

CHAPTER 390—H.F.No. 777

An act relating to motor fuels; trade practices; extending the expiration of the ethanol development fund to the year 2000; appropriating money for promoting ethanol; amending Minnesota Statutes 1986, section 41A.09, subdivisions 3 and 5.

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

Section 1. Minnesota Statutes 1986, section 41A.09, subdivision 3, is amended to read:

Subd. 3. **PAYMENTS FROM FUND.** The commissioner of revenue shall make cash payments from the development fund to producers of ethanol or agricultural grade alcohol, for use as a motor fuel, located in the state. The amount of the payment for each producer's annual production shall be as follows:

(a) For each gallon of ethanol produced:

(1) For the period beginning July 1, 1986 and ending June 30, 1987, 15 cents per gallon;

(2) For the period beginning July 1, 1987 and ending June 30, ~~1992~~ 2000, 20 cents per gallon.

(b) For each gallon produced of agricultural grade alcohol of a purity of at least 50 percent but not more than 90 percent and designed to be used in conjunction with diesel fuel in an engine's internal combustion process, for the period beginning July 1, 1987 and ending June 30, ~~1992~~ 2000, 11 cents per gallon.

The total payments from the fund to all producers may not exceed \$200,000 during the period beginning July 1, 1986 and ending June 30, 1987, and may not exceed \$10,000,000 in any fiscal year during the period beginning July 1, 1987 and ending June 30, ~~1992~~ 2000. Total payments to any producer from the fund in any fiscal year may not exceed \$3,000,000.

By the last day of October, January, April, and July, each producer shall file a claim for payment for production during the preceding three calendar months. The volume of production must be verified by a certified financial audit performed by an independent certified public accountant using generally accepted accounting procedures.

Payments shall be made November 15, February 15, May 15, and August 15.

Sec. 2. Minnesota Statutes 1986, section 41A.09, subdivision 5, is amended to read:

Subd. 5. **EXPIRATION.** This section expires July 1, ~~1992~~ 2000, and all money in the fund on that date reverts to the general fund.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 3. APPROPRIATION.

Notwithstanding section 41A.09, subdivision 1, \$100,000 is appropriated for the fiscal year ending June 30, 1988, and \$100,000 is appropriated for the fiscal year ending June 30, 1989, from the ethanol development fund established under section 41A.09 to the commissioner of agriculture for the purpose of promoting ethanol fuel usage.

Approved June 3, 1987

CHAPTER 391—H.F.No. 872

An act relating to hazardous waste facilities; providing for financial responsibility when an owner or operator is bankrupt; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Section 1. [116.14] HAZARDOUS WASTE FACILITIES; LIABILITY OF GUARANTOR.

If the owner or operator of a hazardous waste facility is in bankruptcy, reorganization, or arrangement under the Federal Bankruptcy Code or if jurisdiction in any state or federal court cannot with reasonable diligence be obtained over an owner or operator likely to be solvent at the time of judgment, a person having a claim arising from conduct for which evidence of financial responsibility must be provided under the rules adopted under section 116.07, subdivision 4b, may bring the claim directly against the guarantor providing the evidence of financial responsibility. For the purposes of this section, "guarantor" means any person other than the owner or operator who provides evidence of financial responsibility for that owner or operator. In an action against a guarantor under this section, the guarantor is entitled to invoke the rights and defenses that would have been available to the owner or operator if the action had been brought against the owner or operator and that would have been available to the guarantor if an action had been brought against the guarantor by the owner or operator. In an action under this section, the total liability of a guarantor is limited to the aggregate amount that the guarantor has provided as evidence of financial responsibility to the owner or operator under the rules. Nothing in this section shall be construed to limit any other state or federal statutory, contractual, or common law liability of a guarantor to its owner or operator including the liability of the guarantor for bad faith either in negotiating or in failing to negotiate the settlement of any claim. Nothing in this section shall be construed to diminish the liability of any person under chapter 115B or the federal Superfund Act, United States Code, title 42, section 9601 et seq., or other applicable law.

Approved June 3, 1987

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