

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 771

(SENATE AUTHORS: GERLACH)

DATE	D-PG	OFFICIAL STATUS
03/14/2011	499	Introduction and first reading Referred to Commerce and Consumer Protection
03/24/2011	639a	Comm report: To pass as amended and re-refer to Finance See HF1010, Art. 3, Sec. 3

A bill for an act  
relating to commerce; appropriating money to the Department of Commerce;  
extending the Petroleum Tank Release Cleanup Board; amending Minnesota  
Statutes 2010, sections 115C.09, subdivision 3c; 115C.13.

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

Section 1. **DEPARTMENT OF COMMERCE APPROPRIATIONS.**

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

<b><u>APPROPRIATIONS</u></b>	
<b><u>Available for the Year</u></b>	
<b><u>Ending June 30</u></b>	
<b><u>2012</u></b>	<b><u>2013</u></b>

Sec. 2. **DEPARTMENT OF COMMERCE**

<b><u>Subdivision 1. Total Appropriation</u></b>	<b><u>\$</u></b>	<b><u>18,577,000</u></b>	<b><u>\$</u></b>	<b><u>18,585,000</u></b>
<b><u>Appropriations by Fund</u></b>				
		<b><u>2012</u></b>		<b><u>2013</u></b>
<b><u>General</u></b>		<b><u>16,774,000</u></b>		<b><u>16,782,000</u></b>

**S.F. No. 771, 1st Engrossment - 87th Legislative Session (2011-2012) [S0771-1]**

2.1	<u>Petroleum Cleanup</u>	<u>1,052,000</u>	<u>1,052,000</u>
2.2	<u>Workers'</u>		
2.3	<u>Compensation</u>	<u>751,000</u>	<u>751,000</u>
2.4	<u>The amounts that may be spent for each</u>		
2.5	<u>purpose are specified in the following</u>		
2.6	<u>subdivisions.</u>		
2.7	<u>Subd. 2. <b>Financial Institutions</b></u>	<u>7,124,000</u>	<u>7,128,000</u>
2.8	<u>\$350,000 each year is for additional financial</u>		
2.9	<u>examination services. The commissioner</u>		
2.10	<u>may issue contracts for these services.</u>		
2.11	<u>Subd. 3. <b>Petroleum Tank Release Cleanup</b></u>		
2.12	<u><b>Board</b></u>	<u>1,052,000</u>	<u>1,052,000</u>
2.13	<u>This appropriation is from the petroleum</u>		
2.14	<u>tank release cleanup fund.</u>		
2.15	<u>Subd. 4. <b>Administrative Services</b></u>	<u>3,486,000</u>	<u>3,486,000</u>
2.16	<u>The commissioner may redirect up to</u>		
2.17	<u>\$761,000 in fiscal year 2012 and \$761,000 in</u>		
2.18	<u>fiscal year 2013 of the general fund reduction</u>		
2.19	<u>in this subdivision to other subdivisions</u>		
2.20	<u>of this section. The commissioner shall</u>		
2.21	<u>report by February 1, 2012, to the chairs</u>		
2.22	<u>of the legislative committees having</u>		
2.23	<u>primary jurisdiction over the Department of</u>		
2.24	<u>Commerce's operating budget regarding any</u>		
2.25	<u>redirection authorized in this subdivision.</u>		
2.26	<u>\$375,000 each year is for additional</u>		
2.27	<u>compliance efforts with unclaimed property.</u>		
2.28	<u>The commissioner may issue contracts for</u>		
2.29	<u>these services.</u>		
2.30	<u>Subd. 5. <b>Market Assurance</b></u>	<u>6,915,000</u>	<u>6,919,000</u>
2.31	<u>Appropriations by Fund</u>		
2.32	<u>General</u>	<u>6,164,000</u>	<u>6,168,000</u>
2.33	<u>Workers'</u>		
2.34	<u>Compensation</u>	<u>751,000</u>	<u>751,000</u>

3.1      Sec. 3. **TRANSFERS IN**

3.2      (a) For the purposes of this section,

3.3      "commissioner" means the commissioner of  
3.4      management and budget.

3.5      (b) By June 30, 2013, the commissioner shall  
3.6      transfer \$3,550,000 from the special revenue  
3.7      fund to the general fund. The transfers must  
3.8      be from the following accounts within the  
3.9      special revenue fund:

3.10     (1) \$650,000 from the Department of  
3.11     Commerce license technology surcharge  
3.12     account established in Minnesota Statutes,  
3.13     section 45.24;

3.14     (2) \$950,000 from the insurance fraud  
3.15     prevention account established in Minnesota  
3.16     Statutes, section 45.0135;

3.17     (3) \$1,500,000 from the automobile theft  
3.18     prevention account established in Minnesota  
3.19     Statutes, section 168A.40; and

3.20     (4) \$450,000 from the real estate education,  
3.21     research, and recovery fund established in  
3.22     Minnesota Statutes, section 82.86.

3.23     Sec. 4. **TRANSFER; ASSIGNED RISK PLAN**

3.24     (a) By June 30, 2012, the commissioner  
3.25     of management and budget shall transfer  
3.26     \$11,300,000 in assets of the workers'  
3.27     compensation assigned risk plan created  
3.28     under Minnesota Statutes, section 79.252, to  
3.29     the general fund.

3.30     (b) By June 30, 2013, the commissioner  
3.31     of management and budget shall transfer  
3.32     \$11,300,000 in assets of the workers'  
3.33     compensation assigned risk plan created

4.1 under Minnesota Statutes, section 79.252, to  
4.2 the general fund.

4.3 Sec. 5. Minnesota Statutes 2010, section 115C.09, subdivision 3c, is amended to read:

4.4 Subd. 3c. **Release at refineries and tank facilities not eligible for reimbursement.**

4.5 (a) Reimbursement may not be made under this chapter for costs associated with a release:

4.6 (1) from a tank located at a petroleum refinery; or

4.7 (2) from a tank facility, including a pipeline terminal, with more than 1,000,000  
4.8 gallons of total petroleum storage capacity at the tank facility.

4.9 (b) Paragraph (a), clause (2), does not apply to reimbursement for costs associated  
4.10 with a release from a tank facility:

4.11 (1) owned or operated by a person engaged in the business of mining iron ore or  
4.12 taconite;

4.13 (2) owned by a political subdivision, a housing and redevelopment authority, an  
4.14 economic development authority, or a port authority that acquired the tank facility prior  
4.15 to May 23, 1989; ~~or~~

4.16 (3) owned by a person:

4.17 (i) who acquired the tank facility prior to May 23, 1989;

4.18 (ii) who did not use the tank facility for the bulk storage of petroleum; and

4.19 (iii) who is not affiliated with the party who used the tank facility for the bulk  
4.20 storage of petroleum; or

4.21 (4) that is not a petroleum refinery or pipeline terminal and is owned by a person  
4.22 engaged in the business of storing used oil primarily for sales to end users.

4.23 Sec. 6. Minnesota Statutes 2010, section 115C.13, is amended to read:

4.24 **115C.13 REPEALER.**

4.25 Sections 115C.01, 115C.02, 115C.021, 115C.03, 115C.04, 115C.045, 115C.05,  
4.26 115C.06, 115C.065, 115C.07, 115C.08, 115C.09, 115C.093, 115C.094, 115C.10, 115C.11,  
4.27 115C.111, 115C.112, 115C.113, 115C.12, and 115C.13, are repealed effective June 30,  
4.28 ~~2012~~ 2017.