; county individual sewage treatment system management plan.** (a) A county may adopt an individual sewage treatment system management plan that describes how the county plans on carrying out individual sewage treatment system needs. The commissioner of the Pollution Control Agency shall form an advisory committee to determine what the plans should address. The advisory committee shall be made up of representatives of the Association of Minnesota Counties, Pollution Control Agency, Board of Water and Soil Resources, Department of Health, and other public agencies or local units of government that have an interest in individual sewage treatment systems.

(b) The advisory committee shall advise the agency on the standards, management, monitoring, and reporting requirements for performance-based systems.

Sec. 109. Minnesota Statutes 2006, section 116C.92, is amended to read:

116C.92 COORDINATION OF ACTIVITIES.

Subdivision 1. **State coordinating organization.** The Environmental Quality Board is designated the state coordinating organization for state and federal regulatory activities relating to genetically engineered organisms.

Subd. 2. **Notice of nationwide action.** The board shall notify interested parties if a permit to release genetically engineered wild rice is issued anywhere in the United States. For purposes of this subdivision, "interested parties" means:

(1) the state's wild rice industry;

- 89.1 (2) the legislature;
- 89.2 (3) federally recognized tribes within Minnesota; and
- 89.3 (4) individuals who request to be notified.

89.4 Sec. 110. Minnesota Statutes 2006, section 116C.94, subdivision 1, is amended to read:

89.5 Subdivision 1. **General authority.** (a) Except as provided in paragraph (b), the
89.6 board shall adopt rules consistent with sections 116C.91 to 116C.96 that require an
89.7 environmental assessment worksheet and otherwise comply with chapter 116D and rules
89.8 adopted under it for a proposed release and a permit for a release. The board may place
89.9 conditions on a permit and may deny, modify, suspend, or revoke a permit.

89.10 (b) The board shall adopt rules that require an environmental impact statement and
89.11 otherwise comply with chapter 116D and rules adopted under it for a proposed release and
89.12 a permit for a release of genetically engineered wild rice. The board may place conditions
89.13 on the permit and may deny, modify, suspend, or revoke the permit.

89.14 Sec. 111. Minnesota Statutes 2006, section 116C.97, subdivision 2, is amended to read:

89.15 Subd. 2. **Federal oversight.** (a) If the board determines, upon its own volition or at
89.16 the request of any person, that a federal program exists for regulating the release of certain
89.17 genetically engineered organisms and the federal oversight under the program is adequate
89.18 to protect human health or the environment, then any person may release such genetically
89.19 engineered organisms after obtaining the necessary federal approval and without obtaining
89.20 a state release permit or a significant environmental permit or complying with the other
89.21 requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant
89.22 to section 116C.94.

89.23 (b) If the board determines the federal program is adequate to meet only certain
89.24 requirements of sections 116C.91 to 116C.96 and the rules of the board adopted pursuant
89.25 to section 116C.94, the board may exempt such releases from those requirements.

89.26 (c) A person proposing a release for which a federal authorization is required may
89.27 apply to the board for an exemption from the board's permit or to a state agency with a
89.28 significant environmental permit for the proposed release for an exemption from the
89.29 agency's permit. The proposer must file with the board or state agency a written request
89.30 for exemption with a copy of the federal application and the information necessary to
89.31 determine if there is a potential for significant environmental effects under chapter 116D
89.32 and rules adopted under it. The board or state agency shall give public notice of the request
89.33 in the first available issue of the EQB Monitor and shall provide an opportunity for public
89.34 comment on the environmental review process consistent with chapter 116D and rules

adopted under it. The board or state agency may grant the exemption if the board or state agency finds that the federal authorization issued is adequate to meet the requirements of chapter 116D and rules adopted under it and any other requirement of the board's or state agency's authority regarding the release of genetically engineered organisms. The board or state agency must grant or deny the exemption within 45 days after the receipt of the written request and the information required by the board or state agency.

(d) This subdivision does not apply to genetically engineered organisms for which an environmental impact statement is required under sections 116C.91 to 116C.96.

Sec. 112. Minnesota Statutes 2006, section 282.04, subdivision 1, is amended to read:

Subdivision 1. **Timber sales; land leases and uses.** (a) The county auditor may sell timber upon any tract that may be approved by the natural resources commissioner. The sale of timber shall be made for cash at not less than the appraised value determined by the county board to the highest bidder after not less than one week's published notice in an official paper within the county. Any timber offered at the public sale and not sold may thereafter be sold at private sale by the county auditor at not less than the appraised value thereof, until the time as the county board may withdraw the timber from sale. The appraised value of the timber and the forestry practices to be followed in the cutting of said timber shall be approved by the commissioner of natural resources.

(b) Payment of the full sale price of all timber sold on tax-forfeited lands shall be made in cash at the time of the timber sale, except in the case of oral or sealed bid auction sales, the down payment shall be no less than 15 percent of the appraised value, and the balance shall be paid prior to entry. In the case of auction sales that are partitioned and sold as a single sale with predetermined cutting blocks, the down payment shall be no less than 15 percent of the appraised price of the entire timber sale which may be held until the satisfactory completion of the sale or applied in whole or in part to the final cutting block. The value of each separate block must be paid in full before any cutting may begin in that block. With the permission of the county contract administrator the purchaser may enter unpaid blocks and cut necessary timber incidental to developing logging roads as may be needed to log other blocks provided that no timber may be removed from an unpaid block until separately scaled and paid for. If payment is provided as specified in this paragraph as security under paragraph (a) and no cutting has taken place on the contract, the county auditor may credit the security provided, less any down payment required for an auction sale under this paragraph, to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it

91.1 be credited, provided the request and transfer is made within the same calendar year as
91.2 the security was received.

91.3 (c) The county board may ~~require final settlement on the basis of a scale of cut~~
91.4 ~~products~~ sell any timber, including biomass, as appraised or scaled. Any parcels of land
91.5 from which timber is to be sold by scale of cut products shall be so designated in the
91.6 published notice of sale under paragraph (a), in which case the notice shall contain a
91.7 description of the parcels, a statement of the estimated quantity of each species of timber,
91.8 and the appraised price of each species of timber for 1,000 feet, per cord or per piece, as
91.9 the case may be. In those cases any bids offered over and above the appraised prices shall
91.10 be by percentage, the percent bid to be added to the appraised price of each of the different
91.11 species of timber advertised on the land. The purchaser of timber from the parcels shall
91.12 pay in cash at the time of sale at the rate bid for all of the timber shown in the notice of
91.13 sale as estimated to be standing on the land, and in addition shall pay at the same rate for
91.14 any additional amounts which the final scale shows to have been cut or was available for
91.15 cutting on the land at the time of sale under the terms of the sale. Where the final scale
91.16 of cut products shows that less timber was cut or was available for cutting under terms
91.17 of the sale than was originally paid for, the excess payment shall be refunded from the
91.18 forfeited tax sale fund upon the claim of the purchaser, to be audited and allowed by the
91.19 county board as in case of other claims against the county. No timber, except hardwood
91.20 pulpwood, may be removed from the parcels of land or other designated landings until
91.21 scaled by a person or persons designated by the county board and approved by the
91.22 commissioner of natural resources. Landings other than the parcel of land from which
91.23 timber is cut may be designated for scaling by the county board by written agreement
91.24 with the purchaser of the timber. The county board may, by written agreement with the
91.25 purchaser and with a consumer designated by the purchaser when the timber is sold by the
91.26 county auditor, and with the approval of the commissioner of natural resources, accept the
91.27 consumer's scale of cut products delivered at the consumer's landing. No timber shall be
91.28 removed until fully paid for in cash. Small amounts of timber not exceeding \$3,000 in
91.29 appraised valuation may be sold for not less than the full appraised value at private sale
91.30 to individual persons without first publishing notice of sale or calling for bids, provided
91.31 that in case of a sale involving a total appraised value of more than \$200 the sale shall be
91.32 made subject to final settlement on the basis of a scale of cut products in the manner above
91.33 provided and not more than two of the sales, directly or indirectly to any individual shall
91.34 be in effect at one time.

91.35 (d) As directed by the county board, the county auditor may lease tax-forfeited land
91.36 to individuals, corporations or organized subdivisions of the state at public or private sale,

and at the prices and under the terms as the county board may prescribe, for use as cottage and camp sites and for agricultural purposes and for the purpose of taking and removing of hay, stumps, sand, gravel, clay, rock, marl, and black dirt from the land, and for garden sites and other temporary uses provided that no leases shall be for a period to exceed ten years; provided, further that any leases involving a consideration of more than \$12,000 per year, except to an organized subdivision of the state shall first be offered at public sale in the manner provided herein for sale of timber. Upon the sale of any leased land, it shall remain subject to the lease for not to exceed one year from the beginning of the term of the lease. Any rent paid by the lessee for the portion of the term cut off by the cancellation shall be refunded from the forfeited tax sale fund upon the claim of the lessee, to be audited and allowed by the county board as in case of other claims against the county.

(e) As directed by the county board, the county auditor may lease tax-forfeited land to individuals, corporations, or organized subdivisions of the state at public or private sale, at the prices and under the terms as the county board may prescribe, for the purpose of taking and removing for use for road construction and other purposes tax-forfeited stockpiled iron-bearing material. The county auditor must determine that the material is needed and suitable for use in the construction or maintenance of a road, tailings basin, settling basin, dike, dam, bank fill, or other works on public or private property, and that the use would be in the best interests of the public. No lease shall exceed ten years. The use of a stockpile for these purposes must first be approved by the commissioner of natural resources. The request shall be deemed approved unless the requesting county is notified to the contrary by the commissioner of natural resources within six months after receipt of a request for approval for use of a stockpile. Once use of a stockpile has been approved, the county may continue to lease it for these purposes until approval is withdrawn by the commissioner of natural resources.

(f) The county auditor, with the approval of the county board is authorized to grant permits, licenses, and leases to tax-forfeited lands for the depositing of stripping, lean ores, tailings, or waste products from mines or ore milling plants, upon the conditions and for the consideration and for the period of time, not exceeding 15 years, as the county board may determine. The permits, licenses, or leases are subject to approval by the commissioner of natural resources.

(g) Any person who removes any timber from tax-forfeited land before said timber has been scaled and fully paid for as provided in this subdivision is guilty of a misdemeanor.

(h) The county auditor may, with the approval of the county board, and without first offering at public sale, grant leases, for a term not exceeding 25 years, for the removal

of peat and for the production or removal of farm-grown closed-loop biomass as defined in section 216B.2424, subdivision 1, or short-rotation woody crops from tax-forfeited lands upon the terms and conditions as the county board may prescribe. Any lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops from tax-forfeited lands must first be reviewed and approved by the commissioner of natural resources if the lease covers 320 or more acres. No lease for the removal of peat, farm-grown closed-loop biomass, or short-rotation woody crops shall be made by the county auditor pursuant to this section without first holding a public hearing on the auditor's intention to lease. One printed notice in a legal newspaper in the county at least ten days before the hearing, and posted notice in the courthouse at least 20 days before the hearing shall be given of the hearing.

(i) Notwithstanding any provision of paragraph (c) to the contrary, the St. Louis County auditor may, at the discretion of the county board, sell timber to the party who bids the highest price for all the several kinds of timber, as provided for sales by the commissioner of natural resources under section 90.14. Bids offered over and above the appraised price need not be applied proportionately to the appraised price of each of the different species of timber.

(j) In lieu of any payment or deposit required in paragraph (b), as directed by the county board and under terms set by the county board, the county auditor may accept an irrevocable bank letter of credit in the amount equal to the amount otherwise determined in paragraph (b). If an irrevocable bank letter of credit is provided under this paragraph, at the written request of the purchaser, the county may periodically allow the bank letter of credit to be reduced by an amount proportionate to the value of timber that has been harvested and for which the county has received payment. The remaining amount of the bank letter of credit after a reduction under this paragraph must not be less than 20 percent of the value of the timber purchased. If an irrevocable bank letter of credit or cash deposit is provided for the down payment required in paragraph (b), and no cutting of timber has taken place on the contract for which a letter of credit has been provided, the county may allow the transfer of the letter of credit to any other contract issued to the contract holder by the county under this chapter to which the contract holder requests in writing that it be credited.

Sec. 113. Minnesota Statutes 2006, section 394.23, is amended to read:

394.23 COMPREHENSIVE PLAN.

The board has the power and authority to prepare and adopt by ordinance, a comprehensive plan. A comprehensive plan or plans when adopted by ordinance must be

94.1 the basis for official controls adopted under the provisions of sections 394.21 to 394.37.
94.2 The commissioner of natural resources must provide the natural heritage data from the
94.3 county biological survey, if available, to each county for use in the comprehensive plan.

94.4 Sec. 114. Minnesota Statutes 2006, section 462.353, subdivision 2, is amended to read:

94.5 Subd. 2. **Studies and reports.** In exercising its powers under subdivision 1, a
94.6 municipality may collect and analyze data, prepare maps, charts, tables, and other
94.7 illustrations and displays, and conduct necessary studies. A municipality may publicize its
94.8 purposes, suggestions, and findings on planning matters, may distribute reports thereon,
94.9 and may advise the public on the planning matters within the scope of its duties and
94.10 objectives. The commissioner of natural resources must provide the natural heritage
94.11 data from the county biological survey, if available, to each municipality for use in the
94.12 comprehensive plan.

94.13 Sec. 115. Laws 1998, chapter 389, article 16, section 31, subdivision 4, as amended
94.14 by Laws 1999, chapter 180, section 3, and Laws 2001, chapter 164, section 5, and Laws
94.15 2005, First Special Session chapter 1, article 2, section 149, is amended to read:

94.16 Subd. 4. **County environmental trust fund.** Notwithstanding the provisions of
94.17 Minnesota Statutes, chapter 282, and any other law relating to the apportionment of
94.18 proceeds from the sale of tax-forfeited land, and except as otherwise provided in this
94.19 section, a county board must deposit the money received from the sale of land under
94.20 subdivision 3 into an environmental trust fund established by the county under this
94.21 subdivision. The county board may: (1) deposit part or all of the environmental trust fund
94.22 money as provided in Minnesota Statutes, chapter 118A; or (2) enter into an agreement
94.23 with the State Board of Investment to invest all or part of the money in investments
94.24 under Minnesota Statutes, section 11A.24, subdivisions 1 to 5, on behalf of the county.
94.25 The following may be withheld by a county board and are not required to be deposited
94.26 into an environmental trust fund: the costs of appraisal, abstracts, and surveys; money
94.27 received from a sale which is attributable to land owned by a county in fee; amounts paid
94.28 to lessees for improvements; amounts paid to acquire land which is included in a county
94.29 plan for exchange and is conveyed to the state in the exchange, including the purchase
94.30 price, appraisal, abstract, survey, and closing costs; and the costs of sale to lessees or other
94.31 parties, including the costs of advertising, realtors, and closing services. If the proceeds
94.32 from the sale of tax-forfeited land in a county are \$250,000 or more, the amount the
94.33 county may spend from the fund each calendar year may not exceed 5-1/2 percent of the
94.34 market value of the fund on January 1 of the preceding calendar year, and the county board

95.1 may spend money from the fund only for purposes related to the improvement of natural
95.2 resources. To the extent money received from the sale is attributable to tax-forfeited
95.3 land from another county, the money must be deposited in an environmental trust fund
95.4 established under this section by that county board. The county board must not delegate
95.5 to an appointed official or any other person any decision required or permitted to be
95.6 made under this subdivision.

95.7 Sec. 116. Laws 2003, chapter 128, article 1, section 169, is amended to read:

95.8 Sec. 169. **CONTINUOUS TRAIL DESIGNATION.**

95.9 (a) The commissioner of natural resources shall locate, plan, design, map, construct,
95.10 designate, and sign a new trail for use by all-terrain vehicles and off-highway motorcycles
95.11 of not less than 70 continuous miles in length on any land owned by the state or in
95.12 cooperation with any county on land owned by that county or on a combination of any of
95.13 these lands. This new trail shall be ready for use by ~~April 1, 2007~~ June 30, 2009.

95.14 (b) All funding for this new trail shall come from the all-terrain vehicle dedicated
95.15 account and is appropriated each year as needed.

95.16 (c) This new trail shall have at least two areas of access complete with appropriate
95.17 parking for vehicles and trailers and enough room for loading and unloading all-terrain
95.18 vehicles. Some existing trails, that are strictly all-terrain vehicle trails, and are not
95.19 inventoried forest roads, may be incorporated into the design of this new all-terrain vehicle
95.20 trail. This new trail may be of a continuous loop design and shall provide for spurs to other
95.21 all-terrain vehicle trails as long as those spurs do not count toward the 70 continuous miles
95.22 of this new all-terrain vehicle trail. Four rest areas shall be provided along the way.

95.23 Sec. 117. Laws 2006, chapter 236, article 1, section 21, is amended to read:

95.24 Sec. 21. **EXCHANGE OF TAX-FORFEITED LAND; PRIVATE SALE;**
95.25 **ITASCA COUNTY.**

95.26 (a) For the purpose of a land exchange for use in connection with a proposed
95.27 steel mill in Itasca County referenced in Laws 1999, chapter 240, article 1, section 8,
95.28 subdivision 3, title examination and approval of the land described in paragraph (b)
95.29 shall be undertaken as a condition of exchange of the land for class B land, and shall be
95.30 governed by Minnesota Statutes, section 94.344, subdivisions 9 and 10, and the provisions
95.31 of this section. Notwithstanding the evidence of title requirements in Minnesota Statutes,
95.32 section 94.344, subdivisions 9 and 10, the county attorney shall examine one or more title
95.33 reports or title insurance commitments prepared or underwritten by a title insurer licensed
95.34 to conduct title insurance business in this state, regardless of whether abstracts were

created or updated in the preparation of the title reports or commitments. The opinion of the county attorney, and approval by the attorney general, shall be based on those title reports or commitments.

(b) The land subject to this section is located in Itasca County and is described as:

(1) Sections 3, 4, 7, 10, 14, 15, 16, 17, 18, 20, 21, 22, 23, 26, 28, and 29, Township 56 North, Range 22 West;

(2) Sections 3, 4, 9, 10, 13, and 14, Township 56 North, Range 23 West;

(3) Section 30, Township 57 North, Range 22 West; and

(4) Sections 25, 26, 34, 35, and 36, Township 57 North, Range 23 West.

(c) Riparian land given in exchange by Itasca County for the purpose of the steel mill referenced in paragraph (a), is exempt from the restrictions imposed by Minnesota Statutes, section 94.342, subdivision 3.

(d) Notwithstanding Minnesota Statutes, sections 92.45 and 282.018, subdivision 1, and the public sale provisions of Minnesota Statutes, chapter 282, Itasca County may sell, by private sale, any land received in exchange for the purpose of the steel mill referenced in paragraph (a), under the remaining provisions of Minnesota Statutes, chapter 282. The sale must be in a form approved by the attorney general.

(e) Notwithstanding Minnesota Statutes, section 284.28, subdivision 8, or any other law to the contrary, land acquired through an exchange under this section is exempt from payment of three percent of the sales price required to be collected by the county auditor at the time of sale for deposit in the state treasury.

Sec. 118. **VOLUNTARY TERMINATION OF TIMBER SALE PERMITS.**

(a) Notwithstanding Minnesota Statutes, sections 90.161, 90.173, and 90.211, or other law to the contrary, the commissioner of natural resources shall, in the case of nontrust land, terminate the permit for an eligible sale of timber without penalty according to this section and upon request of the permit holder. In the case of a permit relating to trust land, the commissioner shall terminate the permit for an eligible sale of timber according to this section only if termination of the permit would secure the maximum long-term economic return from the land consistent with the fiduciary responsibilities imposed by law in regard to the trust lands.

(b) An "eligible sale" means a sale for timber:

(1) the permit for which was issued on or after October 1, 2004, but before March 31, 2006;

(2) that contains aspen as the predominant timber species;

(3) for which the aspen was sold for \$40 per cord or more; and

97.1 (4) for which no harvest activities or activities incidental to harvest have occurred.

97.2 (c) The maximum amount available for voluntary turn back under this section is
97.3 7,500 cords of all species for each permittee.

97.4 (d) In the case of a 100 percent secured sale, the permittee may choose to be released
97.5 from the security of any permit consistent with paragraph (b), except that the permittee
97.6 must pay 15 percent of the appraised value of the permit, plus eight percent interest from
97.7 date of purchase to date of conversion under this paragraph, in cash, to the commissioner.

97.8 (e) In the case of any sale, including a sale under paragraph (d), for which the
97.9 commissioner has received a 15 percent down payment and that meets the criteria in
97.10 paragraph (b), the permit holder may request a credit equal to two-thirds of the down
97.11 payment. Amounts credited to permittees under this paragraph must first be applied to
97.12 any existing sales that remain in the permittee's account and may then be used toward
97.13 future timber purchases. Credits under this paragraph expire two years after the effective
97.14 date of the permit termination.

97.15 (f) All permit terminations under this section must be completed by December 31,
97.16 2007. The commissioner of natural resources must proceed expeditiously to reoffer for
97.17 sale any timber subject of a turn back under this section.

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

97.19 Sec. 119. **FOREST PROTECTION PLAN.**

97.20 Subdivision 1. **Task force plan.** (a) The Forest Resources Council shall create a task
97.21 force to develop a plan to prepare the state for early detection, appropriate response, and
97.22 educating the public regarding invasive pests that threaten the tree cover of Minnesota. The
97.23 task force also may give advice on how to best promote forest diversity and the planting of
97.24 trees to address environmental challenges with the state. The plan must address:

97.25 (1) current efforts to address forest pests, what geographic areas and property types
97.26 have regular and active monitoring of forest pests, and gaps in the adequacy of the current
97.27 oversight and detection system;

97.28 (2) how the state may establish a flexible, yet comprehensive, system of tree
97.29 monitoring so that trees in all areas of Minnesota will be covered by active early pest
97.30 detection efforts. In analyzing this, the task force shall consider possible roles for certified
97.31 tree inspectors, volunteers, and state and local government;

97.32 (3) current storm damage response and how that might be improved for forest health
97.33 and to minimize vulnerability to pest infection;

(4) the adequacy of the current response plan, the clarity of state and local roles and responsibilities, emergency communication plans, and the availability of needed funding for pest outbreak response and how to scale it up should a major outbreak be detected;

(5) recommendations for clear delineation of state and local roles in notifying property owners and enforcing remediation actions;

(6) the best approach to broad public education on the threats of new invasive tree pests, the expected response to an outbreak, the value of trees to our environment, and the promotion of a more diversified tree cover statewide; and

(7) an assessment of funding needs and options for the above activities and possible funding approaches to promote the planting of a more diverse tree cover, along with assisting in the costs of tree removal and replacement for public entities and property owners.

(b) A report and recommendations to the legislative committees with jurisdiction over natural resources and to the Legislative-Citizen Commission on Minnesota Resources shall be due on December 15, 2007.

Subd. 2. **Task force creation.** The chair of the Forest Resources Council and the commissioners of agriculture and natural resources shall jointly appoint the members of the task force, which shall include up to 15 members with representatives of the University of Minnesota; city, township, and county associations; commercial timber and forest industries of varying size; nursery and landscape architecture; arborists and certified tree inspectors; nonprofit organizations engaged in tree advocacy, planting, and education; master gardeners; and the Minnesota Shade Tree Advisory Council and a tribal representative recommended by the Indian Affairs Council.

Representatives of the Departments of Agriculture and Natural Resources shall serve as ex-officio members and assist the task force in its work.

Sec. 120. **ENDOCRINE DISRUPTOR REPORT.**

The commissioner of the Pollution Control Agency shall prepare a report on strategies to prevent the entry of endocrine disruptors into waters of the state. The report must include an estimate for each strategy of the proportion of endocrine disruptors that are prevented from entering the waters of the state. The commissioner shall submit the report to the house and senate committees having jurisdiction over environment and natural resources policy and finance by January 15, 2008.

Sec. 121. **EASEMENT REPORT REQUIRED.**

99.1 By January 1, 2008, the commissioner of natural resources must report to the
99.2 house and senate committees with jurisdiction over environment and natural resources
99.3 finance with proposed minimum legal and conservation standards that could be applied
99.4 to conservation easements acquired with public money.

99.5 Sec. 122. **TAX-FORFEITED LANDS LEASE; ITASCA COUNTY.**

99.6 Notwithstanding Minnesota Statutes, section 282.04, or other law to the contrary,
99.7 the Itasca County auditor may lease tax-forfeited land to Minnesota Steel for a period of
99.8 20 years, for use as a tailings basin and buffer area. A lease entered under this section
99.9 is renewable.

99.10 Sec. 123. **WILD RICE STUDY.**

99.11 By February 15, 2008, the commissioner of natural resources must prepare a study
99.12 for natural wild rice that includes:

- 99.13 (1) the current location and estimated acreage and area of natural stands;
99.14 (2) potential threats to natural stands, including, but not limited to, development
99.15 pressure, water levels, pollution, invasive species, and genetically engineered strains; and
99.16 (3) recommendations to the house and senate committees with jurisdiction over
99.17 natural resources on protecting and increasing natural wild rice stands in the state.

99.18 In developing the study, the commissioner must contact and ask for comments
99.19 from the state's wild rice industry, the commissioner of agriculture, local officials with
99.20 significant areas of wild rice within their jurisdictions, tribal leaders within affected
99.21 federally recognized tribes, and interested citizens.

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

99.23 Sec. 124. **CONSTRUCTION.**

99.24 Nothing in sections 109, 110, 111, and 123 affects, alters, or modifies the authorities,
99.25 responsibilities, obligations, or powers of the state or any political subdivision thereof or
99.26 any federally recognized tribe.

99.27 Sec. 125. **SEPTIC BEST PRACTICES ASSISTANCE.**

99.28 The commissioner of the Pollution Control Agency shall establish a database of
99.29 best practices regarding the installation, management, and maintenance of individual
99.30 sewage treatment systems. The database must be made available to any interested public
99.31 or private party.

Sec. 126. **RULEMAKING.**

Within 90 days of the effective date of this section, the Board of Water and Soil Resources shall adopt rules that amend Minnesota Rules, chapter 8420, to incorporate statute changes and to address the related wetland exemption provisions in Minnesota Rules, parts 8420.0115 to 8420.0210, and the wetland replacement and banking provisions in Minnesota Rules, parts 8420.0500 to 8420.0760. These rules are exempt from the rulemaking provisions of Minnesota Statutes, chapter 14, except that Minnesota Statutes, section 14.386, applies and the proposed rules must be submitted to the senate and house committees having jurisdiction over environment and natural resources at least 30 days prior to being published in the State Register. The amended rules are effective for two years from the date of publication in the State Register unless they are superseded by permanent rules.

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

Sec. 127. **GREENLEAF LAKE STATE RECREATION AREA.**

Subdivision 1. [85.013] [Subd. 11b.] Greenleaf Lake State Recreation Area.

In addition to the lands designated under Laws 2003, First Special Session chapter 13, section 6, as amended by Laws 2004, chapter 262, article 2, section 10, the following lands are added to the Greenleaf Lake State Recreation Area:

(1) the West 1104.98 feet of Government Lot 4, Section 21, Township 118 North, Range 30 West, Meeker County, Minnesota; and

(2) that part of Government Lot 7 of Section 20, Township 118, Range 30, which lies south of the following described line and its extensions: said line commencing at the southwest corner of said Section 20; thence on an assumed bearing of North 08 degrees 22 minutes 44 seconds West, along the west line of said section, a distance of 1350.00 feet to the point of beginning of the line to be described; thence North 88 degrees 28 minutes 35 seconds East, a distance of 699 feet to the shoreline of Greenleaf Lake and said line terminating thereat; and Government Lot 8 of said section except the following described tract: said tract being that part of said Government Lot 8 lying east of the following described line: said line commencing at the southwest corner of said section; thence easterly, along the south line of said section, a distance of 734.60 feet to the point of beginning of the line to be described; thence north at a right angle, a distance of 100 feet and said line terminating thereat.

Subd. 2. Management. (a) The commissioner of natural resources, in consultation with local elected officials and citizens of Meeker County and other interested

101.1 stakeholders, shall develop a comprehensive management plan that provides for
101.2 opportunities for outdoor recreation, as defined under Minnesota Statutes, section 86A.03,
101.3 subdivision 3, in Greenleaf Lake State Recreation Area. The completed management plan
101.4 shall serve as the master plan for purposes of Minnesota Statutes, section 86A.09.

101.5 (b) The redesignation of Greenleaf Lake State Park to a state recreation area under
101.6 this act does not take effect until the first parcel of land is purchased by the commissioner
101.7 for the state recreation area.

101.8 Sec. 128. **VERMILLION HIGHLANDS WILDLIFE MANAGEMENT AREA.**

101.9 (a) The following area is established and designated as the Vermillion Highlands
101.10 Wildlife Management Area, subject to the special permitted uses authorized in this section:

101.11 The approximately 2,840 acres owned by the University of Minnesota lying within
101.12 the area legally described as approximately the southerly 3/4 of the Southwest 1/4 of
101.13 Section 1, the Southeast 1/4 of Section 2, the East 1/2 of Section 10, Section 11, the
101.14 West 1/2 of Section 12, Section 13, and Section 14, all in Township 114 North, Range
101.15 19 West, Dakota County.

101.16 (b) Notwithstanding Minnesota Statutes, section 86A.05, subdivision 8, paragraph

101.17 (c), permitted uses in the Vermillion Highlands Wildlife Management Area include:

101.18 (1) education, outreach, and agriculture with the intent to eventually phase out
101.19 agriculture leases and plant and restore native prairie;

101.20 (2) research by the University of Minnesota or other permitted researchers;

101.21 (3) hiking, hunting, fishing, trapping, and other compatible wildlife-related
101.22 recreation of a natural outdoors experience, without constructing new hard surface trails
101.23 or roads, and supporting management and improvements;

101.24 (4) designated trails for hiking, horseback riding, biking, and cross-country skiing
101.25 and necessary trailhead support with minimal impact on the permitted uses in clause (3);

101.26 (5) shooting sports facilities for sporting clays, skeet, trapshooting, and rifle and
101.27 pistol shooting, including sanctioned events and training for responsible handling and
101.28 use of firearms;

101.29 (6) grant-in-aid snowmobile trails; and

101.30 (7) leases for small-scale farms to market vegetable farming.

101.31 (c) With the concurrence of representatives of the University of Minnesota and
101.32 Dakota County, the commissioner of natural resources may, by posting or rule, restrict the
101.33 permitted uses as follows:

102.1 (1) temporarily close areas or trails, by posting at the access points, to facilitate
102.2 hunting. When temporarily closing trails under this clause, the commissioner shall avoid
102.3 closing all trail loops simultaneously whenever practical; or

102.4 (2) limit other permitted uses to accommodate hunting and trapping after providing
102.5 advance public notice. Research conducted by the university may not be limited unless
102.6 mutually agreed by the commissioner and the University of Minnesota.

102.7 (d) Road maintenance within the wildlife management area shall be minimized, with
102.8 the intent to abandon interior roads when no longer needed for traditional agriculture
102.9 purposes.

102.10 (e) Money collected on leases from lands within the wildlife management area
102.11 must be kept in a separate account and spent within the wildlife management area under
102.12 direction of the representatives listed in paragraph (c). \$200,000 of this money may be
102.13 transferred to the commissioner of natural resources for a master planning process and
102.14 resource inventory of the land identified in Minnesota Statutes, section 137.50, subdivision
102.15 6, in order to provide needed prairie and wetland restoration. The commissioner must work
102.16 with affected officials from the University of Minnesota and Dakota County to complete
102.17 these requirements and inform landowners and lessees about the planning process.

102.18 (f) Notwithstanding Minnesota Statutes, sections 97A.061 and 477A.11, the state
102.19 of Minnesota shall not provide payments in lieu of taxes for the lands described in
102.20 paragraph (a).

102.21 **Sec. 129. STRAND'S STATE ISLAND.**

102.22 Notwithstanding Minnesota Statutes, section 83A.02, the commissioner of natural
102.23 resources shall change the name of Big Island in Pelican Lake in St. Louis County
102.24 to Strand's State Island.

102.25 **Sec. 130. REPEALER.**

102.26 (a) Minnesota Statutes 2006, sections 18G.16; and 89.51, subdivision 8, are repealed.

102.27 (b) Minnesota Statutes 2006, section 89A.11, is repealed effective July 1, 2007.

102.28 (c) Minnesota Statutes 2006, section 103G.2241, subdivision 8, is repealed the
102.29 day following final enactment.

102.30 (d) Minnesota Statutes 2006, section 85.012, subdivision 24b, is repealed.

102.31 **ARTICLE 3**

102.32 SCIENCE MUSEUM AND STATE ZOO

102.33 Section 1. **SUMMARY OF APPROPRIATIONS.**

104.1	<u>Special Revenue</u>		<u>5,600,000</u>	<u>4,600,000</u>	<u>10,200,000</u>
104.2	<u>Total</u>	<u>\$</u>	<u>59,271,000</u>	<u>\$</u>	<u>40,061,000</u>

104.3 Sec. 2. **ENERGY FINANCE APPROPRIATIONS.**

104.4 The sums shown in the columns marked "Appropriations" are appropriated to the
104.5 agencies and for the purposes specified in this article. The appropriations are from the
104.6 general fund, or another named fund, and are available for the fiscal years indicated
104.7 for each purpose. The figures "2008" and "2009" used in this article mean that the
104.8 appropriations listed under them are available for the fiscal year ending June 30, 2008, or
104.9 June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal
104.10 year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal
104.11 year ending June 30, 2007, are effective the day following final enactment.

104.12		<u>APPROPRIATIONS</u>
104.13		<u>Available for the Year</u>
104.14		<u>Ending June 30</u>
104.15		<u>2008</u> <u>2009</u>

104.16 Sec. 3. **DEPARTMENT OF COMMERCE.**

104.17	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>51,721,000</u>	<u>\$</u>	<u>33,695,000</u>
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104.18	<u>Appropriations by Fund</u>		
104.19		<u>2008</u>	<u>2009</u>
104.20	<u>General</u>	<u>44,202,000</u>	<u>27,176,000</u>
104.21	<u>Petroleum Cleanup</u>	<u>1,084,000</u>	<u>1,084,000</u>
104.22	<u>Workers'</u>		
104.23	<u>Compensation</u>	<u>835,000</u>	<u>835,000</u>
104.24	<u>Special Revenue</u>	<u>5,600,000</u>	<u>4,600,000</u>

104.25 The amounts that may be spent for each
104.26 purpose are specified in the following
104.27 subdivisions.

104.28	<u>Subd. 2. Financial Examinations</u>	<u>6,432,000</u>	<u>6,519,000</u>
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104.29	<u>Subd. 3. Petroleum Tank Release Cleanup</u>		
104.30	<u>Board</u>	<u>1,084,000</u>	<u>1,084,000</u>

104.31 This appropriation is from the petroleum
104.32 tank release cleanup fund.

104.33	<u>Subd. 4. Administrative Services</u>	<u>4,477,000</u>	<u>4,540,000</u>
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104.34	<u>Subd. 5. Market Assurance</u>	<u>6,902,000</u>	<u>6,999,000</u>
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105.1	<u>Appropriations by Fund</u>		
105.2	<u>General</u>	<u>6,067,000</u>	<u>6,164,000</u>
105.3	<u>Workers'</u>		
105.4	<u>Compensation</u>	<u>835,000</u>	<u>835,000</u>
105.5	<u>Subd. 6. Energy and Telecommunications</u>	<u>32,726,000</u>	<u>14,453,000</u>

105.6	<u>Appropriations by Fund</u>		
105.7	<u>General</u>	<u>27,226,000</u>	<u>9,953,000</u>
105.8	<u>Special Revenue</u>	<u>5,500,000</u>	<u>4,500,000</u>

105.9 \$2,000,000 the first year and \$2,000,000 the
105.10 second year are for E85 cost-share grants.
105.11 Notwithstanding Minnesota Statutes, section
105.12 16A.28, this appropriation is available
105.13 until expended. The base appropriation for
105.14 these grants is \$2,000,000 each year in the
105.15 2010-2011 biennium. Funding for these
105.16 grants ends June 30, 2011. Up to ten percent
105.17 of the funds may be used for cost-share grants
105.18 for pumps dispensing fuel that contains at
105.19 least ten percent biodiesel fuel by volume.
105.20 The utility subject to Minnesota Statutes,
105.21 section 116C.779, shall transfer \$2,500,000
105.22 in fiscal year 2008 and \$2,500,000 in fiscal
105.23 year 2009 to the Department of Commerce
105.24 on a schedule to be determined by the
105.25 commissioner of commerce. The funds must
105.26 be deposited in the special revenue fund
105.27 and are appropriated to the commissioner
105.28 for grants to promote renewable energy
105.29 projects and community energy outreach and
105.30 assistance. Of the amounts identified:
105.31 (1) \$500,000 each year for capital grants for
105.32 on-farm biogas recovery facilities; eligible
105.33 projects will be selected in coordination
105.34 with the Department of Agriculture and the
105.35 Pollution Control Agency;

106.1 (2) \$500,000 each year to provide financial
106.2 rebates to new solar electricity projects;

106.3 (3) \$500,000 each year for continued funding
106.4 of community energy technical assistance
106.5 and outreach on renewable energy and
106.6 energy efficiency, as described in article 6,
106.7 section 13; and

106.8 (4) \$1,000,000 each year for technical
106.9 analysis and demonstration funding for
106.10 automotive technology projects, with a
106.11 special focus on plug-in hybrid electric
106.12 vehicles.

106.13 The utility subject to Minnesota Statutes,
106.14 section 116C.779, shall transfer \$3,000,000
106.15 in fiscal year 2008 and \$2,000,000 in fiscal
106.16 year 2009 to the Department of Commerce
106.17 on a schedule to be determined by the
106.18 commissioner of commerce. The funds must
106.19 be deposited in the special revenue fund and
106.20 are appropriated to the commissioner for
106.21 grants to provide competitive, cost-share
106.22 grants to fund renewable energy research in
106.23 Minnesota. These grants must be awarded
106.24 by a three-member panel made up of the
106.25 commissioners of commerce, pollution
106.26 control, and agriculture, or their designees.

106.27 Grant applications must be ranked and grants
106.28 issued according to how well the applications
106.29 meet state energy policy research goals
106.30 established by the commissioners, the quality
106.31 and experience of the research teams, the
106.32 cross-interdisciplinary and cross-institutional
106.33 nature of the research teams, and the ability
106.34 of the research team to leverage nonstate
106.35 funds.

107.1 \$3,000,000 the second year is for a grant to
107.2 the Board of Regents of the University of
107.3 Minnesota for the Initiative for Renewable
107.4 Energy and the Environment. The grant
107.5 is for the purposes set forth in Minnesota
107.6 Statutes, section 216B.241, subdivision 6.
107.7 The appropriation is available until spent.
107.8 The base budget for this grant to the Board
107.9 of Regents of the University of Minnesota
107.10 for the Initiative for Renewable Energy and
107.11 the Environment is \$5,000,000 each year in
107.12 the 2010-2011 fiscal biennium.

107.13 As a condition of this grant, beginning in
107.14 the 2010-2011 biennium, the Initiative for
107.15 Renewable Energy and the Environment
107.16 must set aside at least 15 percent of the
107.17 funds received annually under the grant for
107.18 qualified projects conducted at a rural campus
107.19 or experiment station. Any amount of the
107.20 set aside funds that has not been awarded to
107.21 a rural campus or experiment station at the
107.22 end of the fiscal year must revert back to the
107.23 initiative for its exclusive use.

107.24 \$10,000,000 the first year is for the renewable
107.25 hydrogen initiative in Minnesota Statutes,
107.26 section 216B.813, to fund the competitive
107.27 grant program included in that section. The
107.28 commissioner may use up to two percent of
107.29 the competitive grant program appropriation
107.30 for grant administration and to develop and
107.31 implement the renewable hydrogen road
107.32 map. This is a onetime appropriation and is
107.33 available until expended.

107.34 \$3,100,000 the first year is for deposit in the
107.35 rural wind energy development revolving

108.1 loan fund under Minnesota Statutes, section
108.2 216C.39. This appropriation does not cancel.
108.3 This is a onetime appropriation.
108.4 \$1,000,000 the first year and \$1,000,000 the
108.5 second year are for a grant to the Center for
108.6 Rural Policy and Development for the rural
108.7 wind energy development program in article
108.8 6, section 21. This is a onetime appropriation
108.9 and is available until expended.
108.10 \$50,000 the first year is a onetime
108.11 appropriation for a comprehensive technical,
108.12 economic, and environmental analysis of the
108.13 benefits to be derived from greater use in this
108.14 state of geothermal heat pump systems for
108.15 heating and cooling air and heating water.
108.16 The analysis must:
108.17 (1) estimate the extent of geothermal heat
108.18 pump systems currently installed in this state
108.19 in residential, commercial, and institutional
108.20 buildings;
108.21 (2) estimate energy and economic savings of
108.22 geothermal heat pump systems in comparison
108.23 with fossil fuel-based heating and cooling
108.24 systems, including electricity use, on a
108.25 capital cost and life-cycle cost basis, for both
108.26 newly constructed and retrofitted residential,
108.27 commercial, and institutional buildings;
108.28 (3) compare the emission of pollutants and
108.29 greenhouse gases from geothermal heat
108.30 pump systems and fossil fuel-based heating
108.31 and cooling systems;
108.32 (4) identify financial assistance available
108.33 from state and federal sources and Minnesota
108.34 utilities to defray the costs of installing
108.35 geothermal heat pump systems;

109.1 (5) identify Minnesota firms currently
109.2 manufacturing or installing the physical
109.3 components of geothermal heat pump
109.4 systems and estimate the economic
109.5 development potential in this state if demand
109.6 for such systems increases significantly;
109.7 (6) identify the barriers to more widespread
109.8 adoption of geothermal heat pump systems in
109.9 this state and suggest strategies to overcome
109.10 those barriers; and
109.11 (7) make recommendations for legislative
109.12 action.
109.13 Not later than March 15, 2008, the
109.14 commissioner shall submit the results of the
109.15 analysis in a report to the chairs of the senate
109.16 and house of representatives committees
109.17 with primary jurisdiction over energy policy.
109.18 \$45,000 the first year is a onetime
109.19 appropriation for a grant to Linden Hills
109.20 Power and Light for preliminary engineering
109.21 design work and other technical and legal
109.22 services required for a community digester
109.23 and neighborhood district heating and
109.24 cooling system demonstration project in the
109.25 Linden Hills neighborhood of Minneapolis.
109.26 Funds may be expended upon a determination
109.27 by the commissioner of commerce that the
109.28 project is technically and economically
109.29 feasible. A portion of the appropriation
109.30 may be used to expand the scope of the
109.31 project feasibility study to include portions
109.32 of adjacent communities including St. Louis
109.33 Park and Edina.
109.34 \$3,000,000 the first year is for the purpose
109.35 of the propane prepurchase program under

110.1 Minnesota Statutes, section 216B.0951. This
110.2 is a onetime appropriation and is available
110.3 for the biennium.

110.4 \$4,000,000 the first year is for a onetime
110.5 grant to the St. Paul Port Authority for
110.6 environmental review and permitting,
110.7 preliminary engineering, and development of
110.8 a steam-producing facility to be located in
110.9 St. Paul using fuels consistent with eligible
110.10 energy technologies as defined in Minnesota
110.11 Statutes, section 216B.243, subdivision 3a.

110.12 Grant funds for the project may only
110.13 be expended when the commissioner of
110.14 commerce has reviewed and approved a
110.15 project plan that includes the following
110.16 elements:

110.17 (i) total project cost estimates;
110.18 (ii) cost estimates for project design and
110.19 engineering tasks;

110.20 (iii) a preliminary plan for fuel source
110.21 procurement from a renewable energy source
110.22 as defined in Minnesota Statutes, section
110.23 216B.243, subdivision 3a; and

110.24 (iv) a preliminary financing plan for the
110.25 entire project.

110.26 \$150,000 the first year is appropriated to the
110.27 commissioner of commerce for grants for
110.28 demonstration projects of electric vehicles
110.29 with advanced transmission technologies
110.30 incorporating, if feasible, batteries,
110.31 converters, and other components developed
110.32 in Minnesota. Funds may be expended
110.33 under the grants only if grantees enter into
110.34 agreements specifying that commercial

111.1	<u>production of these vehicles and components</u>			
111.2	<u>will, to the extent possible, take place in</u>			
111.3	<u>Minnesota.</u>			
111.4	<u>Subd. 7. Telecommunications Access</u>			
111.5	<u>Minnesota</u>	<u>100,000</u>		<u>100,000</u>
111.6	<u>\$100,000 the first year and \$100,000</u>			
111.7	<u>the second year are appropriated to the</u>			
111.8	<u>commissioner of commerce for transfer</u>			
111.9	<u>to the commissioner of human services to</u>			
111.10	<u>supplement the ongoing operational expenses</u>			
111.11	<u>of the Minnesota Commission Serving</u>			
111.12	<u>Deaf and Hard-of-Hearing People. This</u>			
111.13	<u>appropriation is from the telecommunication</u>			
111.14	<u>access Minnesota fund, and is added to the</u>			
111.15	<u>commission's base.</u>			
111.16	Sec. 4. <u>PUBLIC UTILITIES COMMISSION</u>	<u>\$</u>	<u>5,315,000</u>	<u>\$</u> <u>5,366,000</u>
111.17	Sec. 5. <u>DEPARTMENT OF NATURAL</u>			
111.18	<u>RESOURCES</u>	<u>\$</u>	<u>535,000</u>	<u>\$</u> <u>0</u>
111.19	<u>\$475,000 the first year is a onetime</u>			
111.20	<u>appropriation for terrestrial and geologic</u>			
111.21	<u>carbon sequestration reports and studies in</u>			
111.22	<u>article 7. Of this amount, the commissioner</u>			
111.23	<u>shall make payments of \$385,000 to the</u>			
111.24	<u>Board of Regents of the University of</u>			
111.25	<u>Minnesota for the purposes of terrestrial</u>			
111.26	<u>carbon sequestration activities, and \$90,000</u>			
111.27	<u>to the Minnesota Geological Survey for the</u>			
111.28	<u>purposes of geologic carbon sequestration</u>			
111.29	<u>assessment.</u>			
111.30	<u>\$60,000 the first year is a onetime</u>			
111.31	<u>appropriation to the commissioner of natural</u>			
111.32	<u>resources to conduct a feasibility study</u>			
111.33	<u>in conjunction with U.S. Army Corps of</u>			
111.34	<u>Engineers on the foundation and hydraulics</u>			

112.1	<u>of the Rapidan Dam in Blue Earth County.</u>			
112.2	<u>This appropriation must be equally matched</u>			
112.3	<u>by Blue Earth County, and is available until</u>			
112.4	<u>expended.</u>			
112.5	Sec. 6. <u>POLLUTION CONTROL AGENCY</u>	<u>\$</u>	<u>700,000</u>	<u>\$</u>
112.6	<u>\$400,000 the first year is a onetime</u>			<u>0</u>
112.7	<u>appropriation for a grant to the Koochiching</u>			
112.8	<u>Economic Development Authority for</u>			
112.9	<u>a feasibility study for a plasma torch</u>			
112.10	<u>gasification facility that converts municipal</u>			
112.11	<u>solid waste into energy and slag.</u>			
112.12	<u>\$300,000 the first year is for the biomass</u>			
112.13	<u>gasification facilities air emissions study for</u>			
112.14	<u>the purpose of fully characterizing the air</u>			
112.15	<u>emissions exerted from biomass gasification</u>			
112.16	<u>facilities across a range of feedstocks. This</u>			
112.17	<u>is a onetime appropriation.</u>			
112.18	Sec. 7. <u>DEPARTMENT OF HEALTH</u>	<u>\$</u>	<u>1,000,000</u>	<u>\$</u>
112.19	<u>\$1,000,000 the first year and \$1,000,000</u>			<u>1,000,000</u>
112.20	<u>the second year are appropriated to the</u>			
112.21	<u>commissioner of health for grants for lead</u>			
112.22	<u>environmental risk assessment conducted</u>			
112.23	<u>by local units of government, as required</u>			
112.24	<u>under Minnesota Statutes, section 144.9504,</u>			
112.25	<u>subdivision 2, and lead cleanup. Of</u>			
112.26	<u>these amounts, \$500,000 the first year</u>			
112.27	<u>and \$500,000 the second year must be</u>			
112.28	<u>awarded to the federally designated nonprofit</u>			
112.29	<u>organization operating the Clear Corps</u>			
112.30	<u>program. This is a onetime appropriation.</u>			

ARTICLE 5
COMMERCE

Section 1. Minnesota Statutes 2006, section 13.712, is amended by adding a subdivision to read:

Subd. 3. **Vehicle protection product warrantors.** Financial information provided to the commissioner of commerce by vehicle protection product warrantors is classified under section 59C.05, subdivision 3.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 2. Minnesota Statutes 2006, section 45.011, subdivision 1, is amended to read:

Subdivision 1. **Scope.** As used in chapters 45 to 83, 155A, 332, 332A, 345, and 359, and sections 325D.30 to 325D.42, 326.83 to 326.991, and 386.61 to 386.78, unless the context indicates otherwise, the terms defined in this section have the meanings given them.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 3. **[45.24] LICENSE TECHNOLOGY FEES.**

(a) The commissioner may establish and maintain an electronic licensing database system for license origination, renewal, and tracking the completion of continuing education requirements by individual licensees who have continuing education requirements, and other related purposes.

(b) The commissioner shall pay for the cost of operating and maintaining the electronic database system described in paragraph (a) through a technology surcharge imposed upon the fee for license origination and renewal, for individual licenses that require continuing education.

(c) The surcharge permitted under paragraph (b) shall be up to \$40 for each two-year licensing period, except as otherwise provided in paragraph (f), and shall be payable at the time of license origination and renewal.

(d) The Commerce Department technology account is hereby created as an account in the special revenue fund.

(e) The commissioner shall deposit the surcharge permitted under this section in the account created in paragraph (d), and funds in the account are appropriated to the commissioner in the amounts needed for purposes of this section.

114.1 (f) The commissioner shall temporarily reduce or suspend the surcharge as necessary
114.2 if the balance in the account created in paragraph (d) exceeds \$2,000,000 as of the end of
114.3 any calendar year and shall increase or decrease the surcharge as necessary to keep the
114.4 fund balance at an adequate level but not in excess of \$2,000,000.

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

114.6 Sec. 4. Minnesota Statutes 2006, section 46.04, subdivision 1, is amended to read:

114.7 Subdivision 1. **General.** The commissioner of commerce, referred to in chapters
114.8 46 to 59A, and ~~sections 332.12 to 332.29~~ chapter 332A, as the commissioner, is vested
114.9 with all the powers, authority, and privileges which, prior to the enactment of Laws 1909,
114.10 chapter 201, were conferred by law upon the public examiner, and shall take over all
114.11 duties in relation to state banks, savings banks, trust companies, savings associations, and
114.12 other financial institutions within the state which, prior to the enactment of chapter 201,
114.13 were imposed upon the public examiner. The commissioner of commerce shall exercise
114.14 a constant supervision, either personally or through the examiners herein provided for,
114.15 over the books and affairs of all state banks, savings banks, trust companies, savings
114.16 associations, credit unions, industrial loan and thrift companies, and other financial
114.17 institutions doing business within this state; and shall, through examiners, examine each
114.18 financial institution at least once every 24 calendar months. In satisfying this examination
114.19 requirement, the commissioner may accept reports of examination prepared by a federal
114.20 agency having comparable supervisory powers and examination procedures. With the
114.21 exception of industrial loan and thrift companies which do not have deposit liabilities
114.22 and licensed regulated lenders, it shall be the principal purpose of these examinations to
114.23 inspect and verify the assets and liabilities of each and so far investigate the character
114.24 and value of the assets of each institution as to determine with reasonable certainty that
114.25 the values are correctly carried on its books. Assets and liabilities shall be verified in
114.26 accordance with methods of procedure which the commissioner may determine to be
114.27 adequate to carry out the intentions of this section. It shall be the further purpose of
114.28 these examinations to assess the adequacy of capital protection and the capacity of the
114.29 institution to meet usual and reasonably anticipated deposit withdrawals and other cash
114.30 commitments without resorting to excessive borrowing or sale of assets at a significant
114.31 loss, and to investigate each institution's compliance with applicable laws and rules. Based
114.32 on the examination findings, the commissioner shall make a determination as to whether
114.33 the institution is being operated in a safe and sound manner. None of the above provisions
114.34 limits the commissioner in making additional examinations as deemed necessary or
114.35 advisable. The commissioner shall investigate the methods of operation and conduct of

115.1 these institutions and their systems of accounting, to ascertain whether these methods and
115.2 systems are in accordance with law and sound banking principles. The commissioner may
115.3 make requirements as to records as deemed necessary to facilitate the carrying out of the
115.4 commissioner's duties and to properly protect the public interest. The commissioner may
115.5 examine, or cause to be examined by these examiners, on oath, any officer, director,
115.6 trustee, owner, agent, clerk, customer, or depositor of any financial institution touching
115.7 the affairs and business thereof, and may issue, or cause to be issued by the examiners,
115.8 subpoenas, and administer, or cause to be administered by the examiners, oaths. In
115.9 case of any refusal to obey any subpoena issued under the commissioner's direction,
115.10 the refusal may at once be reported to the district court of the district in which the bank
115.11 or other financial institution is located, and this court shall enforce obedience to these
115.12 subpoenas in the manner provided by law for enforcing obedience to subpoenas of the
115.13 court. In all matters relating to official duties, the commissioner of commerce has the
115.14 power possessed by courts of law to issue subpoenas and cause them to be served and
115.15 enforced, and all officers, directors, trustees, and employees of state banks, savings banks,
115.16 trust companies, savings associations, and other financial institutions within the state,
115.17 and all persons having dealings with or knowledge of the affairs or methods of these
115.18 institutions, shall afford reasonable facilities for these examinations, make returns and
115.19 reports to the commissioner of commerce as the commissioner may require; attend and
115.20 answer, under oath, the commissioner's lawful inquiries; produce and exhibit any books,
115.21 accounts, documents, and property as the commissioner may desire to inspect, and in all
115.22 things aid the commissioner in the performance of duties.

115.23 **EFFECTIVE DATE.** This section is effective January 1, 2008.

115.24 Sec. 5. Minnesota Statutes 2006, section 46.05, is amended to read:

115.25 **46.05 SUPERVISION OVER FINANCIAL INSTITUTIONS.**

115.26 Every state bank, savings bank, trust company, savings association, debt
115.27 management services provider, and other financial institutions shall be at all times under
115.28 the supervision and subject to the control of the commissioner of commerce. If, and
115.29 whenever in the performance of duties, the commissioner finds it necessary to make a
115.30 special investigation of any financial institution under the commissioner's supervision,
115.31 and other than a complete examination, the commissioner shall make a charge therefor to
115.32 include only the necessary costs thereof. Such a fee shall be payable to the commissioner
115.33 on the commissioner's making a request for payment.

115.34 **EFFECTIVE DATE.** This section is effective January 1, 2008.

Sec. 6. Minnesota Statutes 2006, section 46.131, subdivision 2, is amended to read:

Subd. 2. **Assessment authority.** Each bank, trust company, savings bank, savings association, regulated lender, industrial loan and thrift company, credit union, motor vehicle sales finance company, debt ~~providing agency~~ management services provider and insurance premium finance company organized under the laws of this state or required to be administered by the commissioner of commerce shall pay into the state treasury its proportionate share of the cost of maintaining the Department of Commerce.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 7. Minnesota Statutes 2006, section 47.19, is amended to read:

**47.19 CORPORATION MAY BE MEMBER OR STOCKHOLDER OF
FEDERAL AGENCY.**

Any corporation is hereby empowered and authorized to become a member of, or stockholder in, any such agency, and to that end to purchase stock in, or securities of, or deposit money with, such agency and/or to comply with any other conditions of membership or credit; to borrow money from such agency upon such rates of interest, not exceeding the contract rate of interest in this state, and upon such terms and conditions as may be agreed upon by such corporation and such agency, for the purpose of making loans, paying withdrawals, paying maturities, paying debts, and for any other purpose not inconsistent with the objects of the corporation; provided, that the aggregate amount of the indebtedness, so incurred by such corporation, which shall be outstanding at any time shall not exceed ~~25~~ 35 percent of the then total assets of the corporation; to assign, pledge and hypothecate its bonds, mortgages or other assets; and, in case of savings associations, to repledge with such agency the shares of stock in such association which any owner thereof may have pledged as collateral security, without obtaining the consent thereunto of such owner, as security for the repayment of the indebtedness so created by such corporation and as evidenced by its note or other evidence of indebtedness given for such borrowed money; and to do any and all things which shall or may be necessary or convenient in order to comply with and to obtain the benefits of the provisions of any act of Congress creating such agency, or any amendments thereto.

Sec. 8. Minnesota Statutes 2006, section 47.59, subdivision 6, is amended to read:

Subd. 6. **Additional charges.** (a) For purposes of this subdivision, "financial institution" includes a person described in subdivision 4, paragraph (a). In addition to the finance charges permitted by this section, a financial institution may contract for and

117.1 receive the following additional charges that may be included in the principal amount
117.2 of the loan or credit sale unpaid balances:

117.3 (1) official fees and taxes;

117.4 (2) charges for insurance as described in paragraph (b);

117.5 (3) with respect to a loan or credit sale contract secured by real estate, the following
117.6 "closing costs," if they are bona fide, reasonable in amount, and not for the purpose of
117.7 circumvention or evasion of this section:

117.8 (i) fees or premiums for title examination, abstract of title, title insurance, surveys,
117.9 or similar purposes;

117.10 (ii) fees for preparation of a deed, mortgage, settlement statement, or other
117.11 documents, if not paid to the financial institution;

117.12 (iii) escrows for future payments of taxes, including assessments for improvements,
117.13 insurance, and water, sewer, and land rents;

117.14 (iv) fees for notarizing deeds and other documents;

117.15 (v) appraisal and credit report fees; and

117.16 (vi) fees for determining whether any portion of the property is located in a flood
117.17 zone and fees for ongoing monitoring of the property to determine changes, if any,
117.18 in flood zone status;

117.19 (4) a delinquency charge on a payment, including the minimum payment due in
117.20 connection with open-end credit, not paid in full on or before the tenth day after its due
117.21 date in an amount not to exceed five percent of the amount of the payment or \$5.20,
117.22 whichever is greater;

117.23 (5) for a returned check or returned automatic payment withdrawal request, an
117.24 amount not in excess of the service charge limitation in section 604.113, except that, on
117.25 a loan transaction that is a consumer small loan as defined in section 47.60, subdivision
117.26 1, paragraph (a), in which cash is advanced in exchange for a personal check, the civil
117.27 penalty provisions of section 604.113, subdivision 2, paragraph (b), may not be demanded
117.28 or assessed against the borrower; and

117.29 (6) charges for other benefits, including insurance, conferred on the borrower that
117.30 are of a type that is not for credit.

117.31 (b) An additional charge may be made for insurance written in connection with the
117.32 loan or credit sale contract, which may be included in the principal amount of the loan or
117.33 credit sale unpaid balances:

117.34 (1) with respect to insurance against loss of or damage to property, or against
117.35 liability arising out of the ownership or use of property, if the financial institution furnishes
117.36 a clear, conspicuous, and specific statement in writing to the borrower setting forth the

cost of the insurance if obtained from or through the financial institution and stating that the borrower may choose the person through whom the insurance is to be obtained;

(2) with respect to credit insurance or mortgage insurance providing life, accident, health, or unemployment coverage, if the insurance coverage is not required by the financial institution, and this fact is clearly and conspicuously disclosed in writing to the borrower, and the borrower gives specific, dated, and separately signed affirmative written indication of the borrower's desire to do so after written disclosure to the borrower of the cost of the insurance; and

(3) with respect to the vendor's single interest insurance, but only (i) to the extent that the insurer has no right of subrogation against the borrower; and (ii) to the extent that the insurance does not duplicate the coverage of other insurance under which loss is payable to the financial institution as its interest may appear, against loss of or damage to property for which a separate charge is made to the borrower according to clause (1); and (iii) if a clear, conspicuous, and specific statement in writing is furnished by the financial institution to the borrower setting forth the cost of the insurance if obtained from or through the financial institution and stating that the borrower may choose the person through whom the insurance is to be obtained.

(c) In addition to the finance charges and other additional charges permitted by this section, a financial institution may contract for and receive the following additional charges in connection with open-end credit, which may be included in the principal amount of the loan or balance upon which the finance charge is computed:

(1) annual charges, not to exceed \$50 per annum, payable in advance, for the privilege of opening and maintaining open-end credit;

(2) charges for the use of an automated teller machine;

(3) charges for any monthly or other periodic payment period in which the borrower has exceeded or, except for the financial institution's dishonor would have exceeded, the maximum approved credit limit, in an amount not in excess of the service charge permitted in section 604.113;

(4) charges for obtaining a cash advance in an amount not to exceed the service charge permitted in section 604.113; and

(5) charges for check and draft copies and for the replacement of lost or stolen credit cards.

(d) In addition to the finance charges and other additional charges permitted by this section, a financial institution may contract for and receive a onetime loan administrative fee not exceeding \$25 in connection with closed-end credit, which may be included in the principal balance upon which the finance charge is computed. This paragraph applies only

119.1 to closed-end credit in an original principal amount of \$4,320 or less. The determination
119.2 of an original principal amount must exclude the administrative fee contracted for and
119.3 received according to this paragraph.

119.4 Sec. 9. Minnesota Statutes 2006, section 47.60, subdivision 2, is amended to read:

119.5 Subd. 2. **Authorization, terms, conditions, and prohibitions.** (a) In lieu of the
119.6 interest, finance charges, or fees in any other law, a consumer small loan lender may
119.7 charge the following:

119.8 (1) on any amount up to and including \$50, a charge of \$5.50 may be added;

119.9 (2) on amounts in excess of \$50, but not more than \$100, a charge may be added
119.10 equal to ten percent of the loan proceeds plus a \$5 administrative fee;

119.11 (3) on amounts in excess of \$100, but not more than \$250, a charge may be
119.12 added equal to seven percent of the loan proceeds with a minimum of \$10 plus a \$5
119.13 administrative fee;

119.14 (4) for amounts in excess of \$250 and not greater than the maximum in subdivision
119.15 1, paragraph (a), a charge may be added equal to six percent of the loan proceeds with a
119.16 minimum of \$17.50 plus a \$5 administrative fee.

119.17 (b) The term of a loan made under this section shall be for no more than 30 calendar
119.18 days.

119.19 (c) After maturity, the contract rate must not exceed 2.75 percent per month of the
119.20 remaining loan proceeds after the maturity date calculated at a rate of 1/30 of the monthly
119.21 rate in the contract for each calendar day the balance is outstanding.

119.22 (d) No insurance charges or other charges must be permitted to be charged, collected,
119.23 or imposed on a consumer small loan except as authorized in this section.

119.24 (e) On a loan transaction in which cash is advanced in exchange for a personal
119.25 check, a return check charge may be charged as authorized by section 604.113, subdivision
119.26 2, paragraph (a). The civil penalty provisions of section 604.113, subdivision 2, paragraph
119.27 (b), may not be demanded or assessed against the borrower.

119.28 (f) A loan made under this section must not be repaid by the proceeds of another
119.29 loan made under this section by the same lender or related interest. The proceeds from a
119.30 loan made under this section must not be applied to another loan from the same lender or
119.31 related interest. No loan to a single borrower made pursuant to this section shall be split or
119.32 divided and no single borrower shall have outstanding more than one loan with the result
119.33 of collecting a higher charge than permitted by this section or in an aggregate amount of
119.34 principal exceed at any one time the maximum of \$350.

Sec. 10. Minnesota Statutes 2006, section 47.62, subdivision 1, is amended to read:

Subdivision 1. **General authority.** Any person may establish and maintain one or more electronic financial terminals. Any financial institution may provide for its customers the use of an electronic financial terminal by entering into an agreement with any person who has established and maintains one or more electronic financial terminals if that person authorizes use of the electronic financial terminal to all financial institutions on a nondiscriminatory basis pursuant to section 47.64. ~~Electronic financial terminals to be established and maintained in this state by financial institutions located in states other than Minnesota must file a notification to the commissioner as required in this section. The notification may be in the form lawfully required by the state regulator responsible for the examination and supervision of that financial institution. If there is no such requirement, then notification must be in the form required by this section for Minnesota financial institutions.~~

Sec. 11. Minnesota Statutes 2006, section 47.75, subdivision 1, is amended to read:

Subdivision 1. **Retirement, health savings, and medical savings accounts.** (a) A commercial bank, savings bank, savings association, credit union, or industrial loan and thrift company may act as trustee or custodian:

(1) under the Federal Self-Employed Individual Tax Retirement Act of 1962, as amended;

(2) of a medical savings account under the Federal Health Insurance Portability and Accountability Act of 1996, as amended;

(3) of a health savings account under the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, as amended; and

(4) under the Federal Employee Retirement Income Security Act of 1974, as amended.

(b) The trustee or custodian may accept the trust funds if the funds are invested only in savings accounts or time deposits in the commercial bank, savings bank, savings association, credit union, or industrial loan and thrift company, except that health savings accounts may also be invested in transaction accounts. Health savings accounts invested in transaction accounts shall not be subject to the restrictions in section 48.512, subdivision 3. All funds held in the fiduciary capacity may be commingled by the financial institution in the conduct of its business, but individual records shall be maintained by the fiduciary for each participant and shall show in detail all transactions engaged under authority of this subdivision.

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

121.1 Sec. 12. Minnesota Statutes 2006, section 48.15, subdivision 4, is amended to read:

121.2 Subd. 4. **Retirement, health savings, and medical savings accounts.** (a) A state
121.3 bank may act as trustee or custodian:

121.4 (1) of a self-employed retirement plan under the Federal Self-Employed Individual
121.5 Tax Retirement Act of 1962, as amended;

121.6 (2) of a medical savings account under the Federal Health Insurance Portability and
121.7 Accountability Act of 1996, as amended;

121.8 (3) of a health savings account under the Medicare Prescription Drug, Improvement,
121.9 and Modernization Act of 2003, as amended; and

121.10 (4) of an individual retirement account under the Federal Employee Retirement
121.11 Income Security Act of 1974, as amended, if the bank's duties as trustee or custodian are
121.12 essentially ministerial or custodial in nature and the funds are invested only (i) in the
121.13 bank's own savings or time deposits, except that health savings accounts may also be
121.14 invested in transaction accounts. Health savings accounts invested in transaction accounts
121.15 shall not be subject to the restrictions in section 48.512, subdivision 3; or (ii) in any
121.16 other assets at the direction of the customer if the bank does not exercise any investment
121.17 discretion, invest the funds in collective investment funds administered by it, or provide
121.18 any investment advice with respect to those account assets.

121.19 (b) Affiliated discount brokers may be utilized by the bank acting as trustee or
121.20 custodian for self-directed IRAs, if specifically authorized and directed in appropriate
121.21 documents. The relationship between the affiliated broker and the bank must be fully
121.22 disclosed. Brokerage commissions to be charged to the IRA by the affiliated broker should
121.23 be accurately disclosed. Provisions should be made for disclosure of any changes in
121.24 commission rates prior to their becoming effective. The affiliated broker may not provide
121.25 investment advice to the customer.

121.26 (c) All funds held in the fiduciary capacity may be commingled by the financial
121.27 institution in the conduct of its business, but individual records shall be maintained by
121.28 the fiduciary for each participant and shall show in detail all transactions engaged under
121.29 authority of this subdivision.

121.30 (d) The authority granted by this section is in addition to, and not limited by, section
121.31 47.75.

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

121.33 Sec. 13. Minnesota Statutes 2006, section 58.04, subdivision 1, is amended to read:

121.34 Subdivision 1. **Residential mortgage originator licensing requirements.** (a)
121.35 ~~Beginning August 1, 1999,~~ No person shall act as a residential mortgage originator, or

122.1 make residential mortgage loans without first obtaining a license from the commissioner
122.2 according to the licensing procedures provided in this chapter.

122.3 (b) A licensee must be either a partnership, limited liability partnership, association,
122.4 limited liability company, corporation, or other form of business organization, and must
122.5 have and maintain at all times one of the following: approval as a mortgagee by either the
122.6 federal Department of Housing and Urban Development or the Federal National Mortgage
122.7 Association; a minimum net worth, net of intangibles, of at least \$250,000; or a surety bond
122.8 or irrevocable letter of credit in the amount of \$100,000. Net worth, net of intangibles,
122.9 must be calculated in accordance with generally accepted accounting principles.

122.10 (c) The following persons are exempt from the residential mortgage originator
122.11 licensing requirements:

122.12 ~~(1) an employee of one mortgage originator licensee or one person holding a~~
122.13 ~~certificate of exemption;~~

122.14 ~~(2) a person licensed as a real estate broker under chapter 82 who is not licensed to~~
122.15 ~~another real estate broker;~~

122.16 ~~(3) an individual real estate licensee who is licensed to a real estate broker as~~
122.17 ~~described in clause (2) if:~~

122.18 ~~(i) the individual licensee acts only under the name, authority, and supervision of the~~
122.19 ~~broker to whom the licensee is licensed;~~

122.20 ~~(ii) the broker to whom the licensee is licensed obtains a certificate of exemption~~
122.21 ~~according to section 58.05, subdivision 2;~~

122.22 ~~(iii) the broker does not collect an advance fee for its residential mortgage-related~~
122.23 ~~activities; and~~

122.24 ~~(iv) the residential mortgage origination activities are incidental to the real estate~~
122.25 ~~licensee's primary activities as a real estate broker or salesperson;~~

122.26 ~~(4) an individual licensed as a property/casualty or life/health insurance agent under~~
122.27 ~~chapter 60K if:~~

122.28 ~~(i) the insurance agent acts on behalf of only one residential mortgage originator,~~
122.29 ~~which is in compliance with chapter 58;~~

122.30 ~~(ii) the insurance agent has entered into a written contract with the mortgage~~
122.31 ~~originator under the terms of which the mortgage originator agrees to accept responsibility~~
122.32 ~~for the insurance agent's residential mortgage-related activities;~~

122.33 ~~(iii) the insurance agent obtains a certificate of exemption under section 58.05,~~
122.34 ~~subdivision 2; and~~

122.35 ~~(iv) the insurance agent does not collect an advance fee for the insurance agent's~~
122.36 ~~residential mortgage-related activities;~~

123.1 ~~(5)~~ (1) a person who is not in the business of making residential mortgage loans and
123.2 who makes no more than three such loans, with its own funds, during any 12-month period;
123.3 ~~(6)~~ (2) a financial institution as defined in section 58.02, subdivision 10;
123.4 ~~(7)~~ (3) an agency of the federal government, or of a state or municipal government;
123.5 ~~(8)~~ (4) an employee or employer pension plan making loans only to its participants;
123.6 ~~(9)~~ (5) a person acting in a fiduciary capacity, such as a trustee or receiver, as a result
123.7 of a specific order issued by a court of competent jurisdiction; or
123.8 ~~(10)~~ (6) a person exempted by order of the commissioner.

123.9 Sec. 14. Minnesota Statutes 2006, section 58.04, subdivision 2, is amended to read:

123.10 Subd. 2. **Residential mortgage servicer licensing requirements.** (a) ~~Beginning~~
123.11 ~~August 1, 1999,~~ No person shall engage in activities or practices that fall within the
123.12 definition of "servicing a residential mortgage loan" under section 58.02, subdivision
123.13 22, without first obtaining a license from the commissioner according to the licensing
123.14 procedures provided in this chapter.

123.15 (b) The following persons are exempt from the residential mortgage servicer
123.16 licensing requirements:

123.17 (1) a person licensed as a residential mortgage originator;
123.18 ~~(2) an employee of one licensee or one person holding a certificate of exemption~~
123.19 ~~based on an exemption under this subdivision;~~
123.20 ~~(3)~~ (2) a person servicing loans made with ~~its~~ the person's own funds, if no more
123.21 than three such loans are made in any 12-month period;
123.22 ~~(4)~~ (3) a financial institution as defined in section 58.02, subdivision 10;
123.23 ~~(5)~~ (4) an agency of the federal government, or of a state or municipal government;
123.24 ~~(6)~~ (5) an employee or employer pension plan making loans only to its participants;
123.25 ~~(7)~~ (6) a person acting in a fiduciary capacity, such as a trustee or receiver, as a result
123.26 of a specific order issued by a court of competent jurisdiction; or
123.27 ~~(8)~~ (7) a person exempted by order of the commissioner.

123.28 Sec. 15. Minnesota Statutes 2006, section 58.05, is amended to read:

123.29 **58.05 EXEMPTIONS FROM LICENSE.**

123.30 Subdivision 1. **Exempt person.** An exempt person as defined by section 58.04,
123.31 subdivision 1, paragraph ~~(b)~~ (c), and subdivision 2, paragraph (b), is exempt from the
123.32 licensing requirements of this chapter, but is subject to all other provisions of this chapter.

123.33 Subd. 3. **Certificate of exemption.** A person must obtain a certificate of exemption
123.34 from the commissioner to qualify as an exempt person under section 58.04, subdivision

124.1 1, paragraph ~~(b)~~ (c), as a real estate broker under clause ~~(2)~~, an insurance agent under
124.2 ~~clause (4)~~; a financial institution under clause ~~(6)~~ (2), or by order of the commissioner
124.3 under clause ~~(10)~~ (6); or under section 58.04, subdivision 2, paragraph (b), as a financial
124.4 institution under clause ~~(4)~~ (3), or by order of the commissioner under clause ~~(8)~~ (7).

124.5 Sec. 16. Minnesota Statutes 2006, section 58.06, subdivision 2, is amended to read:

124.6 Subd. 2. **Application contents.** (a) The application must contain the name and
124.7 complete business address or addresses of the license applicant. ~~If~~ The license applicant ~~is~~
124.8 must be a partnership, limited liability partnership, association, limited liability company,
124.9 corporation, or other form of business organization, and the application must contain the
124.10 names and complete business addresses of each partner, member, director, and principal
124.11 officer. The application must also include a description of the activities of the license
124.12 applicant, in the detail and for the periods the commissioner may require.

124.13 (b) An applicant must submit one of the following:

124.14 (1) evidence which shows, to the commissioner's satisfaction, that either the federal
124.15 Department of Housing and Urban Development or the Federal National Mortgage
124.16 Association has approved the applicant as a mortgagee;

124.17 (2) a surety bond or irrevocable letter of credit in the amount of not less than
124.18 \$100,000 in a form approved by the commissioner, issued by an insurance company
124.19 or bank authorized to do so in this state. The bond or irrevocable letter of credit must
124.20 be available for the recovery of expenses, fines, and fees levied by the commissioner
124.21 under this chapter and for losses incurred by borrowers. The bond or letter of credit must
124.22 be submitted with the license application, and evidence of continued coverage must be
124.23 submitted with each renewal. Any change in the bond or letter of credit must be submitted
124.24 for approval by the commissioner within ten days of its execution; or

124.25 (3) a copy of the applicant's most recent audited financial statement, including
124.26 balance sheet, statement of income or loss, statements of changes in shareholder equity,
124.27 and statement of changes in financial position. Financial statements must be as of a date
124.28 within 12 months of the date of application.

124.29 (c) The application must also include all of the following:

124.30 ~~(a)~~ (1) an affirmation under oath that the applicant:

124.31 ~~(1) will maintain competent staff and adequate staffing levels, through direct~~
124.32 ~~employees or otherwise, to meet the requirements of this chapter,~~ (i) is in compliance
124.33 with the requirements of section 58.125;

124.34 (ii) will maintain a perpetual roster of individuals employed as residential mortgage
124.35 originators, including employees and independent contractors, which includes the date that

125.1 mandatory initial education was completed. In addition, the roster must be made available
125.2 to the commissioner on demand, within three business days of the commissioner's request;

125.3 ~~(2)~~ (iii) will advise the commissioner of any material changes to the information
125.4 submitted in the most recent application within ten days of the change;

125.5 ~~(3)~~ (iv) will advise the commissioner in writing immediately of any bankruptcy
125.6 petitions filed against or by the applicant or licensee;

125.7 ~~(4) is financially solvent;~~ (v) will maintain at all times either a net worth, net of
125.8 intangibles, of at least \$250,000 or a surety bond or irrevocable letter of credit in the
125.9 amount of at least \$100,000;

125.10 ~~(5)~~ (vi) complies with federal and state tax laws; and

125.11 ~~(6)~~ (vii) complies with sections 345.31 to 345.60, the Minnesota unclaimed property
125.12 law; ~~and~~

125.13 ~~(7) is, or that a person in control of the license applicant is, at least 18 years of age;~~

125.14 ~~(b)~~ (2) information as to the mortgage lending, servicing, or brokering experience
125.15 of the applicant and persons in control of the applicant;

125.16 ~~(c)~~ (3) information as to criminal convictions, excluding traffic violations, of persons
125.17 in control of the license applicant;

125.18 ~~(d)~~ (4) whether a court of competent jurisdiction has found that the applicant or
125.19 persons in control of the applicant have engaged in conduct evidencing gross negligence,
125.20 fraud, misrepresentation, or deceit in performing an act for which a license is required
125.21 under this chapter;

125.22 ~~(e)~~ (5) whether the applicant or persons in control of the applicant have been the
125.23 subject of: an order of suspension or revocation, cease and desist order, or injunctive
125.24 order, or order barring involvement in an industry or profession issued by this or another
125.25 state or federal regulatory agency or by the Secretary of Housing and Urban Development
125.26 within the ten-year period immediately preceding submission of the application; and

125.27 ~~(f)~~ (6) other information required by the commissioner.

125.28 Sec. 17. Minnesota Statutes 2006, section 58.06, is amended by adding a subdivision
125.29 to read:

125.30 Subd. 3. **Waiver.** The commissioner may, for good cause shown, waive any
125.31 requirement of this section with respect to any license application or to permit a license
125.32 applicant to submit substituted information in its license application in lieu of the
125.33 information required by this section.

125.34 Sec. 18. Minnesota Statutes 2006, section 58.08, subdivision 3, is amended to read:

Subd. 3. **Exemption.** ~~Subdivisions 1 and Subdivision 2 do~~ does not apply to mortgage originators or mortgage servicers who are approved as seller/servicers by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

Sec. 19. Minnesota Statutes 2006, section 58.10, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** The following fees must be paid to the commissioner:

(1) for an initial residential mortgage originator license, ~~\$850~~ \$2,550, \$50 of which is credited to the consumer education account in the special revenue fund;

(2) for a renewal license, ~~\$450~~ \$1,350, \$50 of which is credited to the consumer education account in the special revenue fund;

(3) for an initial residential mortgage servicer's license, \$1,000;

(4) for a renewal license, \$500; and

(5) for a certificate of exemption, \$100.

Sec. 20. **[58.115] EXAMINATIONS.**

The commissioner has under this chapter the same powers with respect to examinations that the commissioner has under section 46.04, including the authority to charge for the direct costs of the examination, including travel and per diem expenses.

Sec. 21. **[58.126] EDUCATION REQUIREMENT.**

No individual shall engage in residential mortgage origination or make residential mortgage loans, whether as an employee or independent contractor, before the completion of 15 hours of educational training which has been approved by the commissioner, and covering state and federal laws concerning residential mortgage lending.

Sec. 22. **[59C.01] SHORT TITLE.**

This chapter may be cited as the Vehicle Protection Product Act.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 23. **[59C.02] DEFINITIONS.**

Subdivision 1. **Terms.** For purposes of this chapter, the terms defined in subdivisions 2 to 11 have the meanings given them.

Subd. 2. **Administrator.** "Administrator" means a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of vehicle protection product warranties.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of commerce.

127.1 Subd. 4. **Department.** "Department" means the Department of Commerce.

127.2 Subd. 5. **Incidental costs.** "Incidental costs" means expenses specified in the
127.3 warranty incurred by the warranty holder related to the failure of the vehicle protection
127.4 product to perform as provided in the warranty. Incidental costs may include, without
127.5 limitation, insurance policy deductibles, rental vehicle charges, the difference between the
127.6 actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle,
127.7 sales taxes, registration fees, transaction fees, and mechanical inspection fees.

127.8 Subd. 6. **Service contract.** "Service contract" means a contract or agreement as
127.9 regulated under chapter 59B.

127.10 Subd. 7. **Vehicle protection product.** "Vehicle protection product" means a vehicle
127.11 protection device, system, or service that:

127.12 (1) is installed on or applied to a vehicle;

127.13 (2) is designed to prevent loss or damage to a vehicle from a specific cause; and

127.14 (3) includes a written warranty.

127.15 For purposes of this section, vehicle protection product includes, without limitation,
127.16 alarm systems; body part marking products; steering locks; window etch products; pedal
127.17 and ignition locks; fuel and ignition kill switches; and electronic, radio, and satellite
127.18 tracking devices.

127.19 Subd. 8. **Vehicle protection product warrantor or warrantor.** "Vehicle protection
127.20 product warrantor" or "warrantor" means, for the purposes of this chapter, a written
127.21 agreement by a warrantor that provides if the vehicle protection product fails to prevent
127.22 loss or damage to a vehicle from a specific cause, that the warranty holder must be
127.23 paid specified incidental costs by the warrantor as a result of the failure of the vehicle
127.24 protection product to perform pursuant to the terms of the warranty.

127.25 Subd. 9. **Vehicle protection product warrantor or warrantor.** "Vehicle protection
127.26 product warrantor" or "warrantor," for the purposes of this chapter, means a person who is
127.27 contractually obligated to the warranty holder under the terms of the vehicle protection
127.28 product warranty agreement. Warrantor does not include an authorized insurer providing a
127.29 warranty reimbursement insurance policy.

127.30 Subd. 10. **Warranty holder.** "Warranty holder," for the purposes of this chapter,
127.31 means the person who purchases a vehicle protection product or who is a permitted
127.32 transferee.

127.33 Subd. 11. **Warranty reimbursement insurance policy.** "Warranty reimbursement
127.34 insurance policy" means a policy of insurance that is issued to the vehicle protection
127.35 product warrantor to provide reimbursement to, or to pay on behalf of, the warrantor all

covered contractual obligations incurred by the warrantor under the terms and conditions of the insured vehicle protection product warranties sold by the warrantor.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 24. **[59C.03] SCOPE AND EXEMPTIONS.**

(a) No vehicle protection product may be sold or offered for sale in this state unless the seller, warrantor, and administrator, if any, comply with the provisions of this chapter.

(b) Vehicle protection product warrantors and related vehicle protection product sellers and warranty administrators complying with this chapter are not required to comply with and are not subject to any other provision of chapters 59B to 72A, except that section 72A.20, subdivision 38, shall apply to vehicle protection product warranties in the same manner it applies to service contracts.

(c) Service contract providers who do not sell vehicle protection products are not subject to the requirements of this chapter and sales of vehicle protection products are exempt from the requirements of chapter 59B.

(d) Warranties, indemnity agreements, and guarantees that are not provided as a part of a vehicle protection product are not subject to the provisions of this chapter.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 25. **[59C.04] REGISTRATION AND FILING REQUIREMENTS OF WARRANTORS.**

Subdivision 1. General requirement. A person may not operate as a warrantor or represent to the public that the person is a warrantor unless the person is registered with the department on a form prescribed by the commissioner.

Subd. 2. Registration records. A registrant shall file a warrantor registration record annually and shall update it within 30 days of any change. A registration record must contain the following information:

(1) the warrantor's name, any fictitious names under which the warrantor does business in the state, principal office address, and telephone number;

(2) the name and address of the warrantor's agent for service of process in the state if other than the warrantor;

(3) the names of the warrantor's executive officer or officers directly responsible for the warrantor's vehicle protection product business;

129.1 (4) the name, address, and telephone number of any administrators designated by
129.2 the warrantor to be responsible for the administration of vehicle protection product
129.3 warranties in this state;

129.4 (5) a copy of the warranty reimbursement insurance policy or policies or other
129.5 financial information required by section 59C.05;

129.6 (6) a copy of each warranty the warrantor proposes to use in this state; and

129.7 (7) a statement indicating under which provision of section 59C.05 the warrantor
129.8 qualifies to do business in this state as a warrantor.

129.9 Subd. 3. **Registration fee.** The commissioner may charge each registrant a
129.10 reasonable fee to offset the cost of processing the registration and maintaining the records
129.11 in an amount not to exceed \$250 annually. The information in subdivision 2, clauses (1)
129.12 and (2), must be made available to the public.

129.13 Subd. 4. **Renewal.** If a registrant fails to register by the renewal deadline, the
129.14 commissioner shall give them written notice of the failure and the registrant will have 30
129.15 days to complete the renewal of the registration before the commissioner suspends the
129.16 registration.

129.17 Subd. 5. **Exception.** An administrator or person who sells or solicits a sale of a
129.18 vehicle protection product but who is not a warrantor shall not be required to register as a
129.19 warrantor or be licensed under the insurance laws of this state to sell vehicle protection
129.20 products.

129.21 **EFFECTIVE DATE.** This section is effective January 1, 2008.

129.22 Sec. 26. **[59C.05] FINANCIAL RESPONSIBILITY.**

129.23 Subdivision 1. **General requirements.** No vehicle protection product may be sold,
129.24 or offered for sale in this state unless the warrantor meets either the requirements of
129.25 subdivision 2 or 3 in order to ensure adequate performance under the warranty. No other
129.26 financial security requirements or financial standards for warrantors is required.

129.27 Subd. 2. **Warranty reimbursement insurance policy.** The vehicle protection
129.28 product warrantor shall be insured under a warranty reimbursement insurance policy
129.29 issued by an insurer authorized to do business in this state which provides that:

129.30 (1) the insurer will pay to, or on behalf of the warrantor, 100 percent of all sums
129.31 that the warrantor is legally obligated to pay according to the warrantor's contractual
129.32 obligations under the warrantor's vehicle protection product warranty;

129.33 (2) a true and correct copy of the warranty reimbursement insurance policy has been
129.34 filed with the commissioner by the warrantor; and

129.35 (3) the policy contains the provision required in section 59C.06.

Subd. 3. **Network or stockholder's equity.** (1) The vehicle protection product warrantor, or its parent company in accordance with clause (2), shall maintain a net worth or stockholders' equity of \$50,000,000; and

(2) the warrantor shall provide the commissioner with a copy of the warrantor's or the warrantor's parent company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange Commission within the last calendar year or, if the warrantor does not file with the Securities and Exchange Commission, a copy of the warrantor or the warrantor's parent company's audited financial statements that shows a net worth of the warrantor or its parent company of at least \$50,000,000. If the warrantor's parent company's Form 10-K, Form 20-F, or audited financial statements are filed to meet the warrantor's financial stability requirement, then the parent company shall agree to guarantee the obligations of the warrantor relating to warranties issued by the warrantor in this state. The financial information provided to the commissioner under this paragraph is trade secret information for purposes of section 13.37.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 27. **[59C.06] WARRANTY REIMBURSEMENT POLICY REQUIREMENTS.**

No warranty reimbursement insurance policy may be issued, sold, or offered for sale in this state unless the policy meets the following conditions:

(1) the policy states that the issuer of the policy will reimburse, or pay on behalf of the vehicle protection product warrantor, all covered sums that the warrantor is legally obligated to pay, or will provide all service that the warrantor is legally obligated to perform according to the warrantor's contractual obligations under the provisions of the insured warranties sold by the warrantor;

(2) the policy states that in the event payment due under the terms of the warranty is not provided by the warrantor within 60 days after proof of loss has been filed according to the terms of the warranty by the warranty holder, the warranty holder may file directly with the warranty reimbursement insurance company for reimbursement;

(3) the policy provides that a warranty reimbursement insurance company that insures a warranty is deemed to have received payment of the premium if the warranty holder paid for the vehicle protection product and the insurer's liability under the policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to report the issuance of a warranty to the insurer; and

(4) the policy has the following provisions regarding cancellation of the policy:

131.1 (i) the issuer of a reimbursement insurance policy shall not cancel the policy until a
131.2 notice of cancellation in writing has been mailed or delivered to the commissioner and
131.3 each insured warrantor;

131.4 (ii) the cancellation of a reimbursement insurance policy shall not reduce the issuer's
131.5 responsibility for vehicle protection products sold prior to the date of cancellation; and

131.6 (iii) in the event an insurer cancels a policy that a warrantor has filed with the
131.7 commissioner, the warrantor shall do either of the following:

131.8 (A) file a copy of a new policy with the commissioner, before the termination of
131.9 the prior policy, providing no lapse in coverage following the termination of the prior
131.10 policy; or

131.11 (B) discontinue offering warranties as of the termination date of the policy until a
131.12 new policy becomes effective and is accepted by the commissioner.

131.13 **EFFECTIVE DATE.** This section is effective January 1, 2008.

131.14 Sec. 28. **[59C.07] DISCLOSURE TO WARRANTY HOLDER.**

131.15 A vehicle protection product warranty must not be sold or offered for sale in this
131.16 state unless the warranty:

131.17 (1) states, "The obligations of the warrantor to the warranty holder are guaranteed
131.18 under a warranty reimbursement insurance policy" if the warrantor elects to meet its
131.19 financial responsibility obligations under section 59C.05, subdivision 2, or states "The
131.20 obligations of the warrantor under this warranty are backed by the full faith and credit
131.21 of the warrantor" if the warrantor elects to meet its financial responsibility obligations
131.22 under section 59C.05, subdivision 3;

131.23 (2) states that in the event a warranty holder must make a claim against a party other
131.24 than the warranty reimbursement insurance policy issuer, the warranty holder is entitled to
131.25 make a direct claim against the insurer upon the failure of the warrantor to pay any claim
131.26 or meet any obligation under the terms of the warranty within 60 days after proof of loss
131.27 has been filed with the warrantor, if the warrantor elects to meet its financial responsibility
131.28 obligations under section 59C.05, subdivision 2;

131.29 (3) states the name and address of the issuer of the warranty reimbursement
131.30 insurance policy, and this information need not be preprinted on the warranty form, but
131.31 may be added to or stamped on the warranty, if the warrantor elects to meet its financial
131.32 responsibility obligations under section 59C.05, subdivision 2;

131.33 (4) identifies the warrantor, the seller, and the warranty holder;

132.1 (5) sets forth the total purchase price and the terms under which it is to be paid,
132.2 however, the purchase price is not required to be preprinted on the vehicle protection
132.3 product warranty and may be negotiated with the consumer at the time of sale;

132.4 (6) sets forth the procedure for making a claim, including a telephone number;

132.5 (7) specifies the payments or performance to be provided under the warranty
132.6 including payments for incidental costs expressed as either a fixed amount specified in the
132.7 warranty or sales agreement or by the use of a formula itemizing specific incidental costs
132.8 incurred by the warranty holder, the manner of calculation or determination of payments
132.9 or performance, and any limitations, exceptions, or exclusions;

132.10 (8) sets forth all of the obligations and duties of the warranty holder such as the duty
132.11 to protect against any further damage to the vehicle, the obligation to notify the warrantor
132.12 in advance of any repair, or other similar requirements, if any;

132.13 (9) sets forth any terms, restrictions, or conditions governing transferability and
132.14 cancellation of the warranty, if any; and

132.15 (10) contains a disclosure that reads substantially as follows: "This agreement is a
132.16 product warranty and is not insurance."

132.17 **EFFECTIVE DATE.** This section is effective January 1, 2008.

132.18 Sec. 29. **[59C.08] PROHIBITED ACTS.**

132.19 (a) Unless licensed as an insurance company, a vehicle protection product warrantor
132.20 shall not use in its name, contracts, or literature, any of the words "insurance," "casualty,"
132.21 "surety," "mutual," or any other words descriptive of the insurance, casualty, or surety
132.22 business or deceptively similar to the name or description of any insurance or surety
132.23 corporation, or any other vehicle protection product warrantor. A warrantor may use the
132.24 term "guaranty" or similar word in the warrantor's name.

132.25 (b) A vehicle protection product seller or warrantor may not require as a condition of
132.26 financing that a retail purchaser of a motor vehicle purchase a vehicle protection product.

132.27 **EFFECTIVE DATE.** This section is effective January 1, 2008.

132.28 Sec. 30. **[59C.09] RECORD KEEPING.**

132.29 (a) All vehicle protection product warrantors shall keep accurate accounts, books,
132.30 and records concerning transactions regulated under this chapter.

132.31 (b) A vehicle protection product warrantor's accounts, books, and records must
132.32 include:

132.33 (1) copies of all vehicle protection product warranties;

133.1 (2) the name and address of each warranty holder; and
133.2 (3) the dates, amounts, and descriptions of all receipts, claims, and expenditures.
133.3 (c) A vehicle protection product warrantor shall retain all required accounts, books,
133.4 and records pertaining to each warranty holder for at least two years after the specified
133.5 period of coverage has expired. A warrantor discontinuing business in this state shall
133.6 maintain its records until it furnishes the commissioner satisfactory proof that it has
133.7 discharged all obligations to warranty holders in this state.

133.8 **EFFECTIVE DATE.** This section is effective January 1, 2008.

133.9 Sec. 31. **[59C.10] COMMISSIONER'S POWERS AND DUTIES.**

133.10 Subdivision 1. **Examination and compliance powers.** The commissioner may
133.11 conduct examinations of warrantors, administrators, or other persons to enforce this
133.12 chapter and protect warranty holders in this state. Upon request of the commissioner, a
133.13 warrantor shall make available to the commissioner all accounts, books, and records
133.14 concerning vehicle protection products sold by the warrantor and transactions regulated
133.15 under this chapter that are necessary to enable the commissioner to reasonably determine
133.16 compliance or noncompliance with this chapter.

133.17 Subd. 2. **Enforcement authority.** The commissioner may take action that is
133.18 necessary or appropriate to enforce the provisions of this chapter and the commissioner's
133.19 rules and orders and to protect warranty holders in this state. The commissioner has the
133.20 enforcement authority in chapter 45 available to enforce the provisions of the chapter and
133.21 the rules adopted pursuant to it.

133.22 **EFFECTIVE DATE.** This section is effective January 1, 2008.

133.23 Sec. 32. **[59C.12] APPLICABILITY.**

133.24 This chapter applies to all vehicle protection products sold or offered for sale on
133.25 or after the effective date of this chapter. The failure of any person to comply with this
133.26 chapter before its effective date is not admissible in any court proceeding, administrative
133.27 proceeding, arbitration, or alternative dispute resolution proceeding and may not otherwise
133.28 be used to prove that the action of any person or the affected vehicle protection product
133.29 was unlawful or otherwise improper. The adoption of this chapter does not imply that
133.30 a vehicle protection product warranty was insurance before the effective date of this
133.31 chapter. Nothing in this section may be construed to require the application of the penalty
133.32 provisions where this section is not applicable.

133.33 **EFFECTIVE DATE.** This section is effective January 1, 2008.

Sec. 33. [60K.365] PRODUCER TRAINING REQUIREMENTS FOR
LONG-TERM CARE PARTNERSHIP PROGRAM INSURANCE PRODUCTS.

(a) An individual may not sell, solicit, or negotiate long-term care insurance unless the individual is licensed as an insurance producer for accident and health or sickness insurance or life insurance and has completed an initial training course and ongoing training every 24 months thereafter. The training shall meet the requirements of paragraph (b).

(b) The initial training course required by this subdivision shall be no less than eight hours and the ongoing training courses required by this subdivision shall be no less than four hours every 24 months. The courses shall be approved by the Department of Commerce and may be approved as continuing education courses under section 60K.56. The courses shall consist of topics related to long-term care insurance, long-term care services, and, if applicable, qualified state long-term care insurance partnership programs, including but not limited to:

(1) state and federal regulations and requirements and the relationship between qualified state long-term care insurance partnership programs and other public and private coverage of long-term care services, including Medicaid;

(2) available long-term care services and providers;

(3) changes or improvements in long-term care services or providers;

(4) alternatives to the purchase of private long-term care insurance;

(5) the effect of inflation on benefits and the importance of inflation protection; and

(6) consumer suitability standards and guidelines.

The training required by this subdivision shall not include training that is insurer or company product specific or that includes any sales or marketing information, materials, or training, other than those required by state or federal law.

(c) Insurers shall obtain verification that a producer has received the training required by this subdivision before a producer is permitted to sell, solicit, or negotiate the insurer's long-term care insurance products. Insurers shall maintain records verifying that the producer has received the training contained in this subdivision and make that verification available to the commissioner upon request.

(d) Currently licensed producers must complete the initial training course by January 1, 2008.

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

Sec. 34. Minnesota Statutes 2006, section 60K.55, subdivision 2, is amended to read:

Subd. 2. **Licensing fees.** (a) In addition to fees provided for examinations and the technology surcharge required under paragraph (d), each insurance producer licensed under this chapter shall pay to the commissioner a fee of:

(1) \$50 for an initial life, accident and health, property, or casualty license issued to an individual insurance producer, and a fee of \$50 for each renewal;

(2) \$50 for an initial variable life and variable annuity license issued to an individual insurance producer, and a fee of \$50 for each renewal;

(3) \$50 for an initial personal lines license issued to an individual insurance producer, and a fee of \$50 for each renewal;

(4) \$50 for an initial limited lines license issued to an individual insurance producer, and a fee of \$50 for each renewal;

(5) \$200 for an initial license issued to a business entity, and a fee of \$200 for each renewal; and

(6) \$500 for an initial surplus lines license, and a fee of \$500 for each renewal.

(b) Initial licenses issued under this chapter are valid for a period not to exceed 24 months and expire on October 31 of the renewal year assigned by the commissioner.

Each renewal insurance producer license is valid for a period of 24 months. Licensees who submit renewal applications postmarked or delivered on or before October 15 of the renewal year may continue to transact business whether or not the renewal license has been received by November 1. Licensees who submit applications postmarked or delivered after October 15 of the renewal year must not transact business after the expiration date of the license until the renewal license has been received.

(c) All fees are nonreturnable, except that an overpayment of any fee may be refunded upon proper application.

(d) In addition to the fees required under paragraph (a), individual insurance producers shall pay, for each initial license and renewal, a technology surcharge of up to \$40 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

EFFECTIVE DATE. This section is effective October 1, 2007.

Sec. 35. Minnesota Statutes 2006, section 65B.44, subdivision 2, is amended to read:

Subd. 2. **Medical expense benefits.** (a) Medical expense benefits shall reimburse all reasonable expenses for necessary:

(1) medical, surgical, x-ray, optical, dental, chiropractic, and rehabilitative services, including prosthetic devices and items that provide relief from any injury;

(2) prescription drugs;

(3) ambulance and all other transportation expenses incurred in traveling to receive other covered medical expense benefits;

(4) sign interpreting and language translation services, other than such services provided by a family member of the patient, related to the receipt of medical, surgical, x-ray, optical, dental, chiropractic, hospital, extended care, nursing, and rehabilitative services; and

(5) hospital, extended care, and nursing services.

(b) Hospital room and board benefits may be limited, except for intensive care facilities, to the regular daily semiprivate room rates customarily charged by the institution in which the recipient of benefits is confined.

(c) Such benefits shall also include necessary remedial treatment and services recognized and permitted under the laws of this state for an injured person who relies upon spiritual means through prayer alone for healing in accordance with that person's religious beliefs.

(d) Medical expense loss includes medical expenses accrued prior to the death of a person notwithstanding the fact that benefits are paid or payable to the decedent's survivors.

(e) Medical expense benefits for rehabilitative services shall be subject to the provisions of section 65B.45.

Sec. 36. Minnesota Statutes 2006, section 65B.44, subdivision 3, is amended to read:

Subd. 3. **Disability and income loss benefits.** Disability and income loss benefits shall provide compensation for 85 percent of the injured person's loss of present and future gross income from inability to work proximately caused by the nonfatal injury subject to a maximum of ~~\$250~~ \$500 per week. Loss of income includes the costs incurred by a self-employed person to hire substitute employees to perform tasks which are necessary to maintain the income of the injured person, which are normally performed by the injured person, and which cannot be performed because of the injury.

If the injured person is unemployed at the time of injury and is receiving or is eligible to receive unemployment benefits under chapter 268, but the injured person loses eligibility for those benefits because of inability to work caused by the injury, disability and income loss benefits shall provide compensation for the lost benefits in an amount equal to the unemployment benefits which otherwise would have been payable, subject to a maximum of ~~\$250~~ \$500 per week.

Compensation under this subdivision shall be reduced by any income from substitute work actually performed by the injured person or by income the injured person would

137.1 have earned in available appropriate substitute work which the injured person was capable
137.2 of performing but unreasonably failed to undertake.

137.3 For the purposes of this section "inability to work" means disability which prevents
137.4 the injured person from engaging in any substantial gainful occupation or employment
137.5 on a regular basis, for wage or profit, for which the injured person is or may by training
137.6 become reasonably qualified. If the injured person returns to employment and is unable by
137.7 reason of the injury to work continuously, compensation for lost income shall be reduced
137.8 by the income received while the injured person is actually able to work. The weekly
137.9 maximums may not be prorated to arrive at a daily maximum, even if the injured person
137.10 does not incur loss of income for a full week.

137.11 For the purposes of this section, an injured person who is "unable by reason of the
137.12 injury to work continuously" includes, but is not limited to, a person who misses time
137.13 from work, including reasonable travel time, and loses income, vacation, or sick leave
137.14 benefits, to obtain medical treatment for an injury arising out of the maintenance or use
137.15 of a motor vehicle.

137.16 Sec. 37. Minnesota Statutes 2006, section 65B.44, subdivision 4, is amended to read:

137.17 Subd. 4. **Funeral and burial expenses.** Funeral and burial benefits shall be
137.18 reasonable expenses not in excess of ~~\$2,000~~ \$5,000, including expenses for cremation or
137.19 delivery under the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224.

137.20 Sec. 38. Minnesota Statutes 2006, section 65B.44, subdivision 5, is amended to read:

137.21 Subd. 5. **Replacement service and loss.** Replacement service loss benefits shall
137.22 reimburse all expenses reasonably incurred by or on behalf of the nonfatally injured
137.23 person in obtaining usual and necessary substitute services in lieu of those that, had the
137.24 injured person not been injured, the injured person would have performed not for income
137.25 but for direct personal benefit or for the benefit of the injured person's household; if
137.26 the nonfatally injured person normally, as a full time responsibility, provides care and
137.27 maintenance of a home with or without children, the benefit to be provided under this
137.28 subdivision shall be the reasonable value of such care and maintenance or the reasonable
137.29 expenses incurred in obtaining usual and necessary substitute care and maintenance of
137.30 the home, whichever is greater. These benefits shall be subject to a maximum of ~~\$200~~
137.31 \$600 per week. All replacement services loss sustained on the date of injury and the first
137.32 seven days thereafter is excluded in calculating replacement services loss.

137.33 Sec. 39. Minnesota Statutes 2006, section 65B.47, subdivision 7, is amended to read:

138.1 Subd. 7. **Adding policies together.** Unless a policyholder makes a specific election
138.2 not to have two or more policies added together the limit of liability for basic economic
138.3 loss benefits for two or more motor vehicles ~~may not~~ must be added together to determine
138.4 the limit of insurance coverage available to an injured person for any one accident. An
138.5 insurer shall notify policyholders that they may elect not to have two or more policies
138.6 added together.

138.7 Sec. 40. Minnesota Statutes 2006, section 65B.54, subdivision 1, is amended to read:

138.8 Subdivision 1. **Payment of basic economic loss benefits.** Basic economic loss
138.9 benefits are payable monthly as loss accrues. Loss accrues not when injury occurs, but as
138.10 income loss, replacement services loss, survivor's economic loss, survivor's replacement
138.11 services loss, or medical or funeral expense is incurred. Benefits are overdue if not
138.12 paid within 30 days after the reparation obligor receives reasonable proof of the fact
138.13 and amount of loss realized, unless the reparation obligor elects to accumulate claims
138.14 for periods not exceeding 31 days and pays them within 15 days after the period of
138.15 accumulation. However, if the insurer notifies the insured that it is denying benefits, the
138.16 insured need not continue to provide the insurer with proof of the bills, losses, or expenses.
138.17 If reasonable proof is supplied as to only part of a claim, and the part totals \$100 or more,
138.18 the part is overdue if not paid within the time provided by this section. Medical or funeral
138.19 expense benefits may be paid by the reparation obligor directly to persons supplying
138.20 products, services, or accommodations to the claimant.

138.21 Sec. 41. Minnesota Statutes 2006, section 65B.54, is amended by adding a subdivision
138.22 to read:

138.23 Subd. 6. **Unethical practices.** (a) A licensed health care provider or attorney shall
138.24 not initiate direct contact, in person, over the telephone, or by other electronic means,
138.25 with any person who has suffered an injury arising out of the maintenance or use of an
138.26 automobile, for the purpose of influencing that person to receive treatment or to purchase
138.27 any good, item, or service from the licensee or attorney or anyone associated with the
138.28 licensee or attorney. This subdivision prohibits such direct contact whether initiated by the
138.29 licensee or attorney individually or on behalf of the licensee or attorney by any employee,
138.30 independent contractor, agent, or third party. This subdivision does not apply when an
138.31 injured person voluntarily initiates contact with a licensee or attorney.

138.32 (b) This subdivision does not prohibit licensees or attorneys from mailing advertising
138.33 literature directly to such persons, so long as:

139.1 (1) the word "ADVERTISEMENT" appears clearly and conspicuously at the
139.2 beginning of the written materials;

139.3 (2) the name of the individual licensee or attorney appears clearly and conspicuously
139.4 within the written materials;

139.5 (3) the licensee or attorney is clearly identified as a licensed health care provider
139.6 within the written materials; and

139.7 (4) the licensee or attorney does not initiate, individually or through any employee,
139.8 independent contractor, agent, or third party, direct contact with the person after the
139.9 written materials are sent.

139.10 (c) This subdivision does not apply to:

139.11 (1) advertising that does not involve direct contact with specific prospective patients,
139.12 in public media such as telephone directories, professional directories, ads in newspapers
139.13 and other periodicals, radio or television ads, Web sites, billboards, or similar media; or

139.14 (2) general marketing practices such as giving lectures; participating in special
139.15 events, trade shows, or meetings of organizations; or making presentations relative to
139.16 the benefits of chiropractic treatment; or

139.17 (3) contact with friends or relatives, or statements made in a social setting.

139.18 (d) A violation of this subdivision is grounds for the licensing authority or Office of
139.19 Lawyers Professional Responsibility to take disciplinary action against the licensee or
139.20 attorney, including revocation in appropriate cases.

139.21 Sec. 42. Minnesota Statutes 2006, section 72A.201, subdivision 6, is amended to read:

139.22 Subd. 6. **Standards for automobile insurance claims handling, settlement offers,**
139.23 **and agreements.** In addition to the acts specified in subdivisions 4, 5, 7, 8, and 9, the
139.24 following acts by an insurer, adjuster, or a self-insured or self-insurance administrator
139.25 constitute unfair settlement practices:

139.26 (1) if an automobile insurance policy provides for the adjustment and settlement
139.27 of an automobile total loss on the basis of actual cash value or replacement with like
139.28 kind and quality and the insured is not an automobile dealer, failing to offer one of the
139.29 following methods of settlement:

139.30 (a) comparable and available replacement automobile, with all applicable taxes,
139.31 license fees, at least pro rata for the unexpired term of the replaced automobile's license,
139.32 and other fees incident to the transfer or evidence of ownership of the automobile paid, at
139.33 no cost to the insured other than the deductible amount as provided in the policy;

139.34 (b) a cash settlement based upon the actual cost of purchase of a comparable
139.35 automobile, including all applicable taxes, license fees, at least pro rata for the unexpired

140.1 term of the replaced automobile's license, and other fees incident to transfer of evidence
140.2 of ownership, less the deductible amount as provided in the policy. The costs must be
140.3 determined by:

140.4 (i) the cost of a comparable automobile, adjusted for mileage, condition, and options,
140.5 in the local market area of the insured, if such an automobile is available in that area; or

140.6 (ii) one of two or more quotations obtained from two or more qualified sources
140.7 located within the local market area when a comparable automobile is not available in
140.8 the local market area. The insured shall be provided the information contained in all
140.9 quotations prior to settlement; or

140.10 (iii) any settlement or offer of settlement which deviates from the procedure above
140.11 must be documented and justified in detail. The basis for the settlement or offer of
140.12 settlement must be explained to the insured;

140.13 (2) if an automobile insurance policy provides for the adjustment and settlement
140.14 of an automobile partial loss on the basis of repair or replacement with like kind and
140.15 quality and the insured is not an automobile dealer, failing to offer one of the following
140.16 methods of settlement:

140.17 (a) to assume all costs, including reasonable towing costs, for the satisfactory repair
140.18 of the motor vehicle. Satisfactory repair includes repair of both obvious and hidden
140.19 damage as caused by the claim incident. This assumption of cost may be reduced by
140.20 applicable policy provision; or

140.21 (b) to offer a cash settlement sufficient to pay for satisfactory repair of the vehicle.
140.22 Satisfactory repair includes repair of obvious and hidden damage caused by the claim
140.23 incident, and includes reasonable towing costs;

140.24 (3) regardless of whether the loss was total or partial, in the event that a damaged
140.25 vehicle of an insured cannot be safely driven, failing to exercise the right to inspect
140.26 automobile damage prior to repair within five business days following receipt of
140.27 notification of claim. In other cases the inspection must be made in 15 days;

140.28 (4) regardless of whether the loss was total or partial, requiring unreasonable travel
140.29 of a claimant or insured to inspect a replacement automobile, to obtain a repair estimate,
140.30 to allow an insurer to inspect a repair estimate, to allow an insurer to inspect repairs made
140.31 pursuant to policy requirements, or to have the automobile repaired;

140.32 (5) regardless of whether the loss was total or partial, if loss of use coverage
140.33 exists under the insurance policy, failing to notify an insured at the time of the insurer's
140.34 acknowledgment of claim, or sooner if inquiry is made, of the fact of the coverage,
140.35 including the policy terms and conditions affecting the coverage and the manner in which
140.36 the insured can apply for this coverage;

141.1 (6) regardless of whether the loss was total or partial, failing to include the insured's
141.2 deductible in the insurer's demands under its subrogation rights. Subrogation recovery
141.3 must be shared at least on a proportionate basis with the insured, unless the deductible
141.4 amount has been otherwise recovered by the insured, except that when an insurer is
141.5 recovering directly from an uninsured third party by means of installments, the insured
141.6 must receive the full deductible share as soon as that amount is collected and before any
141.7 part of the total recovery is applied to any other use. No deduction for expenses may be
141.8 made from the deductible recovery unless an attorney is retained to collect the recovery, in
141.9 which case deduction may be made only for a pro rata share of the cost of retaining the
141.10 attorney. An insured is not bound by any settlement of its insurer's subrogation claim with
141.11 respect to the deductible amount, unless the insured receives, as a result of the subrogation
141.12 settlement, the full amount of the deductible. Recovery by the insurer and receipt by the
141.13 insured of less than all of the insured's deductible amount does not affect the insured's
141.14 rights to recover any unreimbursed portion of the deductible from parties liable for the loss;

141.15 (7) requiring as a condition of payment of a claim that repairs to any damaged
141.16 vehicle must be made by a particular contractor or repair shop or that parts, other than
141.17 window glass, must be replaced with parts other than original equipment parts or engaging
141.18 in any act or practice of intimidation, coercion, threat, incentive, or inducement for or
141.19 against an insured to use a particular contractor or repair shop. Consumer benefits included
141.20 within preferred vendor programs must not be considered an incentive or inducement.
141.21 At the time a claim is reported, the insurer must provide the following advisory to the
141.22 insured or claimant:

141.23 "You have the legal right to choose a repair shop to fix your vehicle. Your policy
141.24 will cover the reasonable costs of repairing your vehicle to its pre-accident condition no
141.25 matter where you have repairs made. Have you selected a repair shop or would you
141.26 like a referral?"

141.27 After an insured has indicated that the insured has selected a repair shop, the insurer
141.28 must cease all efforts to influence the insured's or claimant's choice of repair shop;

141.29 (8) where liability is reasonably clear, failing to inform the claimant in an automobile
141.30 property damage liability claim that the claimant may have a claim for loss of use of
141.31 the vehicle;

141.32 (9) failing to make a good faith assignment of comparative negligence percentages
141.33 in ascertaining the issue of liability;

141.34 (10) failing to pay any interest required by statute on overdue payment for an
141.35 automobile personal injury protection claim;

(11) if an automobile insurance policy contains either or both of the time limitation provisions as permitted by section 65B.55, subdivisions 1 and 2, failing to notify the insured in writing of those limitations at least 60 days prior to the expiration of that time limitation;

(12) if an insurer chooses to have an insured examined as permitted by section 65B.56, subdivision 1, failing to notify the insured of all of the insured's rights and obligations under that statute, including the right to request, in writing, and to receive a copy of the report of the examination;

(13) failing to provide, to an insured who has submitted a claim for benefits described in section 65B.44, a complete copy of the insurer's claim file on the insured, excluding internal company memoranda, all materials that relate to any insurance fraud investigation, materials that constitute attorney work-product or that qualify for the attorney-client privilege, and medical reviews that are subject to section 145.64, within ten business days of receiving a written request from the insured. The insurer may charge the insured a reasonable copying fee. This clause supersedes any inconsistent provisions of sections 72A.49 to 72A.505;

(14) if an automobile policy provides for the adjustment or settlement of an automobile loss due to damaged window glass, failing to provide payment to the insured's chosen vendor based on a fair, competitive price ~~that is fair and reasonable within the local industry at large.~~

~~Where facts establish that a different rate in a specific geographic area actually served by the vendor is required by that market, that geographic area must be considered. For~~
purposes of this clause, a price determined at the highest agreed upon price that the insurer pays to vendors that the insurer recommends and whose business is located in or within 50 miles of the insured's city of residence or a price based upon the highest agreed upon price paid in a city of the same class size as the insured's city of residence as defined in section 410.01 shall be deemed a fair, competitive price. This clause does not prohibit an insurer from recommending a vendor to the insured or from agreeing with a vendor to perform work at an agreed-upon price, provided, however, that before recommending a vendor, the insurer shall offer its insured the opportunity to choose the vendor. If the insurer recommends a vendor, the insurer must also provide the following advisory:

"Minnesota law gives you the right to go to any glass vendor you choose, and prohibits me from pressuring you to choose a particular vendor.";

(15) requiring that the repair or replacement of motor vehicle glass and related products and services be made in a particular place or shop or by a particular entity, or by

143.1 otherwise limiting the ability of the insured to select the place, shop, or entity to repair or
143.2 replace the motor vehicle glass and related products and services; or

143.3 (16) engaging in any act or practice of intimidation, coercion, threat, incentive, or
143.4 inducement for or against an insured to use a particular company or location to provide
143.5 the motor vehicle glass repair or replacement services or products. For purposes of this
143.6 section, a warranty shall not be considered an inducement or incentive.

143.7 Sec. 43. Minnesota Statutes 2006, section 80A.28, subdivision 1, is amended to read:

143.8 Subdivision 1. **Registration or notice filing fee.** (a) There shall be a filing fee of
143.9 \$100 for every application for registration or notice filing. There shall be an additional fee
143.10 of one-tenth of one percent of the maximum aggregate offering price at which the securities
143.11 are to be offered in this state, and the maximum combined fees shall not exceed \$300.

143.12 (b) When an application for registration is withdrawn before the effective date or a
143.13 preeffective stop order is entered under section 80A.13, subdivision 1, all but the \$100
143.14 filing fee shall be returned. If an application to register securities is denied, the total of all
143.15 fees received shall be retained.

143.16 (c) Where a filing is made in connection with a federal covered security under
143.17 section 18(b)(2) of the Securities Act of 1933, there is a fee of \$100 for every initial filing.
143.18 If the filing is made in connection with redeemable securities issued by an open end
143.19 management company or unit investment trust, as defined in the Investment Company Act
143.20 of 1940, there is an additional annual fee of 1/20 of one percent of the maximum aggregate
143.21 offering price at which the securities are to be offered in this state during the notice filing
143.22 period. The fee must be paid at the time of the initial filing and thereafter in connection
143.23 with each renewal no later than July 1 of each year and must be sufficient to cover the
143.24 shares the issuer expects to sell in this state over the next 12 months. If during a current
143.25 notice filing the issuer determines it is likely to sell shares in excess of the shares for
143.26 which fees have been paid to the commissioner, the issuer shall submit an amended notice
143.27 filing to the commissioner under section 80A.122, subdivision 1, clause (3), together with
143.28 a fee of 1/20 of one percent of the maximum aggregate offering price of the additional
143.29 shares. Shares for which a fee has been paid, but which have not been sold at the time
143.30 of expiration of the notice filing, may not be sold unless an additional fee to cover the
143.31 shares has been paid to the commissioner as provided in this section and section 80A.122,
143.32 subdivision 4a. If the filing is made in connection with redeemable securities issued by
143.33 such a company or trust, there is no maximum fee for securities filings made according to
143.34 this paragraph. If the filing is made in connection with any other federal covered security
143.35 under Section 18(b)(2) of the Securities Act of 1933, there is an additional fee of one-tenth

144.1 of one percent of the maximum aggregate offering price at which the securities are to be
144.2 offered in this state, and the combined fees shall not exceed \$300. Beginning with fiscal
144.3 year 2001 and continuing each fiscal year thereafter, as of the last day of each fiscal year,
144.4 the commissioner shall determine the total amount of all fees that were collected under
144.5 this paragraph in connection with any filings made for that fiscal year for securities of an
144.6 open-end investment company on behalf of a security that is a federal covered security
144.7 pursuant to section 18(b)(2) of the Securities Act of 1933. ~~To the extent the total fees~~
144.8 ~~collected by the commissioner in connection with these filings exceed \$25,000,000 in a~~
144.9 ~~fiscal year, the commissioner shall refund, on a pro rata basis, to all persons who paid any~~
144.10 ~~fees for that fiscal year, the amount of fees collected by the commissioner in excess of~~
144.11 ~~\$25,000,000.~~ No individual refund is required of amounts of \$100 or less for a fiscal year.

144.12 Sec. 44. Minnesota Statutes 2006, section 80A.65, subdivision 1, is amended to read:

144.13 Subdivision 1. **Registration or notice filing fee.** (a) There shall be a filing fee of
144.14 \$100 for every application for registration or notice filing. There shall be an additional fee
144.15 of one-tenth of one percent of the maximum aggregate offering price at which the securities
144.16 are to be offered in this state, and the maximum combined fees shall not exceed \$300.

144.17 (b) When an application for registration is withdrawn before the effective date
144.18 or a preeffective stop order is entered under section 80A.54, all but the \$100 filing fee
144.19 shall be returned. If an application to register securities is denied, the total of all fees
144.20 received shall be retained.

144.21 (c) Where a filing is made in connection with a federal covered security under
144.22 section 18(b)(2) of the Securities Act of 1933, there is a fee of \$100 for every initial filing.
144.23 If the filing is made in connection with redeemable securities issued by an open end
144.24 management company or unit investment trust, as defined in the Investment Company Act
144.25 of 1940, there is an additional annual fee of 1/20 of one percent of the maximum aggregate
144.26 offering price at which the securities are to be offered in this state during the notice filing
144.27 period. The fee must be paid at the time of the initial filing and thereafter in connection
144.28 with each renewal no later than July 1 of each year and must be sufficient to cover the
144.29 shares the issuer expects to sell in this state over the next 12 months. If during a current
144.30 notice filing the issuer determines it is likely to sell shares in excess of the shares for which
144.31 fees have been paid to the administrator, the issuer shall submit an amended notice filing
144.32 to the administrator under section 80A.50, together with a fee of 1/20 of one percent of the
144.33 maximum aggregate offering price of the additional shares. Shares for which a fee has
144.34 been paid, but which have not been sold at the time of expiration of the notice filing, may
144.35 not be sold unless an additional fee to cover the shares has been paid to the administrator

145.1 as provided in this section and section 80A.50. If the filing is made in connection with
145.2 redeemable securities issued by such a company or trust, there is no maximum fee for
145.3 securities filings made according to this paragraph. If the filing is made in connection
145.4 with any other federal covered security under Section 18(b)(2) of the Securities Act of
145.5 1933, there is an additional fee of one-tenth of one percent of the maximum aggregate
145.6 offering price at which the securities are to be offered in this state, and the combined fees
145.7 shall not exceed \$300. ~~Beginning with fiscal year 2001 and continuing each fiscal year~~
145.8 ~~thereafter, as of the last day of each fiscal year, the administrator shall determine the total~~
145.9 ~~amount of all fees that were collected under this paragraph in connection with any filings~~
145.10 ~~made for that fiscal year for securities of an open-end investment company on behalf of a~~
145.11 ~~security that is a federal covered security pursuant to section 18(b)(2) of the Securities~~
145.12 ~~Act of 1933. To the extent the total fees collected by the administrator in connection~~
145.13 ~~with these filings exceed \$25,000,000 in a fiscal year, the administrator shall refund, on~~
145.14 ~~a pro rata basis, to all persons who paid any fees for that fiscal year, the amount of fees~~
145.15 ~~collected by the administrator in excess of \$25,000,000. No individual refund is required~~
145.16 of amounts of \$100 or less for a fiscal year.

145.17 Sec. 45. Minnesota Statutes 2006, section 82.24, subdivision 1, is amended to read:

145.18 Subdivision 1. **Amounts.** The following fees shall be paid to the commissioner:

145.19 (a) a fee of \$150 for each initial individual broker's license, and a fee of \$100 for
145.20 each renewal thereof;

145.21 (b) a fee of \$70 for each initial salesperson's license, and a fee of \$40 for each
145.22 renewal thereof;

145.23 (c) a fee of \$85 for each initial real estate closing agent license, and a fee of \$60
145.24 for each renewal thereof;

145.25 (d) a fee of \$150 for each initial corporate, limited liability company, or partnership
145.26 license, and a fee of \$100 for each renewal thereof;

145.27 (e) a fee for payment to the education, research and recovery fund in accordance
145.28 with section 82.43;

145.29 (f) a fee of \$20 for each transfer;

145.30 (g) a fee of \$50 for license reinstatement; ~~and~~

145.31 (h) a fee of \$20 for reactivating a corporate, limited liability company, or partnership
145.32 license without land; and

145.33 (i) in addition to the fees required under this subdivision, individual licensees under
145.34 clauses (a) and (b) shall pay, for each initial license and renewal, a technology surcharge

146.1 of up to \$40 under section 45.24, unless the commissioner has adjusted the surcharge
146.2 as permitted under that section.

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

146.4 Sec. 46. Minnesota Statutes 2006, section 82.24, subdivision 4, is amended to read:

146.5 Subd. 4. **Deposit of fees.** Unless otherwise provided by this chapter, all fees
146.6 collected under this chapter shall be deposited in the state treasury. The technology
146.7 surcharge shall be deposited as required under section 45.24.

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

146.9 Sec. 47. Minnesota Statutes 2006, section 82B.09, subdivision 1, is amended to read:

146.10 Subdivision 1. **Amounts.** (a) The following fees must be paid to the commissioner:

146.11 (1) \$150 for each initial individual real estate appraiser's license; and

146.12 (2) \$100 for each renewal.

146.13 (b) In addition to the fees required under this subdivision, individual real estate
146.14 appraisers shall pay a technology surcharge of up to \$40 under section 45.24, unless the
146.15 commissioner has adjusted the surcharge as permitted under that section.

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

146.17 Sec. 48. Minnesota Statutes 2006, section 118A.03, subdivision 2, is amended to read:

146.18 Subd. 2. **In lieu of surety bond.** The following are the allowable forms of collateral
146.19 in lieu of a corporate surety bond:

146.20 (1) United States government Treasury bills, Treasury notes, Treasury bonds;

146.21 (2) issues of United States government agencies and instrumentalities as quoted by a
146.22 recognized industry quotation service available to the government entity;

146.23 (3) general obligation securities of any state or local government with taxing powers
146.24 which is rated "A" or better by a national bond rating service, or revenue obligation
146.25 securities of any state or local government with taxing powers which is rated "AA" or
146.26 better by a national bond rating service;

146.27 (4) ~~unrated~~ general obligation securities of a local government with taxing powers
146.28 may be pledged as collateral against funds deposited by that same local government entity;

146.29 (5) irrevocable standby letters of credit issued by Federal Home Loan Banks to a
146.30 municipality accompanied by written evidence that the bank's public debt is rated "AA" or
146.31 better by Moody's Investors Service, Inc., or Standard & Poor's Corporation; and

146.32 (6) time deposits that are fully insured by any federal agency.

147.1 Sec. 49. Minnesota Statutes 2006, section 148.102, is amended by adding a subdivision
147.2 to read:

147.3 Subd. 3a. **Reparation obligors.** A reparation obligor as defined in section 65B.43,
147.4 subdivision 9, may submit any relevant information to the board in any case in which
147.5 the reparation obligor has reason to believe that charges being billed by a licensee are
147.6 fraudulent, unreasonable, or inconsistent with treatment actually received by the injured
147.7 party involved.

147.8 A reparation obligor that makes a report under this section shall provide the board
147.9 with any additional information, related to the reported activities, requested by the board.

147.10 Sec. 50. Minnesota Statutes 2006, section 239.101, subdivision 3, is amended to read:

147.11 Subd. 3. **Petroleum inspection fee.** (a) An inspection fee is imposed (1) on
147.12 petroleum products when received by the first licensed distributor, and (2) on petroleum
147.13 products received and held for sale or use by any person when the petroleum products
147.14 have not previously been received by a licensed distributor. The petroleum inspection
147.15 fee is \$1 for every 1,000 gallons received. The commissioner of revenue shall collect
147.16 the fee. The revenue from 81 cents of the fee is appropriated to the commissioner of
147.17 commerce for the cost of operations of the Division of Weights and Measures, petroleum
147.18 supply monitoring, and ~~the oil burner retrofit program~~ to make grants to providers of
147.19 low-income weatherization services to install renewable energy equipment in households
147.20 that are eligible for weatherization assistance under Minnesota's weatherization assistance
147.21 program state plan. The remainder of the fee must be deposited in the general fund.

147.22 (b) The commissioner of revenue shall credit a person for inspection fees previously
147.23 paid in error or for any material exported or sold for export from the state upon filing of a
147.24 report as prescribed by the commissioner of revenue.

147.25 (c) The commissioner of revenue may collect the inspection fee along with any
147.26 taxes due under chapter 296A.

147.27 Sec. 51. **[325E.027] DISCRIMINATION PROHIBITION.**

147.28 (a) No dealer or distributor of liquid propane gas or number 1 or number 2 fuel oil
147.29 who has signed a low-income home energy assistance program vendor agreement with the
147.30 department of commerce may refuse to deliver liquid propane gas or number 1 or number
147.31 2 fuel oil to any person located within the dealer's or distributor's normal delivery area
147.32 who receives direct grants under the low-income home energy assistance program if:

147.33 (1) the person has requested delivery;

147.34 (2) the dealer or distributor has product available;

148.1 (3) the person requesting delivery is capable of making full payment at the time of
148.2 delivery; and

148.3 (4) the person is not in arrears regarding any previous fuel purchase from that dealer
148.4 or distributor.

148.5 (b) A dealer or distributor making delivery to a person receiving direct grants
148.6 under the low-income home energy assistance program may not charge that person any
148.7 additional costs or fees that would not be charged to any other customer and must make
148.8 available to that person any discount program on the same basis as the dealer or distributor
148.9 makes available to any other customer.

148.10 Sec. 52. Minnesota Statutes 2006, section 325E.311, subdivision 6, is amended to read:

148.11 Subd. 6. **Telephone solicitation.** "Telephone solicitation" means any voice
148.12 communication over a telephone line for the purpose of encouraging the purchase or
148.13 rental of, or investment in, property, goods, or services, whether the communication is
148.14 made by a live operator, through the use of an automatic dialing-announcing device as
148.15 defined in section 325E.26, subdivision 2, or by other means. Telephone solicitation
148.16 does not include communications:

148.17 (1) to any residential subscriber with that subscriber's prior express invitation or
148.18 permission; or

148.19 (2) by or on behalf of any person or entity with whom a residential subscriber has a
148.20 prior or current business or personal relationship.

148.21 Telephone solicitation also does not include communications if the caller is identified by a
148.22 caller identification service and the call is:

148.23 (i) by or on behalf of an organization that is identified as a nonprofit organization
148.24 under state or federal law, unless the organization is a debt management services provider
148.25 defined in section 332A.02;

148.26 (ii) by a person soliciting without the intent to complete, and who does not in
148.27 fact complete, the sales presentation during the call, but who will complete the sales
148.28 presentation at a later face-to-face meeting between the solicitor who makes the call
148.29 and the prospective purchaser; or

148.30 (iii) by a political party as defined under section 200.02, subdivision 6.

148.31 **EFFECTIVE DATE.** This section is effective January 1, 2008.

148.32 Sec. 53. Minnesota Statutes 2006, section 325N.01, is amended to read:

148.33 **325N.01 DEFINITIONS.**

149.1 The definitions in paragraphs (a) to (h) apply to sections 325N.01 to 325N.09.

149.2 (a) "Foreclosure consultant" means any person who, directly or indirectly, makes
149.3 any solicitation, representation, or offer to any owner to perform for compensation or
149.4 who, for compensation, performs any service which the person in any manner represents
149.5 will in any manner do any of the following:

149.6 (1) stop or postpone the foreclosure sale;

149.7 (2) obtain any forbearance from any beneficiary or mortgagee;

149.8 (3) assist the owner to exercise the right of reinstatement provided in section 580.30;

149.9 (4) obtain any extension of the period within which the owner may reinstate the
149.10 owner's obligation;

149.11 (5) obtain any waiver of an acceleration clause contained in any promissory note or
149.12 contract secured by a mortgage on a residence in foreclosure or contained in the mortgage;

149.13 (6) assist the owner in foreclosure or loan default to obtain a loan or advance
149.14 of funds;

149.15 (7) avoid or ameliorate the impairment of the owner's credit resulting from the
149.16 recording of a notice of default or the conduct of a foreclosure sale; or

149.17 (8) save the owner's residence from foreclosure.

149.18 (b) A foreclosure consultant does not include any of the following:

149.19 (1) a person licensed to practice law in this state when the person renders service
149.20 in the course of his or her practice as an attorney-at-law;

149.21 (2) a person licensed as a debt ~~prorater under sections 332.12 to 332.29~~ management
149.22 services provider under chapter 332A, when the person is acting as a debt ~~prorater~~
149.23 management services provider as defined in ~~these sections~~ that chapter;

149.24 (3) a person licensed as a real estate broker or salesperson under chapter 82 when the
149.25 person engages in acts whose performance requires licensure under that chapter unless the
149.26 person is engaged in offering services designed to, or purportedly designed to, enable the
149.27 owner to retain possession of the residence in foreclosure;

149.28 (4) a person licensed as an accountant under chapter 326A when the person is acting
149.29 in any capacity for which the person is licensed under those provisions;

149.30 (5) a person or the person's authorized agent acting under the express authority
149.31 or written approval of the Department of Housing and Urban Development or other
149.32 department or agency of the United States or this state to provide services;

149.33 (6) a person who holds or is owed an obligation secured by a lien on any residence
149.34 in foreclosure when the person performs services in connection with this obligation or lien
149.35 if the obligation or lien did not arise as the result of or as part of a proposed foreclosure
149.36 reconveyance;

150.1 (7) any person or entity doing business under any law of this state, or of the United
150.2 States relating to banks, trust companies, savings and loan associations, industrial loan and
150.3 thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee
150.4 which is a United States Department of Housing and Urban Development approved
150.5 mortgagee and any subsidiary or affiliate of these persons or entities, and any agent or
150.6 employee of these persons or entities while engaged in the business of these persons
150.7 or entities;

150.8 (8) a person licensed as a residential mortgage originator or servicer pursuant to
150.9 chapter 58, when acting under the authority of that license or a foreclosure purchaser as
150.10 defined in section 325N.10;

150.11 (9) a nonprofit agency or organization that offers counseling or advice to an owner
150.12 of a home in foreclosure or loan default if they do not contract for services with for-profit
150.13 lenders or foreclosure purchasers; and

150.14 (10) a judgment creditor of the owner, to the extent that the judgment creditor's claim
150.15 accrued prior to the personal service of the foreclosure notice required by section 580.03,
150.16 but excluding a person who purchased the claim after such personal service.

150.17 (c) "Foreclosure reconveyance" means a transaction involving:

150.18 (1) the transfer of title to real property by a foreclosed homeowner during a
150.19 foreclosure proceeding, either by transfer of interest from the foreclosed homeowner or
150.20 by creation of a mortgage or other lien or encumbrance during the foreclosure process
150.21 that allows the acquirer to obtain title to the property by redeeming the property as
150.22 a junior lienholder; and

150.23 (2) the subsequent conveyance, or promise of a subsequent conveyance, of an interest
150.24 back to the foreclosed homeowner by the acquirer or a person acting in participation with
150.25 the acquirer that allows the foreclosed homeowner to possess the real property following
150.26 the completion of the foreclosure proceeding, which interest includes, but is not limited to,
150.27 an interest in a contract for deed, purchase agreement, option to purchase, or lease.

150.28 (d) "Person" means any individual, partnership, corporation, limited liability
150.29 company, association, or other group, however organized.

150.30 (e) "Service" means and includes, but is not limited to, any of the following:

150.31 (1) debt, budget, or financial counseling of any type;

150.32 (2) receiving money for the purpose of distributing it to creditors in payment or
150.33 partial payment of any obligation secured by a lien on a residence in foreclosure;

150.34 (3) contacting creditors on behalf of an owner of a residence in foreclosure;

151.1 (4) arranging or attempting to arrange for an extension of the period within which
151.2 the owner of a residence in foreclosure may cure the owner's default and reinstate his or
151.3 her obligation pursuant to section 580.30;

151.4 (5) arranging or attempting to arrange for any delay or postponement of the time of
151.5 sale of the residence in foreclosure;

151.6 (6) advising the filing of any document or assisting in any manner in the preparation
151.7 of any document for filing with any bankruptcy court; or

151.8 (7) giving any advice, explanation, or instruction to an owner of a residence in
151.9 foreclosure, which in any manner relates to the cure of a default in or the reinstatement
151.10 of an obligation secured by a lien on the residence in foreclosure, the full satisfaction of
151.11 that obligation, or the postponement or avoidance of a sale of a residence in foreclosure,
151.12 pursuant to a power of sale contained in any mortgage.

151.13 (f) "Residence in foreclosure" means residential real property consisting of one to
151.14 four family dwelling units, one of which the owner occupies as his or her principal place
151.15 of residence, and against which there is an outstanding notice of pendency of foreclosure,
151.16 recorded pursuant to section 580.032, or against which a summons and complaint has
151.17 been served under chapter 581.

151.18 (g) "Owner" means the record owner of the residential real property in foreclosure at
151.19 the time the notice of pendency was recorded, or the summons and complaint served.

151.20 (h) "Contract" means any agreement, or any term in any agreement, between
151.21 a foreclosure consultant and an owner for the rendition of any service as defined in
151.22 paragraph (e).

151.23 **EFFECTIVE DATE.** This section is effective January 1, 2008.

151.24 Sec. 54. Minnesota Statutes 2006, section 332.54, subdivision 7, is amended to read:

151.25 Subd. 7. **Fees.** The fee for a credit services organization's registration is ~~\$100~~
151.26 \$1,000 for issuance or renewal for each location of business.

151.27 **EFFECTIVE DATE; APPLICATION.** This section is effective July 1, 2007, and
151.28 applies to registrations issued or renewed on or after that date.

151.29 Sec. 55. **[332A.02] DEFINITIONS.**

151.30 Subdivision 1. **Scope.** Unless a different meaning is clearly indicated by the context,
151.31 for the purposes of this chapter the terms defined in this section have the meanings given
151.32 them.

152.1 Subd. 2. **Accreditation.** "Accreditation" means certification as an accredited
152.2 credit counseling provider by the International Standards Organization or the Council on
152.3 Accreditation.

152.4 Subd. 3. **Attorney general.** "Attorney general" means the attorney general of the
152.5 state of Minnesota.

152.6 Subd. 4. **Commissioner.** "Commissioner" means commissioner of commerce.

152.7 Subd. 5. **Controlling or affiliated party.** "Controlling or affiliated party" means
152.8 any person directly or indirectly controlling, controlled by, or under common control
152.9 with another person.

152.10 Subd. 6. **Debt management services agreement.** "Debt management services
152.11 agreement" means the written contract between the debt management services provider
152.12 and the debtor.

152.13 Subd. 7. **Debt management services plan.** "Debt management services plan"
152.14 means the debtor's individualized package of debt management services set forth in the
152.15 debt management services agreement.

152.16 Subd. 8. **Debt management services provider.** "Debt management services
152.17 provider" means any person offering or providing debt management services to a debtor
152.18 domiciled in this state, regardless of whether or not a fee is charged for the services and
152.19 regardless of whether the person maintains a physical presence in the state. This term does
152.20 not include services performed by the following when engaged in the regular course of
152.21 their respective businesses and professions:

152.22 (1) attorneys at law, escrow agents, accountants, broker-dealers in securities;

152.23 (2) state or national banks, trust companies, savings associations, title insurance
152.24 companies, insurance companies, and all other lending institutions duly authorized to
152.25 transact business in Minnesota, provided no fee is charged for the service;

152.26 (3) persons who, as employees on a regular salary or wage of an employer not
152.27 engaged in the business of debt management, perform credit services for their employer;

152.28 (4) public officers acting in their official capacities and persons acting as a debt
152.29 management services provider pursuant to court order;

152.30 (5) any person while performing services incidental to the dissolution, winding up,
152.31 or liquidation of a partnership, corporation, or other business enterprise;

152.32 (6) the state, its political subdivisions, public agencies, and their employees;

152.33 (7) credit unions and collection agencies, provided no fee is charged for the service;

152.34 (8) "qualified organizations" designated as representative payees for purposes of the
152.35 Social Security and Supplemental Security Income Representative Payee System and the
152.36 federal Omnibus Budget Reconciliation Act of 1990, Public Law 101-508; and

(9) accelerated mortgage payment providers. "Accelerated mortgage payment providers" are persons who, after satisfying the requirements of sections 332.30 to 332.303, receive funds to make mortgage payments to a lender or lenders, on behalf of mortgagors, in order to exceed regularly scheduled minimum payment obligations under the terms of the indebtedness. The term does not include: (i) persons or entities described in clauses (1) to (8); (ii) mortgage lenders or servicers, industrial loan and thrift companies, or regulated lenders under chapter 56; or (iii) persons authorized to make loans under section 47.20, subdivision 1. For purposes of this clause and sections 332.30 to 332.303, "lender" means the original lender or that lender's assignee, whichever is the current mortgage holder.

Subd. 9. **Debt management services.** "Debt management services" means the provision of any one or more of the following:

(1) managing the financial affairs of an individual by distributing income or money to the individual's creditors;

(2) receiving funds for the purpose of distributing the funds among creditors in payment or partial payment of obligations of a debtor; or

(3) settling, adjusting, prorating, pooling, or liquidating the indebtedness of a debtor.

Any person so engaged or holding out as so engaged is deemed to be engaged in the provision of debt management services regardless of whether or not a fee is charged for such services.

Subd. 10. **Debtor.** "Debtor" means the person for whom the debt prorating service is performed.

Subd. 11. **Person.** "Person" means any individual, firm, partnership, association, or corporation.

Subd. 12. **Registrant.** "Registrant" means any person registered by the commissioner pursuant to this chapter and, where used in conjunction with an act or omission required or prohibited by this chapter, shall mean any person performing debt management services.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 56. **[332A.03] REQUIREMENT OF REGISTRATION.**

On or after August 1, 2007, it is unlawful for any person, whether or not located in this state, to operate as a debt management services provider or provide debt management services, including but not limited to offering, advertising, or executing or causing to be executed any debt management services or debt management services agreement, except as authorized by law without first becoming registered as provided in this

chapter. A person who possesses a valid license as a debt prorater that was issued by the commissioner before August 1, 2007, is deemed to be registered as a debt management services provider until the date the debt prorater license expires, at which time the licensee must obtain a renewal as a debt management services provider in compliance with this chapter. Debt proraters who were not required to be licensed as debt proraters before August 1, 2007, may continue to provide debt management services without complying with this chapter to those debtors who entered into a contract to participate in a debt management plan before August 1, 2007, except that the debt prorater must comply with section 332A.13, subdivision 2.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 57. **[332A.04] REGISTRATION.**

Subdivision 1. Form. Application for registration to operate as a debt management services provider in this state must be made in writing to the commissioner, under oath, in the form prescribed by the commissioner, and must contain:

(1) the full name of each principal of the entity applying;

(2) the address, which must not be a post office box, and the telephone number and, if applicable, e-mail address, of the applicant;

(3) identification of the trust account required under section 332A.13;

(4) consent to the jurisdiction of the courts of this state;

(5) the name and address of the registered agent authorized to accept service of process on behalf of the applicant or appointment of the commissioner as the applicant's agent for purposes of accepting service of process;

(6) disclosure of:

(i) whether any controlling or affiliated party has ever been convicted of a crime or found civilly liable for an offense involving moral turpitude, including forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or violation, or any violation of a federal or state law or regulation in connection with activities relating to the rendition of debt management services or involving any consumer fraud, false advertising, deceptive trade practices, or similar consumer protection law;

(ii) any judgments, private or public litigation, tax liens, written complaints, administrative actions, or investigations by any government agency against the applicant or any officer, director, manager, or shareholder owning more than five percent interest in the applicant, unresolved or otherwise, filed or otherwise commenced within the preceding ten years;

155.1 (iii) whether the applicant or any person employed by the applicant has had a record
155.2 of having defaulted in the payment of money collected for others, including the discharge
155.3 of debts through bankruptcy proceedings; and

155.4 (iv) whether the applicant's license or registration to provide debt management
155.5 services in any other state has ever been revoked or suspended;

155.6 (7) a copy of the applicant's standard debt management services agreement that the
155.7 applicant intends to execute with debtors;

155.8 (8) proof of accreditation of:

155.9 (i) the debt management services provider; and

155.10 (ii) all individuals employed by, under contract with, or otherwise agents of the
155.11 provider who offer to provide or provide debt management services; and

155.12 (9) any other information and material as the commissioner may require.

155.13 Subd. 2. **Term and scope of registration.** The registration must remain in full
155.14 force and effect for one calendar year or until it is surrendered by the licensee or revoked
155.15 or suspended by the commissioner. The registration is limited solely to the business
155.16 of providing debt management services.

155.17 Subd. 3. **Fees.** The registration application must be accompanied by payment of
155.18 \$1,000 as a registration fee.

155.19 Subd. 4. **Bond.** The registration application must be accompanied by payment of
155.20 the premium for a surety bond in which the applicant shall be the obligor, in a sum to be
155.21 determined by the commissioner but not less than \$5,000, and in which an insurance
155.22 company, which is duly authorized by the state of Minnesota to transact the business of
155.23 fidelity and surety insurance, shall be a surety. However, the commissioner may accept
155.24 a deposit in cash, or securities that may legally be purchased by savings banks or for
155.25 trust funds of an aggregate market value equal to the bond requirement, in lieu of the
155.26 surety bond. The cash or securities must be deposited with the commissioner of finance.
155.27 The commissioner may also require a fidelity bond in an appropriate amount covering
155.28 employees of any applicant. Each branch office or additional place of business of an
155.29 applicant must be bonded as provided in this subdivision. In determining the bond amount
155.30 necessary for the maintenance of any office, whether it is a surety bond, fidelity bond, or
155.31 both, the commissioner shall consider the financial responsibility, experience, character,
155.32 and general fitness of the debt management services provider and its operators and owners;
155.33 the volume of business handled or proposed to be handled; the location of the office
155.34 and the geographical area served or proposed to be served; and other information the
155.35 commissioner may deem pertinent based upon past performance, previous examinations,
155.36 annual reports, and manner of business conducted in other states.

Subd. 5. **Condition of bond.** The bond must run to the state of Minnesota for the use of the state and of any person or persons who may have a cause of action against the obligor arising out of the obligor's activities as a debt management services provider to a debtor domiciled in this state. The bond must be conditioned that the obligor will not commit any fraudulent act and will faithfully conform to and abide by the provisions of this chapter and of all rules lawfully made by the commissioner under this chapter and pay to the state and to any such person or persons any and all money that may become due or owing to the state or to such person or persons from the obligor under and by virtue of this chapter.

Subd. 6. **Right of action on bond.** If the registrant has failed to account to a debtor or distribute to the debtor's creditors the amounts required by this chapter and the debt management services agreement between the debtor and registrant, the debtor or the debtor's legal representative or receiver, the commissioner, or the attorney general, shall have, in addition to all other legal remedies, a right of action in the name of the debtor on the bond or the security given under this section, for loss suffered by the debtor, not exceeding the face amount of the bond or security, and without the necessity of joining the registrant in the suit or action.

Subd. 7. **Registrant list.** The commissioner must maintain a list of registered debt management services providers. The list must be made available to the public in written form upon request and on the Department of Commerce Web site.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 58. **[332A.05] NONASSIGNMENT OF REGISTRATION.**

A registration must not be transferred or assigned without the consent of the commissioner.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 59. **[332A.06] RENEWAL OF REGISTRATION.**

Each year, each registrant under the provisions of this chapter must, not more than 60 nor less than 30 days before its registration is to expire, apply to the commissioner for renewal of its registration on a form prescribed by the commissioner. The application must be signed by the registrant under penalty of perjury, contain current information on all matters required in the original application, and be accompanied by a payment of \$250. The registrant must maintain a continuous surety bond that satisfies the requirements of section 332A.04, subdivision 4, provided that the commissioner may require a different

157.1 amount that is at least equal to the largest amount that has accrued in the registrant's trust
157.2 account during the previous year. The renewal is effective for one year.

157.3 **EFFECTIVE DATE.** This section is effective January 1, 2008.

157.4 Sec. 60. **[332A.07] OTHER DUTIES OF REGISTRANT.**

157.5 Subdivision 1. **Requirement to update information.** A registrant must update any
157.6 information required by this chapter provided in its original or renewal application not
157.7 later than 90 days after the date the events precipitating the update occurred.

157.8 Subd. 2. **Inspection of debtor of registration.** Each registrant must maintain a
157.9 copy of its registration in its files. The registrant must allow a debtor, upon request, to
157.10 inspect the registration.

157.11 **EFFECTIVE DATE.** This section is effective January 1, 2008.

157.12 Sec. 61. **[332A.08] DENIAL OF REGISTRATION.**

157.13 The commissioner, with notice to the applicant by certified mail sent to the address
157.14 listed on the application, may deny an application for a registration upon finding that
157.15 the applicant:

157.16 (1) has submitted an application required under section 332A.04 that contains
157.17 incorrect, misleading, incomplete, or materially untrue information. An application is
157.18 incomplete if it does not include all the information required in section 332A.04;

157.19 (2) has failed to pay any fee or pay or maintain any bond required by this chapter,
157.20 or failed to comply with any order, decision, or finding of the commissioner made under
157.21 and within the authority of this chapter;

157.22 (3) has violated any provision of this chapter or any rule or direction lawfully made
157.23 by the commissioner under and within the authority of this chapter;

157.24 (4) or any controlling or affiliated party has ever been convicted of a crime or found
157.25 civilly liable for an offense involving moral turpitude, including forgery, embezzlement,
157.26 obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any
157.27 other similar offense or violation, or any violation of a federal or state law or regulation
157.28 in connection with activities relating to the rendition of debt management services or
157.29 any consumer fraud, false advertising, deceptive trade practices, or similar consumer
157.30 protection law;

157.31 (5) has had a registration or license previously revoked or suspended in this state or
157.32 any other state or the applicant or licensee has been permanently or temporarily enjoined
157.33 by any court of competent jurisdiction from engaging in or continuing any conduct or

158.1 practice involving any aspect of the debt management services provider business; or
158.2 any controlling or affiliated party has been an officer, director, manager, or shareholder
158.3 owning more than a ten percent interest in a debt management services provider whose
158.4 registration has previously been revoked or suspended in this state or any other state, or
158.5 who has been permanently or temporarily enjoined by any court of competent jurisdiction
158.6 from engaging in or continuing any conduct or practice involving any aspect of the debt
158.7 management services provider business;

158.8 (6) has made any false statement or representation to the commissioner;

158.9 (7) is insolvent;

158.10 (8) refuses to fully comply with an investigation or examination of the debt
158.11 management services provider by the commissioner;

158.12 (9) has improperly withheld, misappropriated, or converted any money or properties
158.13 received in the course of doing business;

158.14 (10) has failed to have a trust account with an actual cash balance equal to or greater
158.15 than the sum of the escrow balances of each debtor's account;

158.16 (11) has defaulted in making payments to creditors on behalf of debtors as required
158.17 by agreements between the provider and debtor; or

158.18 (12) has used fraudulent, coercive, or dishonest practices, or demonstrated
158.19 incompetence, untrustworthiness, or financial irresponsibility in this state or elsewhere.

158.20 **EFFECTIVE DATE.** This section is effective January 1, 2008.

158.21 Sec. 62. **[332A.09] SUSPENDING, REVOKING, OR REFUSING TO RENEW**
158.22 **REGISTRATION.**

158.23 Subdivision 1. **Procedure.** The commissioner may revoke, suspend, or refuse
158.24 to renew any registration issued under this chapter, or may levy a civil penalty under
158.25 section 45.027, or any combination of actions, if the debt management services provider
158.26 or any controlling or affiliated person has committed any act or omission for which the
158.27 commissioner could have refused to issue an initial registration or renew an existing
158.28 registration. Revocation of or refusal to renew a registration must be upon notice and
158.29 hearing as prescribed in the Administrative Procedure Act, sections 14.57 to 14.69. The
158.30 notice must set a time for hearing before the commissioner not less than 20 nor more than
158.31 30 days after service of the notice, provided the registrant may waive the 20-day minimum.
158.32 The commissioner may, in the notice, suspend the registration for a period not to exceed 60
158.33 days. Unless the notice states that the registration is suspended, pending the determination
158.34 of the main issue, the registrant may continue to transact business until the final decision of
158.35 the commissioner. If the registration is suspended, the commissioner shall hold a hearing

and render a final determination within ten days of a request by the registrant. If the commissioner fails to do so, the suspension shall terminate and be of no force or effect.

Subd. 2. Notification of interested persons. After the notice and hearing required in subdivision 1, upon issuing an order suspending or revoking a registration or refusing to renew a registration, the commissioner may notify all individuals who have contracts with the affected registrant and all creditors who have agreed to a debt management services plan that the registration has been revoked and that the order is subject to appeal.

Subd. 3. Receiver for funds of sanctioned registrant. When an order is issued revoking or refusing to renew a registration, the commissioner may apply for, and the district court must appoint, a receiver to temporarily or permanently receive the assets of the registrant pending a final determination of the validity of the order.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 63. **[332A.10] WRITTEN DEBT MANAGEMENT SERVICES AGREEMENT.**

Subdivision 1. Written agreement required. A debt management services provider may not perform any debt management services or receive any money related to a debt management plan until the provider has obtained a debt management services agreement that contains all terms of the agreement between the debt management services provider and the debtor. A debt management services agreement must be in writing, dated, and signed by the debt management services provider and the debtor. The registrant must furnish the debtor with a copy of the signed contract upon execution.

Subd. 2. Actions prior to written agreement. No person may provide debt management services for a debtor unless the person first has:

(1) provided the debtor individualized counseling and educational information that, at a minimum, addresses managing household finances, managing credit and debt, budgeting, and personal savings strategies;

(2) prepared in writing and provided to the debtor, in a form that the debtor may keep, an individualized financial analysis and a proposed debt management plan listing the debtor's known debts with specific recommendations regarding actions the debtor should take to reduce or eliminate the amount of the debts, including written disclosure that debt management services are not suitable for all debtors and that there are other ways, including bankruptcy, to deal with indebtedness;

(3) made a determination supported by an individualized financial analysis that the debtor can reasonably meet the requirements of the proposed debt management plan

160.1 and that there is a net tangible benefit to the debtor of entering into the proposed debt
160.2 management plan; and

160.3 (4) prepared, in a form the debtor may keep, a written list identifying all known
160.4 creditors of the debtor that the provider reasonably expects to participate in the plan
160.5 and the creditors, including secured creditors, that the provider reasonably expects not
160.6 to participate.

160.7 Subd. 3. **Required terms.** (a) Each debt management services agreement must
160.8 contain the following terms, which must be disclosed prominently and clearly in bold print
160.9 on the front page of the agreement, segregated by bold lines from all other information on
160.10 the page:

160.11 (1) the fee amount to be paid by the debtor and whether the initial fee amount is
160.12 refundable or nonrefundable;

160.13 (2) the monthly fee amount or percentage to be paid by the debtor; and

160.14 (3) the total amount of fees reasonably anticipated to be paid by the debtor over
160.15 the term of the agreement.

160.16 (b) Each debt management services agreement must also contain the following:

160.17 (1) a disclosure that if the amount of debt owed is increased by interest, late fees,
160.18 over the limit fees, and other amounts imposed by the creditors, the length of the debt
160.19 management services agreement will be extended and remain in force and that the total
160.20 dollar charges agreed upon may increase at the rate agreed upon in the original contract
160.21 agreement;

160.22 (2) a prominent statement describing the terms upon which the debtor may cancel
160.23 the contract as set forth in section 332A.11;

160.24 (3) a detailed description of all services to be performed by the debt management
160.25 services provider for the debtor;

160.26 (4) the debt management services provider's refund policy; and

160.27 (5) the debt management services provider's principal business address and the name
160.28 and address of its agent in this state authorized to receive service of process.

160.29 Subd. 4. **Prohibited terms.** The following terms shall not be included in the debt
160.30 management services agreement:

160.31 (1) a hold harmless clause;

160.32 (2) a confession of judgment, or a power of attorney to confess judgment against the
160.33 debtor or appear as the debtor in any judicial proceeding;

160.34 (3) a waiver of the right to a jury trial, if applicable, in any action brought by
160.35 or against a debtor;

161.1 (4) an assignment of or an order for payment of wages or other compensation for
161.2 services;

161.3 (5) a provision in which the debtor agrees not to assert any claim or defense arising
161.4 out of the debt management services agreement;

161.5 (6) a waiver of any provision of this chapter or a release of any obligation required
161.6 to be performed on the part of the debt management services provider; or

161.7 (7) a mandatory arbitration clause.

161.8 Subd. 5. **New debt management services agreements; modification of existing**

161.9 **agreements.** (a) Separate and additional debt management services agreements that
161.10 comply with this chapter may be entered into by the debt management services provider
161.11 and the debtor provided that no additional initial fee may be charged by the debt
161.12 management services provider.

161.13 (b) Any modification of an existing debt management services agreement, including
161.14 any increase in the number or amount of debts included in the debt management service,
161.15 must be in writing and signed by both parties. No fees, charges, or other consideration
161.16 may be demanded from the debtor for the modification, other than an increase in the
161.17 amount of the monthly maintenance fee established in the original debt management
161.18 services agreement.

161.19 **EFFECTIVE DATE.** This section is effective January 1, 2008.

161.20 Sec. 64. **[332A.11] RIGHT TO CANCEL.**

161.21 Subdivision 1. **Debtor's right to cancel.** A debtor has the right to cancel the debt
161.22 management services agreement without cause at any time upon ten days' written notice to
161.23 the debt management services provider. In the event of cancellation, the debt management
161.24 services provider must, within ten days of the cancellation, notify the debtor's creditors of
161.25 the cancellation and provide a refund of all unexpended funds paid by or for the debtor to
161.26 the debt management services provider.

161.27 Subd. 2. **Notice of debtor's right to cancel.** A debt management services
161.28 agreement must contain, on its face, in an easily readable typeface immediately adjacent
161.29 to the space for signature by the debtor, the following notice: "Right To Cancel: You have
161.30 the right to cancel this contract at any time on ten days' written notice."

161.31 Subd. 3. **Automatic termination.** Upon the payment of all listed debts and
161.32 fees, the debt management services agreement must automatically terminate, and all
161.33 unexpended funds paid by or for the debtor to the debt management services provider
161.34 must be immediately returned to the debtor.

162.1 Subd. 4. **Debt management services provider's right to cancel.** A debt
162.2 management services provider may cancel a debt management services agreement
162.3 with good cause upon 30 days' written notice to the debtor. Within ten days after the
162.4 cancellation, the debt management services provider must: (1) notify the debtor's creditors
162.5 of the cancellation; and (2) return to the debtor all unexpended funds paid by or for the
162.6 debtor.

162.7 **EFFECTIVE DATE.** This section is effective January 1, 2008.

162.8 Sec. 65. **[332A.12] BOOKS, RECORDS, AND INFORMATION.**

162.9 Subdivision 1. **Records retention.** Every registrant must keep, and use in the
162.10 registrant's business, such books, accounts, and records, including electronic records, as
162.11 will enable the commissioner to determine whether the registrant is complying with this
162.12 chapter and of the rules, orders, and directives adopted by the commissioner under this
162.13 chapter. Every registrant must preserve such books, accounts, and records for at least six
162.14 years after making the final entry on any transaction recorded therein. Examinations of
162.15 the books, records, and method of operations conducted under the supervision of the
162.16 commissioner shall be done at the cost of the registrant. The cost must be assessed as
162.17 determined under section 46.131.

162.18 Subd. 2. **Statements to debtors.** Each registrant must maintain and must make
162.19 available records and accounts that will enable each debtor to ascertain the amounts
162.20 paid to the creditors of the debtor. A statement showing amounts received from the
162.21 debtor, disbursements to each creditor, amounts which any creditor has agreed to accept
162.22 as payment in full for any debt owed the creditor by the debtor, charges deducted by
162.23 the registrant, and such other information as the commissioner may prescribe, must be
162.24 furnished by the registrant to the debtor at least monthly and, in addition, upon any
162.25 cancellation or termination of the contract. In addition to the statements required by this
162.26 subdivision, each debtor must have reasonable access, without cost, by electronic or other
162.27 means, to information in the registrant's files applicable to the debtor. These statements,
162.28 records, and accounts must otherwise remain confidential except for duly authorized state
162.29 and government officials, the commissioner, the attorney general, the debtor, and the
162.30 debtor's representative and designees. Each registrant must prepare and retain in the file of
162.31 each debtor a written analysis of the debtor's income and expenses to substantiate that the
162.32 plan of payment is feasible and practicable.

162.33 **EFFECTIVE DATE.** This section is effective January 1, 2008.

Sec. 66. **[332A.13] FEES, PAYMENTS, AND CONSENT OF CREDITORS.**

Subdivision 1. Origination fee; credit background report cost. The registrant may charge a nonrefundable origination fee of not more than \$50, which may be retained by the registrant from the initial amount paid by the debtor to the registrant.

Subd. 2. Monthly maintenance fee. The registrant may charge a periodic fee for account maintenance or other purposes, but only if the fee is reasonable for the services provided and does exceed the lesser of 15 percent of the monthly payment amount or \$75.

Subd. 3. Additional fees unauthorized. A registrant may not impose any fee or other charge or receive any funds or other payment other than the initial fee or monthly maintenance fee authorized by this section.

Subd. 4. Amount of periodic payments retained. The registrant may retain as payment for the fees authorized by this section no more than 15 percent of any periodic payment made to the registrant by the debtor. The remaining 85 percent must be disbursed to listed creditors under and in accordance with the debt management services agreement. No fees or charges may be received or retained by the registrant for any handling of recurring payments. Recurring payments include current rent, mortgage, utility, telephone, maintenance as defined in section 518.27, child support, insurance premiums, and such other payments as the commissioner may by rule prescribe.

Subd. 5. Advance payments. No fees or charges may be received or retained for any payments by the debtor made more than the following number of days in advance of the date specified in the debt management services agreement on which they are due: (1) 42 days in the case of contracts requiring monthly payments; (2) 15 days in the case of agreements requiring biweekly payments; or (3) seven days in the case of agreements requiring weekly payments. For those agreements which do not require payments in specified amounts, a payment is deemed an advance payment to the extent it exceeds twice the average regular payment previously made by the debtor under that contract. This subdivision does not apply when the debtor intends to use the advance payments to satisfy future payment of obligations due within 30 days under the contract. This subdivision supersedes any inconsistent provision of this chapter.

Subd. 6. Consent of creditors. A registrant must actively seek to obtain the consent of all creditors to the debt management services plan set forth in the debt management services agreement. Consent by a creditor may be express and in writing, or may be evidenced by acceptance of a payment made under the debt management services plan set forth in the contract. The registrant must notify the debtor within ten days after any failure to obtain the required consent and of the debtor's right to cancel without penalty. The notice must be in a form as the commissioner shall prescribe. Nothing contained in

this section is deemed to require the return of any origination fee and any fees earned by the registrant prior to cancellation or default.

Subd. 7. **Withdrawal of creditor.** Whenever a creditor withdraws from a debt management services plan, or refuses to participate in a debt management services plan, the registrant must promptly notify the debtor of the withdrawal or refusal. In no case may this notice be provided more than 15 days after the debt management services plan learns of the creditor's decision to withdraw from or refuse to participate in a plan. This notice must include the identity of the creditor withdrawing from the plan, the amount of the monthly payment to that creditor, and the right of the debtor to cancel the agreement under section 332A.11.

Subd. 8. **Payments held in trust.** The registrant must maintain a separate trust account and deposit in the account all payments received from the moment that they are received, except that the registrant may commingle the payment with the registrant's own property or funds, but only to the extent necessary to ensure the maintenance of a minimum balance if the financial institution at which the trust account is held requires a minimum balance to avoid the assessment of fees or penalties for failure to maintain a minimum balance. All disbursements, whether to the debtor or to the creditors of the debtor, or to the registrant, must be made from such account.

Subd. 9. **Timely payment of creditors.** The registrant must disburse any funds paid by or on behalf of a debtor to creditors of the consumer within 42 days after receipt of the funds, or earlier if necessary to comply with the due date in the contract between the debtor and the creditor, unless the reasonable payment of one or more of the debtor's obligations requires that the funds be held for a longer period so as to accumulate a sum certain, or where the debtor's payment is returned for insufficient funds or other reason that makes the withholding of such payments in the net interest of the debtor.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 67. [332A.14] PROHIBITIONS.

A registrant shall not:

(1) purchase from a creditor any obligation of a debtor;

(2) use, threaten to use, seek to have used, or seek to have threatened the use of any legal process, including but not limited to garnishment and repossession of personal property, against any debtor while the debt management services agreement between the registrant and the debtor remains executory;

(3) advise a debtor to stop paying a creditor until a debt management services plan is in place;

165.1 (4) require as a condition of performing debt management services the purchase of
165.2 any services, stock, insurance, commodity, or other property or any interest therein either
165.3 by the debtor or the registrant;

165.4 (5) compromise any debts unless the prior written approval of the debtor has been
165.5 obtained to such compromise and unless such compromise inures solely to the benefit
165.6 of the debtor;

165.7 (6) receive from any debtor as security or in payment of any fee a promissory note
165.8 or other promise to pay or any mortgage or other security, whether as to real or personal
165.9 property;

165.10 (7) lend money or provide credit to any debtor if any interest or fee is charged,
165.11 or directly or indirectly collect any fee for referring, advising, procuring, arranging, or
165.12 assisting a consumer in obtaining any extension of credit or other debtor service from a
165.13 lender or services provider;

165.14 (8) structure a debt management services agreement that would result in negative
165.15 amortization of any debt in the plan;

165.16 (9) engage in any unfair, deceptive, or unconscionable act or practice in connection
165.17 with any service provided to any debtor;

165.18 (10) offer, pay, or give any material cash fee, gift, bonus, premium, reward, or other
165.19 compensation to any person for referring any prospective customer to the registrant or for
165.20 enrolling a debtor in a debt management services plan, or provide any other incentives
165.21 for employees or agents of the debt management services provider to induce debtors to
165.22 enter into a debt management plan;

165.23 (11) receive any cash, fee, gift, bonus, premium, reward, or other compensation
165.24 from any person other than the debtor or a person on the debtor's behalf in connection
165.25 with activities as a registrant, provided that this paragraph does not apply to a registrant
165.26 which is a bona fide nonprofit corporation duly organized under chapter 317A or under
165.27 the similar laws of another state;

165.28 (12) enter into a contract with a debtor unless a thorough written budget analysis
165.29 indicates that the debtor can reasonably meet the requirements of the financial adjustment
165.30 plan and will be benefited by the plan;

165.31 (13) in any way charge or purport to charge or provide any debtor credit insurance in
165.32 conjunction with any contract or agreement involved in the debt management services
165.33 plan;

165.34 (14) operate or employ a person who is an employee or owner of a collection agency
165.35 or process-serving business; or

166.1 (15) require or attempt to require payment of a sum that the registrant states,
166.2 discloses, or advertises to be a voluntary contribution from the debtor.

166.3 **EFFECTIVE DATE.** This section is effective January 1, 2008.

166.4 Sec. 68. **[332A.16] ADVERTISEMENT OF DEBT MANAGEMENT SERVICES**
166.5 **PLANS.**

166.6 No debt management services provider may make false, deceptive, or misleading
166.7 statements or omissions about the rates, terms, or conditions of an actual or proposed
166.8 debt management services plan or its debt management services, or create the likelihood
166.9 of consumer confusion or misunderstanding regarding its services, including but not
166.10 limited to the following:

166.11 (1) represent that the debt management services provider is a nonprofit, not-for-profit,
166.12 or has similar status or characteristics if some or all of the debt management services will
166.13 be provided by a for-profit company that is a controlling or affiliated party to the debt
166.14 management services provider; or

166.15 (2) make any communication that gives the impression that the debt management
166.16 services provider is acting on behalf of a government agency.

166.17 **EFFECTIVE DATE.** This section is effective January 1, 2008.

166.18 Sec. 69. **[332A.17] DEBT MANAGEMENT SERVICES AGREEMENT**
166.19 **RESCISSION.**

166.20 Any debtor has the right to rescind any debt management services agreement with
166.21 a debt management services provider that commits a material violation of this chapter.
166.22 On rescission, all fees paid to the debt management services provider or any other person
166.23 other than creditors of the debtor must be returned to the debtor entering into the debt
166.24 management services agreement within ten days of rescission of the debt management
166.25 services agreement.

166.26 **EFFECTIVE DATE.** This section is effective January 1, 2008.

166.27 Sec. 70. **[332A.18] ENFORCEMENT; REMEDIES.**

166.28 Subdivision 1. **Violation a deceptive practice.** A violation of any of the provisions
166.29 of this chapter is considered an unfair or deceptive trade practice under section 8.31,
166.30 subdivision 1. A private right of action under section 8.31 by an aggrieved debtor is in
166.31 the public interest.

Subd. 2. **Private right of action.** (a) A debt management services provider who fails to comply with any of the provisions of this chapter is liable under this section in an individual action for the sum of: (i) actual, incidental, and consequential damages sustained by the debtor as a result of the failure; and (ii) statutory damages of up to \$1,000.

(b) A debt management services provider who fails to comply with any of the provisions of this chapter is liable under this section in a class action for the sum of: (i) the amount that each named plaintiff could recover under paragraph (a), clause (i); and (ii) such amount as the court may allow for all other class members.

(c) In determining the amount of statutory damages, the court shall consider, among other relevant factors:

(1) the frequency, nature, and persistence of noncompliance;

(2) the extent to which the noncompliance was intentional; and

(3) in the case of a class action, the number of debtors adversely affected.

(d) A plaintiff or class successful in a legal or equitable action under this section is entitled to the costs of the action, plus reasonable attorney fees.

Subd. 3. **Injunctive relief.** A debtor may sue a debt management services provider for temporary or permanent injunctive or other appropriate equitable relief to prevent violations of any provision of this chapter. A court must grant injunctive relief on a showing that the debt management services provider has violated any provision of this chapter, or in the case of a temporary injunction, on a showing that the debtor is likely to prevail on allegations that the debt management services provider violated any provision of this chapter.

Subd. 4. **Remedies cumulative.** The remedies provided in this section are cumulative and do not restrict any remedy that is otherwise available. The provisions of this chapter are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law.

Subd. 5. **Public enforcement.** The attorney general shall enforce this chapter under section 8.31.

EFFECTIVE DATE. This section is effective January 1, 2008.

Sec. 71. **[332A.19] INVESTIGATION.**

The commissioner may examine the books and records of every registrant and of any person engaged in the business of providing debt management services as defined in section 332A.02 at any reasonable time. The commissioner once during any calendar year may require the submission of an audit prepared by a certified public accountant of the books and records of each registrant. If the registrant has, within one year previous to the

168.1 commissioner's demand, had an audit prepared for some other purpose, this audit may be
168.2 submitted to satisfy the requirement of this section. The commissioner may investigate
168.3 any complaint concerning violations of this chapter and may require the attendance and
168.4 sworn testimony of witnesses and the production of documents.

168.5 **EFFECTIVE DATE.** This section is effective January 1, 2008.

168.6 Sec. 72. **LICENSE RENEWAL EXTENSION.**

168.7 The July 31, 2007, renewal date for mortgage originators is extended to October 30,
168.8 2007, because of the changes to the licensing requirements made by this article.

168.9 Sec. 73. **REPEALER.**

168.10 (a) Minnesota Statutes 2006, sections 46.043; 47.62, subdivision 5; and 58.08,
168.11 subdivision 1, are repealed.

168.12 (b) Minnesota Statutes 2006, sections 332.12; 332.13; 332.14; 332.15; 332.16;
168.13 332.17; 332.18; 332.19; 332.20; 332.21; 332.22; 332.23; 332.24; 332.25; 332.26; 332.27;
168.14 332.28; and 332.29, are repealed effective January 1, 2008.

168.15 **ARTICLE 6**

168.16 **ENERGY**

168.17 Section 1. **[1.1499] STATE ENERGY CITY.**

168.18 The city of Elk River is designated as the state energy city.

168.19 Sec. 2. **[16C.141] EMPLOYEE SUGGESTIONS; ENERGY SAVINGS**
168.20 **INCENTIVE PROGRAM.**

168.21 Subdivision 1. **Creation of program.** The commissioner of administration must
168.22 implement a program using best practices and develop policies under which state
168.23 employees may receive cash awards for making suggestions that result in documented cost
168.24 savings to state agencies from reduced energy usage in state-owned buildings. The cash
168.25 awards must be an amount equal to half the amount of the energy costs saved by agencies
168.26 in the year immediately following the implementation of the employee suggestion, up to
168.27 \$1,000 per suggestion. The program must include methods for documenting submission
168.28 of suggestions and for documenting savings achieved as a result of these suggestions.

168.29 Subd. 2. **Funding.** To the extent necessary to fund the program under this section,
168.30 the commissioner of administration, with approval of the commissioner of finance, may
168.31 transfer a portion of the documented cost savings resulting from a suggestion under this

169.1 section from the general services revolving fund to an energy savings reward account.
169.2 Money in the energy savings reward account is appropriated to the commissioner for
169.3 purposes of making cash rewards and paying the commissioner's incentive program
169.4 developments costs and administrative expenses under this section.

169.5 Subd. 3. **Report to legislature.** The commissioner of administration shall report to
169.6 the chairs of the senate and house of representatives committees with jurisdiction over
169.7 energy policy by January 1, 2008, on the development of the incentive program, and
169.8 by January 15 each year thereafter on the implementation of this section, including the
169.9 ideas submitted and energy savings realized.

169.10 Subd. 4. **Minnesota State Colleges and Universities.** This section does not apply to
169.11 the Minnesota State Colleges and Universities, except to the extent the Board of Trustees
169.12 of the Minnesota State Colleges and Universities provides that the section does apply.

169.13 Subd. 5. **Repeal.** This section is repealed July 1, 2009.

169.14 Sec. 3. Minnesota Statutes 2006, section 116C.775, is amended to read:

169.15 **116C.775 SHIPMENT PRIORITIES; ~~RAIRIE ISLAND~~ NUCLEAR PLANTS.**

169.16 If a storage or disposal site becomes available outside of the state to accept
169.17 high-level nuclear waste stored at Prairie Island or Monticello, the waste contained in dry
169.18 casks shall be shipped to that site before the shipment of any waste from the spent nuclear
169.19 fuel storage pool. Once waste is shipped that was contained in a cask, the cask must be
169.20 decommissioned and not used for further storage.

169.21 Sec. 4. Minnesota Statutes 2006, section 116C.777, is amended to read:

169.22 **116C.777 SITE.**

169.23 The spent fuel contents of dry casks located on Prairie Island must be moved
169.24 immediately upon the availability of another site for storage of the spent fuel that is not
169.25 located on Prairie Island or at Monticello.

169.26 Sec. 5. Minnesota Statutes 2006, section 116C.779, subdivision 1, is amended to read:

169.27 Subdivision 1. **Renewable development account.** (a) The public utility that owns
169.28 the Prairie Island nuclear generating plant must transfer to a renewable development
169.29 account \$16,000,000 annually each year the plant is in operation, and \$7,500,000 each
169.30 year the plant is not in operation if ordered by the commission pursuant to paragraph
169.31 ~~(c)~~ (d). The fund transfer must be made if nuclear waste is stored in a dry cask at the
169.32 independent spent-fuel storage facility at Prairie Island for any part of a year. Funds in the

account may be expended only for development of renewable energy sources. Preference must be given to development of renewable energy source projects located within the state.

(b) The public utility that owns the Monticello nuclear generating plant must transfer to the renewable development account \$500,000 annually for each dry cask containing spent nuclear fuel that is located at the independent spent fuel storage installation at the Monticello nuclear generating plant when the plant is in operation and \$7,500,000 each year the plant is not in operation if ordered by the commission under paragraph (d). The fund transfer must be made if nuclear waste is stored in a dry cask at the independent spent fuel storage facility at Monticello for any part of a year.

(c) Expenditures from the account may only be made after approval by order of the Public Utilities Commission upon a petition by the public utility.

~~(e) After discontinuation of operation of the Prairie Island nuclear plant and each year~~ (d) If spent nuclear fuel is stored in a dry cask at the Prairie Island facility or Monticello nuclear generating plant after the plant discontinues generating electricity, the commission shall require the public utility to pay \$7,500,000 for any year in which the commission finds, by the preponderance of the evidence, that the public utility did not make a good faith effort to remove the spent nuclear fuel stored at the Prairie Island or Monticello plant to a permanent or interim storage site out of the state. This determination shall be made at least every two years.

Sec. 6. Minnesota Statutes 2006, section 116C.779, subdivision 2, is amended to read:

Subd. 2. **Renewable energy production incentive.** (a) Until January 1, 2018, up to ~~\$10,900,000~~ \$11,400,000 annually must be allocated from available funds in the account to fund renewable energy production incentives and on-farm biogas recovery facility grants. \$9,400,000 of this annual amount is for incentives for up to 200 megawatts of electricity generated by wind energy conversion systems that are eligible for the incentives under section 216C.41. ~~The balance of this amount, Up to \$1,500,000~~ Up to \$1,000,000 annually; may be used for production incentives for on-farm biogas recovery facilities and landfill gas recovery facilities that are eligible for the incentive under section 216C.41 or for production incentives for other renewables, to be provided in the same manner as under section 216C.41. Of this amount, no more than \$500,000 may be used for production incentives for landfill gas recovery facilities. Up to \$1,000,000 may be used for grants for qualified on-farm biogas recovery facilities as provided in section 216C.42. Any portion of the ~~\$10,900,000~~ \$11,400,000 not expended in any calendar year for the incentive is available for other spending purposes under this section. This subdivision does not create an obligation to contribute funds to the account.

171.1 (b) The Department of Commerce shall determine eligibility of projects under
171.2 section 216C.41 for the purposes of this subdivision. At least quarterly, the Department of
171.3 Commerce shall notify the public utility of the name and address of each eligible project
171.4 owner and the amount due to each project under section 216C.41. The public utility shall
171.5 make payments within 15 working days after receipt of notification of payments due.

171.6 Sec. 7. Minnesota Statutes 2006, section 216B.241, subdivision 6, is amended to read:

171.7 Subd. 6. **Renewable energy research.** (a) A public utility that owns a nuclear
171.8 generation facility in the state shall spend five percent of the total amount that utility
171.9 is required to spend under this section to support basic and applied research and
171.10 demonstration activities at the University of Minnesota Initiative for Renewable Energy
171.11 and the Environment for the development of renewable energy sources and technologies.
171.12 The utility shall transfer the required amount to the University of Minnesota on or before
171.13 July 1 of each year and that annual amount shall be deducted from the amount of money the
171.14 utility is required to spend under this section. The University of Minnesota shall transfer
171.15 at least ten percent of these funds to at least one rural campus or experiment station.

171.16 (b) ~~Research Activities~~ funded under this subdivision ~~shall~~ may include, but are
171.17 not limited to:

171.18 ~~(1) development of environmentally sound production, distribution, and use of~~
171.19 ~~energy, chemicals, and materials from renewable sources;~~

171.20 ~~(2) processing and utilization of agricultural and forestry plant products and other~~
171.21 ~~bio-based, renewable sources as a substitute for fossil-fuel-based energy, chemicals, and~~
171.22 ~~materials using a variety of means including biocatalysis, biorefining, and fermentation;~~

171.23 ~~(3) conversion of state wind resources to hydrogen for energy storage and~~
171.24 ~~transportation to areas of energy demand;~~

171.25 ~~(4) improvements in scalable hydrogen fuel cell technologies; and~~

171.26 ~~(5) production of hydrogen from bio-based, renewable sources, and sequestration~~
171.27 ~~of carbon.~~

171.28 (1) environmentally sound production of energy from a renewable energy source
171.29 including biomass;

171.30 (2) environmentally sound production of hydrogen from biomass and any other
171.31 renewable energy source for energy storage and energy utilization;

171.32 (3) development of energy conservation and efficient energy utilization technologies;

171.33 (4) energy storage technologies; and

171.34 (5) analysis of policy options to facilitate adoption of technologies that use or
171.35 produce a renewable energy source.

(c) Notwithstanding other law to the contrary, the utility may, but is not required to, spend more than two percent of its gross operating revenues from service provided in this state under this section or section 216B.2411.

(d) For the purposes of this subdivision:

(1) "renewable energy source: means hydro, wind, solar, biomass and geothermal energy, and microorganisms used as an energy source; and

(2) "biomass" means plant and animal material, agricultural and forest residues, mixed municipal solid waste, and sludge from wastewater treatment.

(e) This subdivision expires June 30, 2008 2010.

Sec. 8. Minnesota Statutes 2006, section 216B.812, subdivision 1, is amended to read:

Subdivision 1. **Early purchase and deployment of renewable hydrogen, fuel cells, and related technologies by the state.** (a) The Department of Commerce, in ~~conjunction~~ coordination with the Department of Administration and the Pollution Control Agency, shall identify opportunities for ~~demonstrating the use of~~ deploying renewable hydrogen, fuel cells, and related technologies within state-owned facilities, vehicle fleets, and operations in ways that demonstrate their commercial performance and economics.

(b) The Department of Commerce shall recommend to the Department of Administration, ~~when feasible,~~ the purchase and ~~demonstration~~ deployment of hydrogen, fuel cells, and related technologies, when feasible, in ways that strategically contribute to realizing Minnesota's hydrogen economy goal as set forth in section 216B.8109, and which contribute to the following nonexclusive list of objectives:

(1) provide needed performance data to the marketplace;

(2) identify code and regulatory issues to be resolved;

(3) foster economic development and job creation in the state;

(4) raise public awareness of renewable hydrogen, fuel cells, and related technologies; or

(5) reduce emissions of carbon dioxide and other pollutants.

(c) The Department of Commerce and the Pollution Control Agency shall also recommend to the Department of Administration changes to the state's procurement guidelines and contracts in order to facilitate the purchase and deployment of cost-effective renewable hydrogen, fuel cells, and related technologies by all levels of government.

Sec. 9. Minnesota Statutes 2006, section 216B.812, subdivision 2, is amended to read:

Subd. 2. **Pilot projects.** (a) In consultation with appropriate representatives from state agencies, local governments, universities, businesses, and other interested parties,

the Department of Commerce shall report back to the legislature by November 1, 2005, and every two years thereafter, with a slate of proposed pilot projects that contribute to realizing Minnesota's hydrogen economy goal as set forth in section 216B.8109. The Department of Commerce must consider the following nonexclusive list of priorities in developing the proposed slate of pilot projects:

(1) ~~demonstrate~~ deploy "bridge" technologies such as hybrid-electric, off-road, and fleet vehicles running on hydrogen or fuels blended with hydrogen;

(2) ~~develop~~ lead to cost-competitive, on-site renewable hydrogen production technologies;

(3) demonstrate nonvehicle applications for hydrogen;

(4) improve the cost and efficiency of hydrogen from renewable energy sources; and

(5) improve the cost and efficiency of hydrogen production using direct solar energy without electricity generation as an intermediate step.

(b) For ~~all demonstrations~~ deployment projects that do not involve a demonstration component, individual system components of the technology ~~must~~ should, if feasible, meet commercial performance standards and systems modeling must be completed to predict commercial performance, risk, and synergies. In addition, the proposed pilots should meet as many of the following criteria as possible:

(1) advance energy security;

(2) capitalize on the state's native resources;

(3) result in economically competitive infrastructure being put in place;

(4) be located where it will link well with existing and related projects and be accessible to the public, now or in the future;

(5) demonstrate multiple, integrated aspects of renewable hydrogen infrastructure;

(6) include an explicit public education and awareness component;

(7) be scalable to respond to changing circumstances and market demands;

(8) draw on firms and expertise within the state where possible;

(9) include an assessment of its economic, environmental, and social impact; and

(10) serve other needs beyond hydrogen development.

Sec. 10. **[216B.813] MINNESOTA RENEWABLE HYDROGEN INITIATIVE.**

Subdivision 1. Road map. The Department of Commerce shall coordinate and administer directly or by contract the Minnesota renewable hydrogen initiative. If the department decides to contract for its duties under this section, it must contract with a nonpartisan, nonprofit organization within the state to develop the road map. The initiative may be run as a public-private partnership representing business, academic, governmental,

and nongovernmental organizations. The initiative must oversee the development and implementation of a renewable hydrogen road map, including appropriate technology deployments, that achieve the hydrogen goal of section 216B.013. The road map should be compatible with the United States Department of Energy's National Hydrogen Energy Roadmap and be based on an assessment of marketplace economics and the state's opportunities in hydrogen, fuel cells, and related technologies, so as to capitalize on strengths. The road map should establish a vision, goals, general timeline, strategies for working with industry, and measurable milestones for achieving the state's renewable hydrogen goal. The road map should describe how renewable hydrogen and fuel cells fit in Minnesota's overall energy system, and should help foster a consistent, predictable, and prudent investment environment. The department must report to the legislature on the progress in implementing the road map by November 1 of each odd-numbered year.

Subd. 2. **Grants.** (a) The commissioner of commerce shall operate a competitive grant program for projects to assist the state in attaining its renewable hydrogen energy goals. The commissioner of commerce shall assemble an advisory committee made up of industry, university, government, and nongovernment organizations to:

(1) help identify the most promising technology deployment projects for public investment;

(2) advise on the technical specifications for those projects; and

(3) make recommendations on project grants.

(b) The commissioner shall give preference to project concepts included in the department's most recent biennial report: Strategic Demonstration Projects to Accelerate the Commercialization of Renewable Hydrogen and Related Technologies in Minnesota. Projects eligible for funding must combine one or more of the hydrogen production options listed in the department's report with an end use that has significant commercial potential, preferably high visibility, and relies on fuel cells or related technologies. Each funded technology deployment must include an explicit education and awareness-raising component, be compatible with the renewable hydrogen deployment criteria defined in section 216B.812, and receive 50 percent of its total cost from nonstate sources. The 50 percent requirement does not apply for recipients that are public institutions.

Sec. 11. Minnesota Statutes 2006, section 216C.051, subdivision 2, is amended to read:

Subd. 2. Establishment. (a) There is established a Legislative Electric Energy Task Force to study future electric energy sources and costs and to make recommendations for legislation for an environmentally and economically sustainable and advantageous electric energy supply.

(b) The task force consists of:

(1) ten members of the house of representatives including the chairs of the Environment and Natural Resources Committee and ~~Regulated Industries Subcommittee~~ the Energy Finance and Policy Division and eight members to be appointed by the speaker of the house, four of whom must be from the minority caucus; and

(2) ten members of the senate including the chairs of the Environment, Energy and Natural Resources Budget Division and ~~Jobs, Energy, and Community Development~~ Utilities, Technology and Communications committees and eight members to be appointed by the Subcommittee on Committees, four of whom must be from the minority caucus.

(c) The task force may employ staff, contract for consulting services, and may reimburse the expenses of persons requested to assist it in its duties other than state employees or employees of electric utilities. The director of the Legislative Coordinating Commission shall assist the task force in administrative matters. The task force shall elect cochair, one member of the house and one member of the senate from among the committee and subcommittee chairs named to the committee. The task force members from the house shall elect the house cochair, and the task force members from the senate shall elect the senate cochair.

Sec. 12. Minnesota Statutes 2006, section 216C.051, subdivision 9, is amended to read:

Subd. 9. **Expiration.** This section is repealed June 30, ~~2007~~ 2008.

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

Sec. 13. **[216C.385] CLEAN ENERGY RESOURCE TEAMS.**

Subdivision 1. **Findings.** The legislature finds that community-based energy programs are an effective means of implementing improved energy practices including conservation, greater efficiency in energy use, and the production and use of renewable resources such as wind, solar, biomass, and biofuels. Further, community-based energy programs are found to be a public purpose for which public money may be spent.

Subd. 2. **Mission, organization, and membership.** The Clean Energy Resource Teams (CERT's) project is an innovative state, university, and nonprofit partnership that serves as a catalyst for community energy planning and projects. The mission of CERT's is to give citizens a voice in the energy planning process by connecting them with the necessary technical resources to identify and implement community-scale renewable energy and energy efficiency projects. In 2003, the Department of Commerce designated the CERT's project as a statewide collaborative venture and recognized six regional teams based on their geography: Central, Northeast, Northwest, Southeast, Southwest, and

West-Central. Membership of CERT's may include but is not limited to representatives of utilities; federal, state, and local governments; small business; labor; senior citizens; academia; and other interested parties. The Department of Commerce may certify additional Clean Energy Resource Teams by regional geography, including teams in the Twin Cities metropolitan area.

Subd. 3. **Powers and duties.** In order to develop and implement community-based energy programs, a Clean Energy Resource Team may:

(1) analyze social and economic impacts caused by energy expenditures;

(2) analyze regional renewable and energy efficiency resources and opportunities;

(3) link community members and community energy projects to the knowledge and capabilities of the University of Minnesota, the State Energy Office, nonprofit organizations, and regional community members, among others;

(4) plan, set priorities for, provide technical assistance to, and catalyze local energy efficiency and renewable energy projects that help to meet state energy policy goals and maximize local economic development opportunities;

(5) provide a broad-based resource and communications network that links local, county, and regional energy efficiency and renewable energy project efforts around the state (both interregional and intraregional);

(6) seek, accept, and disburse grants and other aids from public or private sources for purposes authorized in this subdivision;

(7) provides a convening and networking function within CERT's regions to facilitate education, knowledge formation, and project replication; and

(8) exercise other powers and duties imposed on it by statute, charter, or ordinance.

Subd. 4. **Department assistance.** The commissioner, via the Clean Energy Resource Teams, may provide professional, technical, organizational, and financial assistance to regions and communities to develop and implement community energy programs and projects, within available resources.

Sec. 14. [216C.39] RURAL WIND ENERGY DEVELOPMENT REVOLVING LOAN FUND.

Subdivision 1. **Establishment.** A rural wind energy development revolving loan fund is established as an account in the special revenue fund in the state treasury. The commissioner of finance shall credit to the account the amounts authorized under this section and appropriations and transfers to the account. Earnings, such as interest, dividends, and any other earnings arising from fund assets, must be credited to the account.

Subd. 2. **Purpose.** The rural wind energy development revolving loan fund is created to provide financial assistance, through partnership with local owners and communities, in developing community wind energy projects that meet the specifications of section 216B.1612, subdivision 2, paragraph (f).

Subd. 3. **Expenditures.** Money in the fund is appropriated to the commissioner of commerce, and may be used to make loans to qualifying owners of wind energy projects, as defined in section 216B.1612, subdivision 2, paragraph (f), to assist in funding wind studies and transmission interconnection studies. The loans must be structured for repayment within 30 days after the project begins commercial operations or two years from the date the loan is issued, whichever is sooner.

Subd. 4. **Limitations.** A loan may not be approved for an amount exceeding \$100,000. This limit applies to all money loaned to a single project or single entity, whether paid to one or more qualifying owners and whether paid in one or more fiscal years.

Subd. 5. **Administration; eligible projects.** (a) Applications for a loan under this section must be made in a manner and on forms prescribed by the commissioner. Loans to eligible projects must be made in the order in which complete applications are received by the commissioner. Loan funds must be disbursed to an applicant within ten days of submission of a payment request by the applicant that demonstrates a payment due to the Midwest Independent System Operator. Interest payable on the loan amount may not exceed 1.5 percent per annum.

(b) A project is eligible for a loan under this program if:

(1) the project has completed an adequate interconnection feasibility study that indicates the project may be interconnected with system upgrades of less than ten percent of the estimated project costs;

(2) the project has a signed power purchase agreement with an electric utility or provides evidence that the project is under serious consideration for such an agreement by an electric utility;

(3) the ownership and structure of the project allows it to qualify as a community-based energy development (C-BED) project under section 216B.1612, and the developer commits to obtaining and maintaining C-BED status; and

(4) the commissioner has determined that sufficient funds are available to make a loan to the project.

Sec. 15. Minnesota Statutes 2006, section 216C.41, subdivision 1, is amended to read:

178.1 Subdivision 1. **Definitions.** (a) Unless otherwise provided, the definitions in this
178.2 subdivision apply to this section.

178.3 (b) "Qualified hydroelectric facility" means a hydroelectric generating facility in
178.4 this state that:

178.5 (1) is located at the site of a dam, if the dam was in existence as of March 31,
178.6 1994; and

178.7 (2) begins generating electricity after July 1, 1994, or generates electricity after
178.8 substantial refurbishing of a facility that begins after July 1, 2001.

178.9 (c) "Qualified wind energy conversion facility" means a wind energy conversion
178.10 system in this state that:

178.11 (1) produces two megawatts or less of electricity as measured by nameplate rating
178.12 and begins generating electricity after December 31, 1996, and before July 1, 1999;

178.13 (2) begins generating electricity after June 30, 1999, produces two megawatts or
178.14 less of electricity as measured by nameplate rating, and is:

178.15 (i) owned by a resident of Minnesota or an entity that is organized under the laws
178.16 of this state, is not prohibited from owning agricultural land under section 500.24, and
178.17 owns the land where the facility is sited;

178.18 (ii) owned by a Minnesota small business as defined in section 645.445;

178.19 (iii) owned by a Minnesota nonprofit organization;

178.20 (iv) owned by a tribal council if the facility is located within the boundaries of
178.21 the reservation;

178.22 (v) owned by a Minnesota municipal utility or a Minnesota cooperative electric
178.23 association; or

178.24 (vi) owned by a Minnesota political subdivision or local government, including,
178.25 but not limited to, a county, statutory or home rule charter city, town, school district, or
178.26 any other local or regional governmental organization such as a board, commission, or
178.27 association; or

178.28 (3) begins generating electricity after June 30, 1999, produces seven megawatts or
178.29 less of electricity as measured by nameplate rating, and:

178.30 (i) is owned by a cooperative organized under chapter 308A other than a Minnesota
178.31 cooperative electric association; and

178.32 (ii) all shares and membership in the cooperative are held by an entity that is not
178.33 prohibited from owning agricultural land under section 500.24.

178.34 (d) "Qualified on-farm biogas recovery facility" means an anaerobic digester system
178.35 that:

178.36 (1) is located at the site of an agricultural operation; and

(2) is owned by an entity that is not prohibited from owning agricultural land under section 500.24 and that owns or rents the land where the facility is located.

(e) "Anaerobic digester system" means a system of components that processes animal waste based on the absence of oxygen and produces gas used to generate electricity.

(f) "Qualified landfill gas recovery facility" means a landfill that is operating or closed, that generates gas from the decomposition of organic matter, and that installs a system to collect the gas after July 1, 2007.

Sec. 16. Minnesota Statutes 2006, section 216C.41, subdivision 2, is amended to read:

Subd. 2. **Incentive payment; appropriation.** (a) Incentive payments must be made according to this section to (1) a qualified on-farm biogas recovery facility, (2) the owner or operator of a qualified hydropower facility or qualified wind energy conversion facility for electric energy generated and sold by the facility, (3) a publicly owned hydropower facility for electric energy that is generated by the facility and used by the owner of the facility outside the facility, ~~or~~ (4) the owner of a publicly owned dam that is in need of substantial repair, for electric energy that is generated by a hydropower facility at the dam and the annual incentive payments will be used to fund the structural repairs and replacement of structural components of the dam, or to retire debt incurred to fund those repairs, or (5) a qualified landfill gas recovery facility.

(b) Payment may only be made upon receipt by the commissioner of commerce of an incentive payment application that establishes that the applicant is eligible to receive an incentive payment and that satisfies other requirements the commissioner deems necessary. The application must be in a form and submitted at a time the commissioner establishes.

(c) There is annually appropriated from the renewable development account under section 116C.779 to the commissioner of commerce sums sufficient to make the payments required under this section, in addition to the amounts funded by the renewable development account as specified in subdivision 5a.

Sec. 17. Minnesota Statutes 2006, section 216C.41, subdivision 3, is amended to read:

Subd. 3. **Eligibility window.** Payments may be made under this section only for:

(a) electricity generated from:

(1) ~~from~~ a qualified hydroelectric facility that is operational and generating electricity before December 31, 2009;

(2) ~~from~~ a qualified wind energy conversion facility that is operational and generating electricity before January 1, 2008; or

180.1 (3) ~~from~~ a qualified on-farm biogas recovery facility from July 1, 2001, through
180.2 December 31, 2017; and
180.3 (b) gas generated from:
180.4 (1) a qualified on-farm biogas recovery facility from July 1, 2007, through December
180.5 31, 2017; or
180.6 (2) a qualified landfill gas recovery facility from July 1, 2007, through December
180.7 31, 2017.

180.8 Sec. 18. **[216C.42] ON-FARM BIOGAS RECOVERY GRANTS.**

180.9 Subdivision 1. Definitions. For the purpose of this section, the following terms
180.10 have the meanings given.

180.11 (a) "Qualified on-farm biogas recovery facility" means an anaerobic digester system
180.12 that:

180.13 (1) is located at the site of an agricultural operation;

180.14 (2) is owned by an entity that is not prohibited from owning agricultural land under
180.15 section 500.24 and that owns or rents the land where the facility is located; and

180.16 (3) is owned by a qualified owner as defined in section 216B.1612, subdivision 2,
180.17 paragraph (c).

180.18 (b) "Anaerobic digester system" means a system of components that processes
180.19 animal waste based on the absence of oxygen and produces gas.

180.20 (c) "Commissioner" means the commissioner of agriculture.

180.21 Subd. 2. Eligibility. Subject to the availability of funds, the commissioner must
180.22 approve grants to a qualified owner of a qualified on-farm biogas recovery facility for the
180.23 total installed costs of capital investments associated with the facility, up to a maximum of
180.24 \$500,000.

180.25 Subd. 3. Application. Application for a grant under this section must be made by a
180.26 qualified owner to the commissioner on a form the commissioner prescribes by rule. The
180.27 commissioner must review each application to determine:

180.28 (1) whether the application is complete;

180.29 (2) whether the information, calculations, and estimates contained in the application
180.30 are appropriate, accurate, and reasonable;

180.31 (3) whether the project is eligible for a grant;

180.32 (4) the amount of the grant for which the project is eligible; and

180.33 (5) other funding sources the owner proposes to use to finance the project in addition
180.34 to a grant authorized by this section.

180.35 An applicant may submit only one grant application each year under this section.

Subd. 4. **Additional information.** During application review, the commissioner may request additional information about a proposed project, including information on project cost. Failure to provide information requested disqualifies a grant application.

Subd. 5. **Public accessibility of grant application data.** Data contained in an application submitted to the commissioner for a grant under this section, including supporting technical documentation, is classified as public data not on individuals under section 13.02, subdivision 14.

Subd. 6. **Rules.** The commissioner must adopt rules necessary to implement this section. The rules must contain at a minimum:

(1) standards for project eligibility;

(2) criteria for reviewing grant applications; and

(3) procedures and guidelines for program monitoring and evaluation.

Subd. 7. **Right of first refusal.** A utility that provides electric service at retail in the area where the qualified on-farm biogas recovery facility is located has the right of first refusal for any gas produced by a qualified on-farm biogas recovery facility that has received a grant under this section. A utility's right of first refusal expires if:

(1) within 45 days after the qualified owner files an incentive payment application with the commissioner of commerce, the utility fails to send a letter of intent to the qualified owner indicating the utility's willingness to negotiate a purchase agreement; or

(2) the parties enter negotiations but fail to reach agreement within 120 days after the qualified owner files an incentive payment application with the commissioner of commerce.

Subd. 8. **Eligibility toward renewable energy objective and standard.** Any gas generated by a qualified on-farm biogas recovery facility awarded a grant under this section that is purchased by a utility may be counted toward the utility's renewable energy objective and standard under section 216B.1691.

Subd. 9. **Appropriation.** Up to \$1,000,000 is appropriated annually from the renewable development account through fiscal year 2015 to the commissioner of agriculture for the purpose of providing grants to qualified on-farm biogas recovery facilities.

Sec. 19. **[561.20] NUISANCE LIABILITY OF WIND ENERGY CONVERSION SYSTEMS.**

Subdivision 1. **Definition.** For the purposes of this section, "wind energy conversion system" has the meaning given in section 216C.06.

Subd. 2. **Wind energy conversion system not a nuisance.** (a) A wind energy conversion system is not and does not become a private or public nuisance after two years from the date it begins generating electricity as a matter of law if the system:

(1) complies with all applicable federal, state, or county laws, regulations, rules, and ordinances and any permits issued for it; and

(2) operates according to generally accepted practices.

(b) For a period of two years from the date it begins generating electricity, there is a rebuttable presumption that a wind energy conversion system in compliance with the requirements of paragraph (a) is not a public or private nuisance.

(c) This subdivision does not apply:

(1) to any prosecution for the crime of public nuisance as provided in section 609.74 or to an action by a public authority to abate a particular condition that is a public nuisance; or

(2) to any enforcement action brought by a local unit of government related to zoning under chapter 394 or 462.

Subd. 3. **Existing contracts.** This section must not be construed to invalidate any contracts or commitments made before the effective date of this section.

Subd. 4. **Severability.** If a provision of this section, or application thereof to any person or set of circumstances, is held invalid or unconstitutional, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application. To that end, the provisions of this section are declared to be severable.

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

Sec. 20. **PETROLEUM VIOLATION ESCROW FUNDS.**

(a) Petroleum violation escrow funds appropriated to the commissioner of commerce by Laws 1988, chapter 686, article 1, section 38, for state energy loan programs for schools, hospitals, and public buildings must be used for grants to kindergarten through grade 12 schools to develop energy conservation or renewable energy projects. A grant may not exceed \$500,000. The commissioner must endeavor to award grants throughout the regions of the state. No more than one grant may be awarded in a county, unless an insufficient number of applications is received from schools located in other counties to exhaust available funds.

(b) The commissioner of commerce must petition the federal Department of Energy for a waiver from any federal regulation that limits the proportion of federal funds expended on state energy programs that may be spent on energy efficiency.

183.1 (c) For purposes of this subdivision, "renewable energy" means wind, solar,
183.2 hydroelectric with a capacity of less than 60 megawatts, geothermal, hydrogen, fuel cells
183.3 made from renewable resources, herbaceous crops, agricultural crops, agricultural waste,
183.4 and aquatic plant matter.

183.5 **EFFECTIVE DATE.** This section is effective the day after the commissioner of
183.6 commerce receives the waiver described in paragraph (b).

183.7 Sec. 21. **RURAL WIND ENERGY DEVELOPMENT PROGRAM.**

183.8 (a) The Center for Rural Policy and Development shall make a grant to a nonprofit
183.9 organization with experience dealing with energy and community wind issues to design
183.10 and implement a rural wind energy development assistance program. The program must
183.11 be designed to maximize rural economic development and stabilize rural community
183.12 institutions, including hospitals and schools, by increasing the income of local residents
183.13 and increasing local tax revenues. The grant may be disbursed in two installments. The
183.14 program must provide assistance to rural entities seeking to develop wind generation
183.15 projects that meet the specifications of Minnesota Statutes, section 216B.1612, subdivision
183.16 2, paragraph (f), and to sell the electricity the projects produce. Among other strategies,
183.17 the program may consider aggregating rural entities and others into groups with the size
183.18 and market power necessary to plan and develop significant rural wind energy projects.

183.19 (b) The program must provide assistance that includes, but is not limited to:

183.20 (1) providing legal, engineering, and financial services;

183.21 (2) identifying target communities with favorable wind resources, community
183.22 interest, and local political support;

183.23 (3) providing assistance to reserve, obtain, and ensure the maintenance over time of
183.24 wind turbines;

183.25 (4) creating market opportunities for utilities to meet their renewable energy standard
183.26 obligations through purchases from rural community wind projects;

183.27 (5) assisting in negotiating fair power purchase agreements;

183.28 (6) facilitating transmission interconnection and delivery of energy from community
183.29 wind projects; and

183.30 (7) lowering the market risk facing potential wind investors by supporting all phases
183.31 of project development.

183.32 The grantee must demonstrate an ability to sustain program functions with ongoing
183.33 revenue from sources other than state funding and shall provide a 35 percent grant match.

183.34 The grant must be awarded on a competitive basis. The center must use best practices
183.35 regarding grant management functions, including selection and monitoring of the grantee,

184.1 compliance review, and financial oversight. Grant management fees are limited to 2.5
184.2 percent of the grant.

184.3 (c) The commissioner of commerce shall monitor the activities of the rural wind
184.4 energy development assistance program created under this section. By November 1, 2008,
184.5 the commissioner shall submit an evaluation of the program to the chairs of the house of
184.6 representatives and senate committees with jurisdiction over energy policy and finance,
184.7 including recommendations for legislative or administrative action to better achieve the
184.8 program goals described in paragraph (a).

184.9 Sec. 22. **UNIFORM CODES AND STANDARDS FOR HYDROGEN, FUEL**
184.10 **CELLS, AND RELATED TECHNOLOGIES; RECOMMENDATIONS AND**
184.11 **REPORT.**

184.12 (a) The commissioner of labor and industry, in consultation with the Department of
184.13 Commerce and other relevant public and private interests, shall develop recommendations
184.14 regarding the adoption of uniform codes and standards for hydrogen infrastructure, fuel
184.15 cells, and related technologies, and report those recommendations to the legislature by
184.16 December 31, 2008.

184.17 (b) The goal of the recommendations is to have all regulatory jurisdictions in the
184.18 state have the same safety standards with regard to the production, storage, transportation,
184.19 distribution, and use of hydrogen, fuel cells, and related technologies. The commissioner's
184.20 recommendations must, without limitation, include:

184.21 (1) codes and standards that already exist for hydrogen, fuel cells, and related
184.22 technologies, and how the state should formalize their use;

184.23 (2) codes and standards still under development by various official standard-making
184.24 bodies;

184.25 (3) gaps between existing codes and standards, those under development, and those
184.26 that may still be needed but are not yet being developed;

184.27 (4) the need for, and estimated cost of, additional education and training for
184.28 emergency management and code officials;

184.29 (5) any changes needed to environmental and other permitting processes to
184.30 accommodate the commercialization of hydrogen, fuel cells, and related technologies; and

184.31 (6) recommendations on appropriate codes and standards for educational and
184.32 research institutions.

184.33 Sec. 23. **HYDROGEN REFUELING STATION GRANTS.**

185.1 In addition to the purposes specified in Laws 2005, chapter 97, article 13, section
185.2 4, for which the commissioner of commerce may make grants, the commissioner may
185.3 make grants under that law for the purpose of developing, deploying, and encouraging
185.4 commercially promising renewable hydrogen production systems and hydrogen end
185.5 uses in partnership with industry. The authority of the commissioner to make grants
185.6 and assessments under Laws 2005, chapter 97, article 13, section 4, continues until the
185.7 authorized grants and assessments are made.

185.8 **Sec. 24. OFF-SITE RENEWABLE DISTRIBUTED GENERATION.**

185.9 The commissioner of commerce shall convene a broad group of interested
185.10 stakeholders to evaluate the feasibility and potential for the interconnection and parallel
185.11 operation of off-site renewable distributed generation in a manner consistent with
185.12 Minnesota Statutes, sections 216B.37 to 216B.43, and shall issue recommendations to
185.13 the chairs of the house of representatives and senate committees with jurisdiction over
185.14 energy issues by February 1, 2008.

185.15 **ARTICLE 7**
185.16 **ENVIRONMENT**

185.17 Section 1. **BIOFUEL PERMITTING REPORT.**

185.18 By January 15, 2008, the Pollution Control Agency, the commissioner of natural
185.19 resources, and the Environmental Quality Board shall report to the house of representatives
185.20 and senate committees and divisions with jurisdiction over agriculture and environment
185.21 policy and budget on the process to issue permits for biofuel production facilities. The
185.22 report shall include:

185.23 (1) information on the timing of the permits and measures taken to improve the
185.24 timing of the permitting process;

185.25 (2) recommended changes to statutes, rules, or procedures to improve the biofuel
185.26 facility permitting process and reduce the groundwater needed for production; and

185.27 (3) other information or analysis that may be helpful in understanding or improving
185.28 the biofuel production facility permitting process.

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

185.30 **Sec. 2. DEFINITIONS.**

186.1 Subdivision 1. **Terrestrial carbon sequestration.** "Terrestrial carbon sequestration"
186.2 means the long-term storage of carbon in soil and vegetation to prevent its collection in
186.3 the atmosphere as carbon dioxide.

186.4 Subd. 2. **Geologic carbon sequestration.** "Geologic carbon sequestration" means
186.5 injecting carbon dioxide into underground geologic formations where it can be stored for
186.6 long periods of time to prevent its escape to the atmosphere.

186.7 Sec. 3. **TERRESTRIAL CARBON SEQUESTRATION ACTIVITIES.**

186.8 Subdivision 1. **Study; scope.** The Board of Regents of the University of Minnesota
186.9 is requested to conduct a study assessing the potential capacity for carbon sequestration in
186.10 Minnesota's terrestrial systems. The study must:

186.11 (1) conduct a statewide inventory and construct a database of lands across several
186.12 land types, such as forests, agricultural lands, peatlands, and wetlands, that have the
186.13 potential to sequester significant quantities of carbon and of lands that currently contain
186.14 large stocks of carbon that are at risk of being emitted to the atmosphere as a result of
186.15 changes in land use and climate;

186.16 (2) quantify the ability of various land use practices, such as the growth of different
186.17 species of crops, grasses, and trees, to sequester carbon and their impacts on other
186.18 ecological services of value, including air and water quality, biodiversity, and wildlife
186.19 habitat;

186.20 (3) identify a network of benchmark monitoring sites to measure the impact of
186.21 long-term, large-scale factors, such as changes in climate, carbon dioxide levels, and land
186.22 use, on the terrestrial carbon sequestration capacity of various land types, to improve
186.23 understanding of carbon-terrestrial interactions and dynamics;

186.24 (4) identify long-term demonstration projects to measure the impact of deliberate
186.25 sequestration practices, including the establishment of biofuel production systems, on
186.26 forest, agricultural, wetland, and prairie ecosystems; and

186.27 (5) evaluate current state policies and programs that affect the levels of terrestrial
186.28 sequestration on public and private lands and identify gaps and recommend policy changes
186.29 to increase sequestration rates.

186.30 Subd. 2. **Coordination of terrestrial carbon sequestration activities.** Planning
186.31 and implementation of the study described in subdivision 1 will be coordinated by
186.32 the Minnesota Terrestrial Carbon Sequestration Initiative, a task force consisting of
186.33 representatives from the University of Minnesota, the Department of Agriculture, the
186.34 Board of Water and Soil Resources, the Department of Commerce, the Department

of Natural Resources, and the Pollution Control Agency and agricultural, forestry, conservation, and business stakeholders.

Subd. 3. **Contracting.** The University of Minnesota may contract with another party to perform any of the tasks listed in subdivision 1.

Subd. 4. **Report.** The commissioner of natural resources must submit a report with the results of the study to the senate and house of representatives committees with jurisdiction over environmental and energy policies no later than February 1, 2008.

Sec. 4. **GEOLOGIC CARBON SEQUESTRATION ASSESSMENT.**

Subdivision 1. **Study; scope.** (a) The Minnesota Geological Survey shall conduct a study assessing the potential capacity for geologic carbon sequestration in the Midcontinent Rift system in Minnesota. The study must assess the potential of porous and permeable sandstone layers deeper than one kilometer below the surface that are capped by less permeable shale and must identify potential risks to carbon storage, such as areas of low permeability in injection zones, low storage capacity, and potential seal failure. The study must identify the most promising formations and geographic areas for physical analysis of carbon sequestration potential. The study must review geologic maps, published reports and surveys, and any relevant unpublished raw data with respect to attributes that are pertinent for the long-term sequestration of carbon in geologic formations, in particular, those that bear on formation injectivity, capacity, and seal effectiveness. The study must examine the following characteristics of key sedimentary units within the Midcontinent Rift system in Minnesota:

(1) likely depth, temperature, and pressure;

(2) physical properties, including the ability to contain and transmit fluids;

(3) the type of rocks present;

(4) structure and geometry, including folds and faults; and

(5) hydrogeology, including water chemistry and water flow.

(b) The commissioner of natural resources, in consultation with the Minnesota Geological Survey, shall contract for a study to estimate the properties of the Midcontinent Rift system in Minnesota, as described in paragraph (a), clauses (1) to (5), through the use of computer models developed for similar geologic formations located outside of Minnesota which have been studied in greater detail.

Subd. 2. **Consultation.** The Minnesota Geological Survey shall consult with the Minnesota Mineral Coordinating Committee, established in Minnesota Statutes, section 93.0015, in planning and implementing the study design.

188.1 Subd. 3. **Report.** The commissioner of natural resources must submit a report
188.2 with the results of the study to the senate and house of representatives committees with
188.3 jurisdiction over environmental and energy policies no later than February 1, 2008.

ARTICLE 8

HEATING ASSISTANCE AND UTILITIES

188.6 Section 1. **[216B.091] MONTHLY REPORTS.**

188.7 (a) Each public utility must report the following data on residential customers to the
188.8 commission monthly, in a format determined by the commission:

188.9 (1) number of customers;

188.10 (2) number and total amount of accounts past due;

188.11 (3) average customer past due amount;

188.12 (4) total revenue received from the low-income home energy assistance program and
188.13 other sources contributing to the bills of low-income persons;

188.14 (5) average monthly bill;

188.15 (6) total sales revenue;

188.16 (7) total write-offs due to uncollectible bills;

188.17 (8) number of disconnection notices mailed;

188.18 (9) number of accounts disconnected for nonpayment;

188.19 (10) number of accounts reconnected to service; and

188.20 (11) number of accounts that remain disconnected, grouped by the duration of
188.21 disconnection, as follows:

188.22 (i) 1-30 days;

188.23 (ii) 31-60 days; and

188.24 (iii) more than 60 days.

188.25 (b) Monthly reports for October through April must also include the following data:

188.26 (1) number of cold weather protection requests;

188.27 (2) number of payment arrangement requests received and granted;

188.28 (3) number of right to appeal notices mailed to customers;

188.29 (4) number of reconnect request appeals withdrawn;

188.30 (5) number of occupied heat-affected accounts disconnected for 24 hours or more

188.31 for electric and natural gas service separately;

188.32 (6) number of occupied non-heat-affected accounts disconnected for 24 hours or
188.33 more for electric and gas service separately;

188.34 (7) number of customers granted cold weather rule protection;

189.1 (8) number of customers disconnected who did not request cold weather rule
189.2 protection; and

189.3 (9) number of customers disconnected who requested cold weather rule protection.

189.4 (c) The data reported under paragraphs (a) and (b) is presumed to be accurate upon
189.5 submission and must be made available through the commission's electronic filing system.

189.6 **Sec. 2. [216B.0951] PROPANE PREPURCHASE PROGRAM.**

189.7 Subdivision 1. **Establishment.** The commissioner of commerce shall operate, or
189.8 contract to operate, a propane fuel prepurchase fuel program. The commissioner may
189.9 contract at any time of the year to purchase the lesser of one-third of the liquid propane
189.10 fuel consumed by low-income home energy assistance program recipients during the
189.11 previous heating season or the amount that can be purchased with available funds. The
189.12 propane fuel prepurchase program must be available statewide through each local agency
189.13 that administers the energy assistance program. The commissioner may decide to limit or
189.14 not engage in prepurchasing if the commissioner finds that there is a reasonable likelihood
189.15 that prepurchasing will not provide fuel-cost savings.

189.16 Subd. 2. **Hedge account.** The commissioner may establish a hedge account with
189.17 realized program savings due to prepurchasing. The account must be used to compensate
189.18 program recipients an amount up to the difference in cost for fuel provided to the recipient
189.19 if winter-delivered fuel prices are lower than the prepurchase or summer-fill price. No
189.20 more than ten percent of the aggregate prepurchase program savings may be used to
189.21 establish the hedge account.

189.22 Subd. 3. **Report.** The Department of Commerce shall issue a report by June 30,
189.23 2008, made available electronically on its Web site and in print upon request, that contains
189.24 the following information:

189.25 (1) the cost per gallon of prepurchased fuel;

189.26 (2) the total gallons of fuel prepurchased;

189.27 (3) the average cost of propane each month between October and the following April;

189.28 (4) the number of energy assistance program households receiving prepurchased
189.29 fuel; and

189.30 (5) the average savings accruing or benefit increase provided to energy assistance
189.31 households.

189.32 **Sec. 3. [216B.096] COLD WEATHER RULE; PUBLIC UTILITIES.**

189.33 Subdivision 1. **Scope.** This section applies only to residential customers of a
189.34 public utility.

190.1 Subd. 2. **Definitions.** (a) The terms used in this section have the meanings given
190.2 them in this subdivision.

190.3 (b) "Cold weather period" means the period from October 15 through April 15 of
190.4 the following year.

190.5 (c) "Customer" means a residential customer of a utility.

190.6 (d) "Customer's income" means the actual monthly income of the customer or the
190.7 average monthly income of the customer computed on a calendar year basis, whichever is
190.8 less, and does not include any amount received for energy assistance.

190.9 (e) "Disconnection" means the involuntary loss of utility heating service as a result
190.10 of a physical act by a utility to discontinue service. Disconnection includes installation of
190.11 a service or load limiter or any device that limits or interrupts utility service in any way.

190.12 (f) "Household income" means the combined income, as defined in section 290A.03,
190.13 subdivision 3, of all residents of the customer's household, computed on an annual basis.
190.14 Household income does not include any amount received for energy assistance.

190.15 (g) "Reasonably timely payment" means payment within seven calendar days of
190.16 agreed-upon due dates.

190.17 (h) "Reconnection" means the restoration of utility heating service after it has been
190.18 disconnected.

190.19 (i) "Third party notice" means a commission-approved notice containing, at a
190.20 minimum, the following information:

190.21 (1) a statement that the utility will send a copy of any future notice of proposed
190.22 disconnection of utility heating service to a third party designated by the residential
190.23 customer;

190.24 (2) instructions on how to request this service; and

190.25 (3) a statement that the residential customer should contact the person the customer
190.26 intends to designate as the third party contact before providing the utility with the party's
190.27 name.

190.28 (j) "Utility" means a public utility as defined in section 216B.02.

190.29 (k) "Utility heating service" means natural gas or electricity used as a primary
190.30 heating source, including electricity service necessary to operate gas heating equipment.

190.31 (l) "Working days" means Mondays through Fridays, excluding legal holidays.

190.32 Subd. 3. **Utility obligations before cold weather period.** (a) Each year, between
190.33 September 1 and October 15, each utility must notify all customers of the provisions of
190.34 this section. Notice must also be provided to all new residential customers when service is
190.35 initiated. Notice must, at a minimum, include:

190.36 (1) an explanation of the customer's rights and responsibilities under subdivision 5;

191.1 (2) an explanation of no-cost and low-cost methods to reduce the consumption
191.2 of energy; and

191.3 (3) a third party notice.

191.4 (b) Also, each year, between September 1 and October 15, each utility must attempt
191.5 to contact, establish a payment agreement, and reconnect utility heating service to all
191.6 customers who were disconnected after the preceding heating season. A record must be
191.7 made of all contacts and attempted contacts.

191.8 Subd. 4. **Notice before disconnection during cold weather period.** Before
191.9 disconnecting utility heating service during the cold weather period, a utility must provide
191.10 notice to a customer, in easy-to-understand language, that contains the following:

191.11 (1) the date of the scheduled disconnection;

191.12 (2) the amount due;

191.13 (3) ways to avoid disconnection;

191.14 (4) information regarding payment agreements;

191.15 (5) a statement explaining the customer's rights and responsibilities, including the
191.16 right to appeal a determination by the utility that the customer is not eligible for protection
191.17 and the right to request commission intervention if the utility and customer cannot arrive
191.18 at a mutually acceptable payment agreement;

191.19 (6) a list of local energy assistance and weatherization providers in each county
191.20 served by the utility; and

191.21 (7) a third party notice.

191.22 Subd. 5. **Cold weather rule.** (a) During the cold weather period, a utility may
191.23 not disconnect and must reconnect a customer whose household income is at or below
191.24 50 percent of the state median income if the customer enters into and makes reasonably
191.25 timely payments under a mutually acceptable payment agreement with the utility that is
191.26 based on the financial resources and circumstances of the household; provided that, a
191.27 utility may not require a customer to pay more than ten percent of the customer's income
191.28 toward current and past utility bills for utility heating service.

191.29 (b) A utility may accept more than ten percent of the household income as the
191.30 payment arrangement amount if agreed to by the customer.

191.31 (c) The customer or a designated third party may request a modification of the terms
191.32 of a payment agreement previously entered into if the customer's financial circumstances
191.33 have changed or the customer is unable to make reasonably timely payments. The utility
191.34 may refer to commission staff a customer who requests more than two modifications of a
191.35 payment agreement during a single cold weather rule period if no payments have been
191.36 made.

192.1 (d) The payment agreement terminates at the expiration of the cold weather period
192.2 unless a longer period is mutually agreed to by the customer and the utility.

192.3 Subd. 6. **Verification of income.** (a) In verifying a customer's household income,
192.4 a utility may:

192.5 (1) accept the signed statement of a customer that the customer is income eligible;

192.6 (2) obtain income verification from a local energy assistance provider or a
192.7 government agency;

192.8 (3) consider one or more of the following:

192.9 (i) the most recent income tax return filed by members of the customer's household;

192.10 (ii) for each employed member of the customer's household, paycheck stubs for the
192.11 last two months or a written statement from the employer reporting wages earned during
192.12 the preceding two months;

192.13 (iii) a customer's Medicaid card, documentation that the customer receives food
192.14 stamps, or a food support eligibility document;

192.15 (iv) documentation that the customer receives a pension from the Department of
192.16 Human Services, the Social Security Administration, the Veteran's Administration, or
192.17 other pension provider;

192.18 (v) a letter showing the customer's dismissal from a job or other documentation of
192.19 unemployment; or

192.20 (vi) other documentation that supports the customer's declaration of income
192.21 eligibility.

192.22 (b) A customer who receives energy assistance benefits under any federal, state,
192.23 or county government programs in which eligibility is defined as household income at
192.24 or below 50 percent of state median income is deemed to be automatically eligible for
192.25 protection under this section and no other verification of income may be required.

192.26 Subd. 7. **Prohibitions and requirements.** During the cold weather period:

192.27 (a) A utility may not charge a deposit or delinquency charge to a customer who has
192.28 entered into a payment agreement or a customer who has appealed to the commission
192.29 under subdivision 8.

192.30 (b) A utility may not disconnect service during the following periods:

192.31 (1) during the pendency of any appeal under subdivision 8;

192.32 (2) earlier than ten working days after a utility has deposited in first class mail,
192.33 or seven working days after a utility has personally served, the notice required under
192.34 subdivision 4 to a customer in an occupied dwelling;

192.35 (3) earlier than ten working days after the utility has deposited in first class mail
192.36 the notice required under subdivision 4 to the recorded billing address of the customer,

193.1 if the utility has reasonably determined from an on-site inspection that the dwelling
193.2 is unoccupied;

193.3 (4) on a Friday, unless the utility makes personal contact with, and offers a payment
193.4 agreement to, the customer;

193.5 (5) on a Saturday, Sunday, holiday, or the day before a holiday;

193.6 (6) when utility offices are closed;

193.7 (7) when no utility personnel are available to resolve disputes, enter into payment
193.8 agreements, accept payments, and reconnect service; or

193.9 (8) when commission offices are closed.

193.10 (c) Also, a utility may not discontinue service until the utility investigates whether
193.11 the dwelling is actually occupied. At a minimum, the investigation must include one visit
193.12 by the utility to the dwelling during normal working hours. If no contact is made and
193.13 there is reason to believe that the dwelling is occupied, the utility must attempt a second
193.14 contact during nonbusiness hours. If personal contact is made, the utility representative
193.15 must provide notice required under subdivision 4 and, if the utility representative is not
193.16 authorized to enter into a payment agreement, the telephone number the customer can call
193.17 to establish a payment agreement.

193.18 (d) Each utility must reconnect utility service if, following disconnection, the
193.19 dwelling is found to be occupied and the customer agrees to enter into a payment
193.20 agreement or appeals to the commission because the customer and the utility are unable to
193.21 agree on a payment agreement.

193.22 Subd. 8. **Disputes; customer appeals.** (a) A utility must provide the customer
193.23 and any designated third party with a commission-approved written notice of the right
193.24 to appeal:

193.25 (1) upon a utility determination that the customer's household income is more than
193.26 50 percent of state median household income; or

193.27 (2) when the utility and customer are unable to agree on the establishment or
193.28 modification of a payment agreement.

193.29 (b) A customer's appeal must be filed with the commission no later than seven
193.30 working days after the customer's receipt of a personally served disconnection notice, or
193.31 within ten working days after the utility has deposited a first class mail notice. If no
193.32 disconnection notice has been issued, an appeal may be filed at any time.

193.33 (c) The commission must determine all customer appeals on an informal basis,
193.34 within 30 calendar days of receipt of a customer's written appeal. In making its
193.35 determination, the commission must consider one or more of the factors in subdivision 6,
193.36 paragraph (a), clauses (2) and (3).

194.1 (d) Notwithstanding any other law, following an appeals decision adverse to the
194.2 customer, a utility may not disconnect utility heating service for seven working days
194.3 after the utility has personally served a disconnection notice, or for ten working days
194.4 after the utility has deposited a first class mail notice. The notice must contain, in
194.5 easy-to-understand language, the date on or after which disconnection will occur, the
194.6 reason for disconnection, and ways to avoid disconnection.

194.7 Subd. 9. **Utility appeals.** A utility may file an appeal of the commission's informal
194.8 determination under subdivision 8 within 14 working days after it is issued. An appeal
194.9 must be in writing, on forms prescribed by the commission. A copy of the appeal and a
194.10 commission-approved letter explaining that the customer may have service disconnected
194.11 must be mailed by the utility to the local human services or social services agency and
194.12 the local energy assistance provider on the same day as the utility mails its appeal to
194.13 the commission.

194.14 Subd. 10. **Reporting.** Annually on November 1, a utility must file with the
194.15 commission a report specifying the number of utility heating service customers whose
194.16 service is disconnected or remains disconnected as of October 1 and October 15. If
194.17 customers remain disconnected on October 15, a utility must file a report each week
194.18 between November 1 and the end of the cold weather period specifying:

194.19 (1) the number of utility heating service customers that are or remain disconnected
194.20 from service; and

194.21 (2) the number of utility heating service customers that are reconnected to service
194.22 each week. The utility may discontinue weekly reporting if the number of utility heating
194.23 service customers that are or remain disconnected reaches zero before the end of the
194.24 cold weather period.

194.25 Sec. 4. Minnesota Statutes 2006, section 216B.097, subdivision 1, is amended to read:

194.26 Subdivision 1. **Application; notice to residential customer.** (a) A municipal utility
194.27 or a cooperative electric association must not disconnect and must reconnect the utility
194.28 service of a residential customer during the period between October 15 and April 15 if
194.29 the disconnection affects the primary heat source for the residential unit ~~when~~ and all of
194.30 the following conditions are met:

194.31 ~~(1) the customer has declared inability to pay on forms provided by the utility. For~~
194.32 ~~the purposes of this clause, a customer that is receiving energy assistance is deemed~~
194.33 ~~to have demonstrated an inability to pay;~~

~~(2)~~ The household income of the customer is ~~less than~~ at or below 50 percent of the state median household income; A municipal utility or cooperative electric association utility may (i) verify income on forms it provides or (ii) obtain

~~(3)~~ verification of income ~~may be conducted by~~ from the local energy assistance provider ~~or the utility, unless the~~. A customer is deemed ~~automatically eligible for~~ to meet the income requirements of this clause ~~protection against disconnection as a recipient of~~ if the customer receives any form of public assistance, including energy assistance, that uses an income eligibility in an amount threshold set at or below ~~the income eligibility in clause (2);~~ 50 percent of the state median household income.

~~(4)~~ (2) A customer ~~whose account is current for the billing period immediately prior to October 15 or who, at any time,~~ enters into and makes reasonably timely payments under a payment schedule agreement that considers the financial resources of the household ~~and is reasonably current with payments under the schedule; and.~~

~~(5)~~ (3) A customer receives referrals to energy assistance ~~programs,~~ weatherization, conservation, or other programs likely to reduce the customer's energy bills.

(b) A municipal utility or a cooperative electric association must, between August 15 and October 15 ~~of~~ each year, notify all residential customers of the provisions of this section.

Sec. 5. Minnesota Statutes 2006, section 216B.097, subdivision 3, is amended to read:

Subd. 3. **Restrictions if disconnection necessary.** (a) If a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with ~~the provisions of~~ subdivision 1, the disconnection must not occur;

(1) on a Friday ~~or on the day before a holiday,~~ unless the customer declines to enter into a payment agreement offered that day in person or via personal contact by telephone by a municipal utility or cooperative electric association;

(2) on a weekend, holiday, or the day before a holiday;

(3) when utility offices are closed; or

(4) after the close of business on a day when disconnection is permitted, unless a field representative of a municipal utility or cooperative electric association who is authorized to enter into a payment agreement, accept payment, and continue service, offers a payment agreement to the customer.

Further, the disconnection must not occur until at least 20 days after the notice required in subdivision 2 has been mailed to the customer or 15 days after the notice has been personally delivered to the customer.

(b) If a customer does not respond to a disconnection notice, the customer must not be disconnected until the utility investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the utility must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the utility must give seven days' written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

(c) If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by the utility's established appeal procedure, the utility must not disconnect until the appeal is resolved.

Sec. 6. Minnesota Statutes 2006, section 216B.098, subdivision 4, is amended to read:

Subd. 4. **Undercharges.** (a) A utility shall offer a payment agreement to customers who have been undercharged if no culpable conduct by the customer or resident of the customer's household caused the undercharge. The agreement must cover a period equal to the time over which the undercharge occurred or a different time period that is mutually agreeable to the customer and the utility, except that the duration of a payment agreement offered by a utility to a customer whose household income is at or below 50 percent of state median household income must consider the financial circumstances of the customer's household.

(b) No interest or delinquency fee may be charged ~~under this~~ as part of an undercharge agreement under this subdivision.

(c) If a customer inquiry or complaint results in the utility's discovery of the undercharge, the utility may bill for undercharges incurred after the date of the inquiry or complaint only if the utility began investigating the inquiry or complaint within a reasonable time after when it was made.

Sec. 7. Minnesota Statutes 2006, section 216B.16, subdivision 10, is amended to read:

Subd. 10. **Intervenor ~~payment~~ compensation.** (a) An organization or individual granted formal intervenor status by the commission is eligible to receive compensation.

(b) The commission may order a utility to pay all or a portion of a party's intervention costs not to exceed \$20,000 per intervenor in any proceeding of participation in a general rate case that comes before the commission when the commission finds that the intervenor has materially assisted the commission's deliberation and the intervenor has insufficient financial resources to afford the costs of intervention and when a lack of compensation would present financial hardship to the intervenor. Compensation may not exceed \$50,000 for a single intervenor

197.1 in any proceeding. For the purpose of this subdivision, "materially assisted" means that
197.2 the intervenor's participation and presentation was useful and seriously considered, or
197.3 otherwise substantially contributed to the commission's deliberations in the proceeding.

197.4 (c) In determining whether an intervenor has materially assisted the commission's
197.5 deliberation, the commission must consider, at a minimum, whether:

197.6 (1) the intervenor represented an interest that would not otherwise have been
197.7 adequately represented;

197.8 (2) the evidence or arguments presented or the positions taken by the intervenor
197.9 were an important factor in producing a fair decision;

197.10 (3) the intervenor's position promoted a public purpose or policy;

197.11 (4) the evidence presented, arguments made, issues raised, or positions taken by the
197.12 intervenor would not have been a part of the record without the intervenor's participation;
197.13 and

197.14 (5) the administrative law judge or the commission adopted, in whole or in part, a
197.15 position advocated by the intervenor.

197.16 (d) In determining whether the absence of compensation would present financial
197.17 hardship to the intervenor, the commission must consider:

197.18 (1) whether the costs presented in the intervenor's claim reflect reasonable fees for
197.19 attorneys and expert witnesses and other reasonable costs; and

197.20 (2) the ratio between the costs of intervention and the intervenor's unrestricted funds.

197.21 (e) An intervenor seeking compensation must file a request and an affidavit of service
197.22 with the commission, and serve a copy of the request on each party to the proceeding.
197.23 The request must be filed 30 days after the later of (1) the expiration of the period within
197.24 which a petition for rehearing, amendment, vacation, reconsideration, or reargument must
197.25 be filed or (2) the date the commission issues an order following rehearing, amendment,
197.26 vacation, reconsideration, or reargument.

197.27 (f) The compensation request must include:

197.28 (1) the name and address of the intervenor or representative of the nonprofit
197.29 organization the intervenor is representing;

197.30 (2) if necessary, proof of the organization's nonprofit, tax-exempt status;

197.31 (3) the name and docket number of the proceeding for which compensation is
197.32 requested;

197.33 (4) a list of actual annual revenues and expenses of the organization the intervenor is
197.34 representing for the preceding year and projected revenues, revenue sources, and expenses
197.35 for the current year;

198.1 (5) the organization's balance sheet for the preceding year and a current monthly
198.2 balance sheet;

198.3 (6) an itemization of intervenor costs and the total compensation request; and

198.4 (7) a narrative explaining why additional organizational funds cannot be devoted
198.5 to the intervention.

198.6 (g) Within 30 days after service of the request for compensation, a party may file
198.7 a response, together with an affidavit of service, with the commission. A copy of the
198.8 response must be served on the intervenor and all other parties to the proceeding.

198.9 (h) Within 15 days after the response is filed, the intervenor may file a reply with
198.10 the commission. A copy of the reply and an affidavit of service must be served on all
198.11 other parties to the proceeding.

198.12 (i) If additional costs are incurred as a result of additional proceedings following
198.13 the commission's initial order, the intervenor may file an amended request within 30
198.14 days after the commission issues an amended order. Paragraphs (e) to (h) apply to an
198.15 amended request.

198.16 (j) The commission must issue a decision on intervenor compensation within 60
198.17 days of a filing by an intervenor.

198.18 (k) A party may request reconsideration of the commission's compensation decision
198.19 within 30 days of the decision.

198.20 (l) If the commission issues an order requiring payment of intervenor compensation,
198.21 the utility that was the subject of the proceeding must pay the compensation to the
198.22 intervenor, and file with the commission proof of payment, within 30 days after the later
198.23 of (1) the expiration of the period within which a petition for reconsideration of the
198.24 commission's compensation decision must be filed or (2) the date the commission issues
198.25 an order following reconsideration of its order on intervenor compensation.

198.26 Sec. 8. Minnesota Statutes 2006, section 216B.16, subdivision 15, is amended to read:

198.27 Subd. 15. **Low-income affordability programs.** (a) The commission ~~may~~ must
198.28 consider ability to pay as a factor in setting utility rates and may establish affordability
198.29 programs for low-income residential ratepayers in order to ensure affordable, reliable, and
198.30 continuous service to low-income utility customers. By September 1, 2007, a public
198.31 utility serving low-income residential ratepayers who use natural gas for heating must
198.32 file an affordability program with the commission. For purposes of this subdivision,
198.33 "low-income residential ratepayers" means ratepayers who receive energy assistance from
198.34 the low-income home energy assistance program (LIHEAP).

199.1 (b) ~~The purpose of the low-income programs is to~~ Any affordability program the
199.2 commission orders a utility to implement must:

199.3 (1) lower the percentage of income that participating low-income households devote
199.4 to energy bills;~~to;~~

199.5 (2) increase participating customer payments, and to over time by increasing the
199.6 frequency of payments;

199.7 (3) decrease or eliminate participating customer arrears;

199.8 (4) lower the utility costs associated with customer account collection activities; and

199.9 (5) coordinate the program with other available low-income bill payment assistance
199.10 and conservation resources.

199.11 In ordering ~~low-income~~ affordability programs, the commission may require public
199.12 utilities to file program evaluations, ~~including the coordination of other available~~
199.13 ~~low-income bill payment and conservation resources and~~ that measure the effect of the
199.14 affordability program on:

199.15 (1) ~~reducing~~ the percentage of income that participating households devote to energy
199.16 bills;

199.17 (2) service disconnections; and

199.18 (3) frequency of customer ~~payment behavior~~ payments, utility collection costs,
199.19 arrearages, and bad debt.

199.20 (c) The commission must issue orders necessary to implement, administer, and
199.21 evaluate affordability programs, and to allow a utility to recover program costs, including
199.22 administrative costs, on a timely basis. The commission may not allow a utility to recover
199.23 administrative costs, excluding start-up costs, in excess of five percent of total program
199.24 costs, or program evaluation costs in excess of two percent of total program costs. The
199.25 commission must permit deferred accounting, with carrying costs, for recovery of program
199.26 costs incurred during the period between general rate cases.

199.27 (d) Public utilities may use information collected or created for the purpose of
199.28 administering energy assistance to administer affordability programs.

199.29 Sec. 9. Minnesota Statutes 2006, section 216B.2422, is amended by adding a
199.30 subdivision to read:

199.31 Subd. 2b. **Xcel requirement.** The utility that owns the nuclear generating plant
199.32 at Prairie Island must include the following information in its resource plan for each
199.33 community that is a signatory to the Northern Flood Agreement, including South Indian
199.34 Lake:

200.1 (1) median household income and number of residents employed full time and
200.2 part time;

200.3 (2) the number of outstanding claims filed against Manitoba Hydro by individuals
200.4 and communities, and the number of claims settled by Manitoba Hydro; and

200.5 (3) the amount of shoreline damaged by flooding and erosion, and the amount of
200.6 shoreline restored and cleaned.

200.7 For the purposes of this subdivision, "Northern Flood Agreement" means the
200.8 agreement entered into by the Northern Flood Committee, Incorporated, the Manitoba
200.9 Hydro-Electric Board, the province of Manitoba, and the government of Canada on
200.10 December 16, 1977.

200.11 Sec. 10. **RULES; INSTRUCTION TO COMMISSION AND REVISOR.**

200.12 Subdivision 1. **Public Utilities Commission.** The commission must amend
200.13 Minnesota Rules, chapters 7820 and 7831, to conform with the provisions of Minnesota
200.14 Statutes, section 216B.096, as authorized under Minnesota Statutes, section 14.388,
200.15 subdivision 1, clause (3).

200.16 Subd. 2. **Revisor of statutes.** The revisor of statutes shall change the reference from
200.17 "216B.095" to "216B.096" wherever found in Minnesota Rules, chapter 7820.

200.18 Sec. 11. **REPEALER.**

200.19 (a) Minnesota Rules, parts 7831.0100; 7831.0200; 7831.0300; 7831.0400;
200.20 7831.0500; 7831.0600; 7831.0700; and 7831.0800, are repealed as they pertain to a
200.21 general rate case for a gas or electric utility held before the commission. The Public
200.22 Utilities Commission shall timely adopt rules to conform with this repealer and Minnesota
200.23 Statutes, section 216B.16, subdivision 10, as amended by this act, under the exempt rule
200.24 procedures of Minnesota Statutes, section 14.388, subdivision 1, clause (3).

200.25 (b) Minnesota Statutes 2006, section 216B.095, is repealed.