

CHAPTER 233—H.F.No. 53

An act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; providing for regulation of certain activities and practices; providing for certain rights-of-way; requiring studies and reports; fixing and limiting accounts and fees; amending Minnesota Statutes 1990, sections 10A.02, by adding a subdivision; 12.14; 15A.081, subdivision 1; 16A.662, subdivisions 2, 4, and 5; 60A.14, subdivision 1; 60A.17, subdivision 1d; 72B.04, subdivision 7; 80C.04, subdivision 1; 80C.07; 80C.08, subdivision 1; 82.22, subdivisions 1, 5, 10, and 11; 115C.09, by adding a subdivision; 129D.04, by adding subdivisions; 129D.05; 138.91; 138.94; 162.02, subdivision 12; 168C.04; 171.06, subdivision 2a; 171.26; 174.24, by adding a subdivision; 182.651, by adding subdivisions; 182.653, subdivision 9; 182.661, subdivisions 1, 2, 2a, 3, 3a, and by adding subdivisions; 182.664, subdivisions 3 and 5; 182.666, subdivisions 1, 2, 3, 4, 5, and 5a; 182.669, subdivision 1; 184.28, subdivision 2; 184.29; 184A.09; 239.78; 240.02, subdivisions 1, 2, and 3; 240.06, subdivision 8; 240.155; 240.28; 297B.09, subdivision 1; 299F.57, subdivision 1a; 299F.641, subdivision 2; 299K.07; 299K.09, subdivision 2; 336.9-413; 349.12, subdivision 10; 349.151, subdivision 2; 349A.01, subdivisions 5 and 9; 349A.02, subdivision 1; 349A.03, subdivision 1; 349A.10, subdivision 5; and 626.861, subdivisions 1 and 4; Laws 1989, chapter 269, sections 11, subdivision 7; and Laws 1990, chapter 610, article 1, section 13, subdivision 4; repealing Minnesota Statutes 1990, sections 182.664, subdivision 2; 240.01, subdivision 15; 349.12, subdivision 12; 349A.01, subdivisions 3, 4, and 6; and 349B.01; and Laws 1989, chapter 322, section 7.

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

Section 1. **TRANSPORTATION AND OTHER AGENCIES; APPROPRIATIONS.**

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1991," "1992," and "1993," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1991, June 30, 1992, or June 30, 1993, respectively.

SUMMARY BY FUND

	1992	1993	TOTAL
General	\$138,143,000	\$138,452,000	\$276,595,000
Airports	16,069,000	15,818,000	31,887,000
C.S.A.H.	240,000,000	242,000,000	482,000,000
Environmental	461,000	465,000	926,000
Highway User	12,041,000	11,974,000	24,015,000
M.S.A.S.	66,000,000	67,000,000	133,000,000
Special Revenue	2,776,000	2,819,000	5,595,000
Trunk Highway	792,101,000	822,912,000	1,615,013,000
Workers' Compensation	10,839,000	11,229,000	22,068,000
Transfers to Other			
Direct	(2,769,000)	(2,789,000)	(5,558,000)
TOTAL	1,275,661,000	1,309,880,000	2,585,541,000

		APPROPRIATIONS	
		Available for the Year	
		Ending June 30	
		1992	1993
Sec. 2. TRANSPORTATION			
Subdivision 1. Total			
Appropriation		1,058,366,000	1,091,555,000
Approved Complement -	4,802		
General -	14		
State Airports -	43		
Trunk Highway -	4,735		
Federal -	10		

The appropriations in this section are from the trunk highway fund, except when another fund is named.

Summary by Fund			
General	8,701,000	8,683,000	
Airports	16,069,000	15,818,000	
C.S.A.H.	240,000,000	242,000,000	
Environmental	200,000	200,000	
M.S.A.S.	66,000,000	67,000,000	
Trunk Highway	727,316,000	757,774,000	
Special Revenue	80,000	80,000	

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Aeronautics	15,814,000	15,562,000
----------------------	------------	------------

This appropriation is from the state airports fund.

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Airport Development and Assistance

1992	1993
11,892,000	11,645,000

\$1,749,000 the first year and \$1,752,000 the second year are for navigational aids.

\$6,089,000 the first year and \$6,089,000 the second year are for airport construction grants.

\$1,773,000 the first year and \$1,773,000 the second year are for airport maintenance grants.

If the appropriation for either year for navigational aids, airport construction grants, or airport maintenance grants is insufficient, the appropriation for the other year is available for it. The appropriations for construction grants and maintenance grants must be expended only for grant-in-aid programs for airports that are not state owned.

These appropriations must be expended in accordance with Minnesota Statutes, section 360.305, subdivision 4.

The commissioner of transportation may transfer unencumbered balances among the appropriations for airport development and assistance with the approval of the governor after consultation with the legislative advisory commission.

\$8,000 the first year and \$8,000 the second year are for maintenance of the Pine Creek Airport.

\$500,000 the first year and \$500,000 the second year are for air service grants.

\$15,000 the first year and \$15,000 the second year are for the advisory council on metropolitan airport planning.

(b) Civil Air Patrol

65,000	65,000
--------	--------

(c) Aeronautics Administration

3,857,000	3,852,000
-----------	-----------

Subd. 3. Transit

8,610,000	8,608,000
-----------	-----------

Summary by Fund

General	8,364,000	8,363,000
Trunk Highway	246,000	245,000

Any unencumbered balance remaining

in the first year does not cancel but is available for the second year of the biennium.

The amounts that may be spent from this appropriation for each activity are as follows:

(a) Greater Minnesota Transit Assistance

7,954,000	7,954,000
-----------	-----------

This appropriation is from the general fund.

(b) Transit Administration

656,000	654,000	
	Summary by Fund	
General	410,000	409,000
Trunk Highway	246,000	245,000
Subd. 4. Railroads and Waterways		
1,189,000	1,186,000	
	Summary by Fund	
General	263,000	262,000
Trunk Highway	926,000	924,000
Subd. 5. Motor Carrier Regulation		
1,680,000	1,619,000	
Subd. 6. Local Roads		
307,109,000	310,106,000	
	Summary by Fund	
C.S.A.H.	240,000,000	242,000,000
M.S.A.S.	66,000,000	67,000,000
Trunk Highway	1,109,000	1,106,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) County State Aids

240,000,000	242,000,000
-------------	-------------

This appropriation is from the county state-aid highway fund and is available until spent.

(b) Municipal State Aids

66,000,000	67,000,000
------------	------------

This appropriation is from the municipi-

pal state-aid street fund and is available until spent.

If an appropriation for either county state aids or municipal state aids does not exhaust the balance in the fund from which it is made in the year for which it is made, the commissioner of finance, upon request of the commissioner of transportation, shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the remainder and shall then add that amount to the appropriation. The amount added is appropriated for the purposes of county state aids or municipal state aids, as appropriate.

(c) State Aid Technical Assistance

1,109,000 1,106,000

Subd. 7. State Road Construction 410,821,000 443,033,000

Summary by Fund

Special Revenue	80,000	80,000
Environmental	200,000	200,000
Trunk Highway	410,541,000	442,753,000

The amounts that may be spent from this appropriation for each activity are as follows:

(a) State Road Construction

390,402,000 421,402,000

Summary by Fund

Environmental	200,000	200,000
Trunk Highway	390,202,000	421,202,000

It is estimated that the appropriation from the trunk highway fund will be funded as follows:

Federal Highway Aid

200,000,000 231,000,000

Highway User Taxes

190,202,000 190,202,000

The commissioner of transportation shall notify the chair of the committee on finance of the senate and chair of the

committee on appropriations of the house of representatives promptly of any events that should cause these estimates to change.

This appropriation is for the actual construction, reconstruction, and improvement of trunk highways. This includes the cost of actual payment to landowners for lands acquired for highway right-of-way, payment to lessees, interest subsidies, and relocation expenses.

(b) Highway Debt Service
 14,864,000 16,094,000

\$9,274,000 the first year and \$10,794,000 the second year are for transfer to the state bond fund.

If this appropriation is insufficient to make all transfers required in the year for which it is made, the commissioner of finance shall notify the committee on finance of the senate and the committee on appropriations of the house of representatives of the amount of the deficiency and shall then transfer that amount under the statutory open appropriation.

Any excess appropriation must be canceled to the trunk highway fund.

(c) Highway Program Administration
 2,149,000 2,142,000
 Summary by Fund
 Special Revenue 80,000 80,000
 Trunk Highway 2,069,000 2,062,000

\$243,000 the first year and \$243,000 the second year are available for grants to regional development commissions outside the seven-county metropolitan area for transportation studies to identify critical concerns, problems, and issues.

\$180,000 the first year and \$180,000 the second year are available for grants

\$361,000 the first year and \$320,000 the second year are for data processing development. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

The commissioner of transportation shall manage the department of transportation in such a manner as to provide seasonal employees of the department with the maximum feasible amount of employment security consistent with the efficient delivery of department programs.

(c) Legal Services
1,116,000 1,116,000

This appropriation is for the purchase of legal services from or through the attorney general.

(d) Electronic Communications
3,281,000 3,259,000

	Summary by Fund	
General	26,000	9,000
Trunk Highway	3,255,000	3,250,000

\$26,000 the first year and \$9,000 the second year are for equipment and operation of the Roosevelt signal tower for Lake of the Woods weather broadcasting. * (The preceding sentence beginning "\$26,000" was vetoed by the governor.)

(e) Air Transportation Services
57,000 57,000

This appropriation is from the state airports fund.

Subd. 13. Transfers

The commissioner of transportation with the approval of the commissioner of finance may transfer unencumbered balances among the appropriations from the trunk highway fund and the state airports fund made in this section. No transfer may be made from the

appropriation for trunk highway development. No transfer may be made from the appropriations for debt service to any other appropriation. Transfers may not be made between funds. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 14. Contingent Appropriation

The commissioner of transportation, with the approval of the governor after consultation with the legislative advisory commission, may transfer all or part of the unappropriated balance in the trunk highway fund to an appropriation for trunk highway design, construction, or inspection in order to take advantage of an unanticipated receipt of income to the trunk highway fund, or to trunk highway maintenance in order to meet an emergency, or to pay tort or environmental claims. The amount transferred is appropriated for the purpose of the account to which it is transferred.

Sec. 3. REGIONAL TRANSIT BOARD

	27,129,000	27,130,000
--	------------	------------

\$12,668,000 the first year and \$12,668,000 the second year are for Metro Mobility.

The regional transit board must not spend any money for metro mobility outside this appropriation.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Sec. 4. TRANSPORTATION REGULATION BOARD

	730,000	757,000
--	---------	---------

Approved Complement - 9.5

This appropriation is from the trunk highway fund.

\$40,000 is appropriated from the trunk highway fund for fiscal year 1991 for unanticipated expenditures for administrative hearings, legal costs, employee severance costs, and rent.

Sec. 5. PUBLIC SAFETY

Subdivision 1. Total Appropriation		106,183,000	106,423,000
	1992	1993	
Approved Complement -	1,871.7	1,871.2	
General -	449.2	449.2	
Environmental -	1	1	
Highway User -	173.6	173.6	
Special Revenue -	32.5	32.5	
Trunk Highway -	1,157.1	1,160.1	
Federal -	58.3	54.8	

The above approved complement includes 535 for state-funded, unclassified patrol officers and supervisors of the state patrol and eight for capitol security positions required for the Minnesota History Center. Nothing in this provision is intended to limit the authority of the commissioner of public safety to transfer personnel, with the approval of the commissioner of finance, among the various units and divisions within this section, provided that the above complement must be reduced accordingly.

	Summary by Fund	
General	31,431,000	31,402,000
Highway User	11,916,000	11,849,000
Special Revenue	2,380,000	2,410,000
Trunk Highway	63,184,000	63,510,000
Environmental	41,000	41,000
Transfers to Other		
Direct	(2,769,000)	(2,789,000)

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Administration and Related Services

4,830,000	4,932,000	
	Summary by Fund	
General	530,000	529,000
Highway User	19,000	19,000
Trunk Highway	4,281,000	4,384,000

\$314,000 the first year and \$429,000 the second year are for management information systems. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$326,000 the first year and \$326,000 the second year are for payment of public safety officer survivor benefits under Minnesota Statutes, section 299A.44. If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 3. Emergency Management

	1,478,000	1,458,000	
		Summary by Fund	
General		778,000	758,000
Special Revenue		700,000	700,000

\$700,000 the first year and \$700,000 the second year are for nuclear plant preparedness. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$286,000 is appropriated from the general fund for fiscal year 1991 for the remaining state obligations to the federal emergency management assistance agency to match federal aid for flood emergencies of 1987 in the metropolitan area and 1989 in the Red River Valley.

Subd. 4. Criminal Apprehension

	15,609,000	15,646,000	
		Summary by Fund	
General		13,929,000	13,968,000
Special Revenue		627,000	627,000
Trunk Highway		1,053,000	1,051,000

\$223,000 the first year and \$223,000 the second year are for use by the bureau of criminal apprehension for the purpose of investigating cross-jurisdictional criminal activity. Any unencumbered balance remaining in the

first year does not cancel but is available for the second year of the biennium.

\$171,000 the first year and \$171,000 the second year are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium.

\$523,000 the first year and \$523,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for laboratory activities.

\$104,000 the first year and \$104,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

Subd. 5. Fire Marshal

2,277,000	2,269,00
-----------	----------

Subd. 6. State Patrol

41,220,000	42,017,000
------------	------------

Summary by Fund

General	442,000	441,000
Highway User	90,000	90,000
Trunk Highway	40,688,000	41,486,000

During the biennium ending June 30, 1993, no more than five positions, excluding the chief patrol officer, in the state patrol support activity may be filled by state troopers.

During the biennium ending June 30, 1993, the commissioner may purchase other motor fuel when gasohol is not available for the operation of state patrol vehicles.

Subd. 7. Capitol Security

1,341,000	1,336,000
-----------	-----------

Subd. 8. Driver and Vehicle Services

33,064,000	32,407,000	
	Summary by Fund	
General	5,654,000	5,643,000
Highway User	10,344,000	10,271,000
Trunk Highway	16,986,000	16,413,000
Special Revenue	80,000	80,000

This appropriation is from the transportation account in the special revenue fund.

\$431,000 the first year and \$431,000 the second year are for chemical use assessment reimbursements to counties.

Of the appropriation from the highway user tax distribution fund, \$109,000 the first year and \$9,000 the second year are for the department's costs related to collegiate plates for the academic excellence scholarship program. The commissioner shall repay these amounts to the highway user tax distribution fund from amounts received from the sale of these license plates.

The commissioner shall substantially increase the department's efforts to (1) recover the value of worthless checks used for payment of motor vehicle license taxes, (2) deter future use of worthless checks for this purpose, and (3) assist deputy registrars in dealing with the problem of worthless checks. The commissioner shall consult with deputy motor vehicle registrars in formulating and administering these policies. The commissioner shall implement this requirement to the maximum feasible extent in the next revision of the commissioner's rules governing deputy motor vehicle registrars. The commissioner shall report by February 1, 1992, to the chairs of the house committee on appropriations and senate committee on finance on actions the commissioner has

taken and proposes to take to comply with this requirement.

Subd. 9. Liquor Control

761,000 759,000

Subd. 10. Gambling Enforcement

1,222,000 1,218,000

Subd. 11. Traffic Safety

240,000 240,000

Summary by Fund

General 64,000 64,000

Trunk Highway 176,000 176,000

Subd. 12. Drug Policy

587,000 587,000

Subd. 13. Pipeline Safety

873,000 903,000

This appropriation is from the pipeline safety account in the special revenue fund.

Subd. 14. Crime Victims Services

1,620,000 1,587,000

Notwithstanding any other law to the contrary, the crime victims reparations board shall, to the extent possible, distribute the appropriation in equal monthly increments. In no case shall the total awards exceed the appropriation made in this subdivision.

Subd. 15. Children's Trust Fund

520,000 520,000

Summary by Fund

General 420,000 420,000

Special Revenue 100,000 100,000

This appropriation is from the children's trust fund account in the special revenue fund.

Subd. 16. Emergency Response Commission

403,000 404,000

Summary by Fund

General 362,000 363,000

Environmental 41,000 41,000

Subd. 17. Private Detective and Security Licensing

68,000 67,000

Subd. 18. Crime Victims Ombudsman
70,000 73,000

Subd. 19. Transfers

The commissioner of public safety with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the programs within a fund. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Subd. 20. Reimbursements

(a) \$1,306,000 the first year and \$1,320,000 the second year are appropriated from the general fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1992, and January 1, 1993, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for general fund purposes in the administration and related services program.

(b) \$437,000 the first year and \$443,000 the second year are appropriated from the highway user tax distribution fund for transfer by the commissioner of finance to the trunk highway fund on January 1, 1992, and January 1, 1993, respectively, in order to reimburse the trunk highway fund for expenses not related to the fund. These represent amounts appropriated out of the trunk highway fund for highway user fund purposes in the administration and related services program.

(c) \$1,026,000 the first year and \$1,026,000 the second year are appropriated from the highway user tax distribution fund for transfer by the com-

missioner of finance to the general fund on January 1, 1992, and January 1, 1993, respectively, in order to reimburse the general fund for expenses not related to the fund. These represent amounts appropriated out of the general fund for operation of the criminal justice data network related to driver and motor vehicle licensing.

Sec. 6. BOARD OF PEACE OFFICER STANDARDS AND TRAINING
Approved Complement - 11

3,983,000 3,982,000

\$500,000 the first year and \$500,000 the second year are for the creation and operation of a school of law enforcement. * (The preceding sentence beginning "\$500,000" was vetoed by the governor.)

Sec. 7. MINNESOTA SAFETY COUNCIL

71,000 71,000

This appropriation is from the trunk highway fund.

Sec. 8. COMMERCE

Subdivision 1. Total Appropriation 12,386,000 12,760,000

	1992	1993
Approved Complement -	237	235
General -	229	227
Environmental -	5	5
Special Revenue -	3	3

Summary by Fund

General	11,850,000	12,207,000
Environmental	220,000	224,000
Special Revenue	316,000	329,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Financial Examinations
5,157,000 5,345,000

Subd. 3. Registration and Analysis
1,992,000 2,015,000

Subd. 4. Petroleum Tank Release Cleanup Board
220,000 224,000

This appropriation is from the petroleum tank release cleanup account in the environmental fund for administration.

The commissioners of commerce and the pollution control agency, in cooperation with the petroleum tank release cleanup board, shall study and report to the governor and the legislature by January 1, 1992, on the petroleum tank release cleanup program. The study must include, but need not be limited to, recommendations on program administration, the reasonableness of costs of exploratory drilling, program financing mechanisms, criteria for reimbursements, and program cost controls.

Subd. 5. Administrative Services		
1,774,000	1,812,000	
Subd. 6. Enforcement and Licensing		
3,243,000	3,364,000	
	Summary by Fund	
General	2,927,000	3,035,000
Special Revenue	316,000	329,000

\$316,000 the first year and \$329,000 the second year are from the real estate education, research, and recovery account in the special revenue fund for the purpose of Minnesota Statutes, section 82.34, subdivision 6. If the appropriation from the special revenue fund for either year is insufficient, the appropriation for the other year is available for it.

Subd. 7. Transfers

The commissioner with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 9. NON-HEALTH-RELATED BOARDS

Subdivision 1. Total for this section	1,089,000	1,121,000
---------------------------------------	-----------	-----------

Subd. 2. Board of Abstractors	8,000	8,000
Subd. 3. Board of Accountancy	441,000	445,000
Approved Complement - 5		
Subd. 4. Board of Architecture, Engineering, Land Surveying, and Landscape Architecture	442,000	470,000
Approved Complement - 8		
Subd. 5. Board of Barber Examiners	135,000	135,000
Approved Complement - 2.5		
Subd. 6. Board of Boxing	63,000	63,000
Approved Complement - 1.5		
Sec. 10. PUBLIC UTILITIES COMMISSION	2,415,000	2,471,000
Approved Complement - 40		

Notwithstanding Minnesota Statutes, section 216B.243, subdivision 6, for any certificate of need application for expansion of the storage capacity for spent nuclear fuel rods, the commission and department shall assess actual amounts billed by the office of administrative hearings and up to \$300,000 of reasonable costs of the commission and department pursuant to Minnesota Statutes, section 216B.62, subdivision 6, during the biennium, subject to the limitations of Minnesota Statutes, section 216B.62, subdivision 2.

Sec. 11. PUBLIC SERVICE

Subdivision 1. Total Appropriation	7,467,000	7,727,000
Approved Complement - 141.8		
General - 127.8		
Special Revenue - 6		
Federal - 8		

The commissioner shall transfer, from among positions that were transferred to the department from the state energy agency, two positions to areas in which the cost of the positions are recovered from fees on regulated utilities.

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

The legislature intends that of the reduction in anticipated department expenditures as a result of the difference between this appropriation and the department's budget request, \$100,000 be achieved through a reduction in activities not funded by fees.

Subd. 2. Telecommunications

626,000	653,000
---------	---------

Subd. 3. Weights and Measures

2,157,000	2,236,000
-----------	-----------

Subd. 4. Information and Operations Management

1,439,000	1,491,000
-----------	-----------

Subd. 5. Energy

3,245,000	3,347,000
-----------	-----------

Subd. 6. Transfers

The department of public service, with the approval of the commissioner of finance, may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations in the house of representatives.

Sec. 12. GAMING

10,000	-0-
--------	-----

Approved Complement - -0-

Sec. 13. LAWFUL GAMBLING CONTROL

1,930,000	1,928,000
-----------	-----------

Approved Complement - 37

Sec. 14. RACING COMMISSION

1,046,000	1,058,000
-----------	-----------

Approved Complement - 9

General - 8

Special Revenue - 1

Sec. 15. STATE LOTTERY BOARD

The director of the state lottery shall reimburse the general fund \$250,000

the first year and \$250,000 the second year for lottery-related costs incurred by the departments of public safety and human services.

Sec. 16. ETHICAL PRACTICES

BOARD	340,000	351,000
Approved Complement - 6		

Sec. 17. MINNESOTA MUNICIPAL

BOARD	277,000	284,000
Approved Complement - 4		

Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

Sec. 18. MINNESOTA HISTORICAL SOCIETY

Subdivision 1. Total		
Appropriation	12,943,000	13,072,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

The Minnesota historical society is eligible for a salary supplement in the same manner as state agencies. The commissioner of finance will determine the amount of the salary supplement based on available appropriations. Employees of the Minnesota historical society will be paid in accordance with the appropriate pay plan.

Subd. 2. Public Programs and Operations	11,438,000	11,783,000
--	------------	------------

\$30,000 the first year and \$70,000 the second year are additional funds for the reopening of the Meighen Store in calendar year 1992, and is in addition to any other funds expended for this purpose.

Any unencumbered balance remaining at the end of the first year must be returned to the state treasury and credited to the general fund.

Subd. 3. Statewide Outreach	615,000	615,000
-----------------------------	---------	---------

\$223,000 the first year and \$223,000 the second year are for historic site grants to encourage local historic preservation projects. To be eligible for a grant, a county or local project group must provide a 50 percent match, in accordance with the historical society's guidelines. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

* (The preceding paragraph beginning "\$223,000" was vetoed by the governor.)

\$27,000 the first year and \$27,000 the second year are for the state archaeology function.

Subd. 4. Repair and Replacement	462,000	462,000
---------------------------------	---------	---------

If the appropriation for either year is insufficient, the appropriation for the other year is available for it.

Subd. 5. Fiscal Agent	428,000	212,000
-----------------------	---------	---------

(a) Sibley House Association		
93,000	93,000	

This appropriation is available for operation and maintenance of the Sibley house and related buildings on the Old Mendota state historic site owned by the Sibley house association.

Notwithstanding any other law, the Sibley house association may purchase fire, wind, hail, and vandalism insurance, and insurance coverage for fine art objects from this appropriation.

(b) Minnesota International Center		
91,000	50,000	

\$40,000 the first year is to be divided equally by the Minnesota International Center among the school districts currently participating in the U.S.-U.S.S.R. High School Academic Partnership Program and must be used to

help pay the cost of sending Minnesota students to study in the Soviet Union. * (The preceding sentence beginning "\$40,000" was vetoed by the governor.)

(c) Minnesota Military Museum
30,000

(d) Minnesota Air National Guard
Museum
20,000

(e) Government Learning Center
69,000 69,000

This appropriation is for Project 120.

(f) Greater Cloquet-Moose Lake forest
fire museum
25,000

The society shall spend this amount as a grant to the Carlton county historical society to be spent as a grant to the Greater Cloquet-Moose Lake forest fire museum planning committee for the development of the museum. The legislature intends that no further direct appropriation will be made for this purpose. * (The preceding paragraph beginning "(f)" was vetoed by the governor.)

(g) Museum of the National Guard
25,000

This amount is for a contribution from the state of Minnesota to the museum of the National Guard in Washington, D.C.

(h) Prairieland Expo Center
25,000

The society shall expend this amount as a grant to the southwest regional development commission for assistance for this project. * (The preceding paragraph beginning "(h)" was vetoed by the governor.)

(i) Battle Point Cultural Center
50,000

This amount is for the Leech Lake Reservation to complete final planning for the Battle Point Cultural Center. * (The preceding paragraph beginning "(i)" was vetoed by the governor.)

(j) Balances Forward

Any unencumbered balance remaining in this subdivision the first year does not cancel but is available for the second year of the biennium.

Sec. 19. MINNESOTA HUMANITIES COMMISSION	247,000	247,000
--	---------	---------

Sec. 20. BOARD OF THE ARTS

Subdivision 1. Total Appropriation	4,043,000	4,018,000
Approved Complement -	16	
General -	13	
Federal -	3	

Any unencumbered balance remaining in this section the first year does not cancel but is available for the second year of the biennium.

Subd. 2. Operations and Services	587,000	587,000
Subd. 3. Grants Program	2,025,000	2,025,000
Subd. 4. Regional Arts Councils	1,406,000	1,406,000
Subd. 5. Kee Theatre	25,000	

The board shall spend \$25,000 of the first year appropriation as a grant for the restoration of the Kee theatre in Kiester. It is the intent of the legislature that no further direct appropriation will be made for this purpose. The board may not use any part of this sum for administrative expenses. * (Subdivision 5 was vetoed by the governor.)

Sec. 21. GREATER MINNESOTA CORPORATION

Subdivision 1. Total Appropriation	12,600,000	12,400,000
------------------------------------	------------	------------

This appropriation is for transfer from the general fund to the greater Minne-

sota corporation account in the special revenue fund. The corporation shall spend this amount in accordance with the working papers* of the appropriate senate and house of representatives standing committees, a true copy of which is on file in the office of the secretary of state. * (The governor struck the following sentence in the working papers: "\$600,000 in fiscal year 1992 and \$400,000 in fiscal year 1993 is for a grant to the World Trade Center Corporation.")

Subd. 2. Agricultural Utilization Research Institute

(a) The corporation shall make a grant to the agricultural utilization research institute in an amount specified as provided in subdivision 1. The amount for fiscal year 1992 is reduced by \$3,500,000 if the corporation has not paid \$3,500,000 to the agricultural utilization research institute by July 1, 1991.

(b) Oil overcharge money appropriated to the commissioner of administration for the agricultural utilization research institute for energy-related grants must be transferred from the greater Minnesota corporation to the institute.

Subd. 3. Institute for Invention and Innovation

The greater Minnesota corporation may make grants to the institute for invention and innovation to develop the program and residential component of a Minnesota-based international product, process and service acquisition and transfer program. The greater Minnesota corporation may not transfer funds to the institute until the corporation (1) has developed a peer review system to evaluate the institute's activities and

expenditures, and (2) has approved the institute's plan for spending the amount transferred.

Sec. 22. LABOR AND INDUSTRY

Subdivision 1. Total

Appropriation		16,275,000	16,743,000
	1992	1993	
Approved Complement -	348.5	345.5	
General -	98.9	96.4	
Workers' Compensation -	206.5	206.5	
Federal -	38.1	37.6	
Special Revenue -	5	5	
	Summary by Fund		
General	5,436,000	5,514,000	
Workers' Compensation	10,839,000	11,229,000	

The legislature intends that the reduction in anticipated department expenditures as a result of the difference between this appropriation and the department's budget request not result in any reduction of activities in areas funded by fees.

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Workers' Compensation Regulation and Enforcement

7,457,000	7,756,000
-----------	-----------

This appropriation is from the special compensation fund.

Fee receipts collected as a result of providing direct computer access to public workers' compensation data on file with the commissioner must be deposited in the general fund.

Subd. 3. Workplace Regulation and Enforcement

4,106,000	4,172,000
-----------	-----------

Subd. 4. General Support

4,712,000	4,815,000
-----------	-----------

	Summary by Fund	
General	1,330,000	1,342,000
Workers' Compensation	3,382,000	3,473,000

\$215,000 the first year and \$215,000 the second year are for labor education and advancement program grants.

Subd. 5. Transfers

The commissioner of labor and industry with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 23. SECRETARY OF STATE

Subdivision 1. Total

Appropriation		5,131,000	4,782,000
Approved Complement -	69.5		
General -	63.5		
Special Revenue -	6		

The amounts that may be spent from this appropriation for each activity are specified in the following subdivisions.

Subd. 2. Elections and Publications
1,016,000 567,000

\$635,000 the first year is for the presidential primary election.

Subd. 3. Uniform Commercial Code
221,000 220,000

Subd. 4. Business Services
724,000 722,000

Subd. 5. Administration
456,000 459,000

Subd. 6. Fiscal Operations
212,000 212,000

Subd. 7. Data Services
227,000 229,000

Subd. 8. Network Operations Voter
Registration
727,000 817,000

Subd. 9. Network Operations Uniform
Commercial Code
1,041,000 1,078,000

Subd. 10. Reports Renewals Registration

507,000 478,000

Subd. 11. Transfers

The secretary of state may transfer unencumbered balances among the above programs after notifying the committee on finance of the senate and the committee on appropriations of the house of representatives.

Sec. 24. VETERANS OF FOREIGN WARS

31,000 31,000

For carrying out the provisions of Laws 1945, chapter 455.

Sec. 25. MILITARY ORDER OF THE PURPLE HEART

10,000 10,000

Sec. 26. DISABLED AMERICAN VETERANS

13,000 12,000

For carrying out the provisions of Laws 1941, chapter 425.

Sec. 27. UNIFORM LAWS COMMISSION

21,000 22,000

Sec. 28. TRANSPORTATION STUDY BOARD

125,000 125,000

This appropriation is from the highway user tax distribution fund. This appropriation is available only if no other funds are appropriated to the board. * (Section 28 was vetoed by the governor.)

Sec. 29. GENERAL CONTINGENT ACCOUNTS

325,000 325,000

The appropriations in this section may only be spent with the approval of the governor after consultation with the legislative advisory commission pursuant to Minnesota Statutes, section 3.30.

If an appropriation in this section for either year is insufficient, the appropriation for the other year is available for it.

Summary by Fund

Trunk Highway Fund

200,000 200,000

Sec. 32. **EXTENSION OF INSURANCE AGENT LICENSES; EFFECT.**

The commissioner of commerce shall prorate the license fee under Minnesota Statutes, section 60A.17, to reflect the extension of the license term under section 72B.04.

Nothing in section 72B.04 affects continuing education or other requirements imposed by Minnesota Statutes, chapter 60A.

Sec. 33. Laws 1990, chapter 610, article 1, section 13, subdivision 4, is amended to read:

Subd. 4. Federal Aid Demonstration
Program and Federal Discretionary
Bridge Fund Matching

5,600,000

This appropriation is from the state transportation fund for a grant to provide the local match for the federal aid demonstration program and for federal discretionary bridge funds for the Bloomington ferry bridge. Any amount used for the federal discretionary bridge match for the Bloomington ferry bridge is intended to reduce the amount available for the federal aid demonstration program, not supplement it.

Sec. 34. Laws 1989, chapter 269, section 11, subdivision 7, is amended to read:

Subd. 7. **TRANSFERS.**

The commissioner with the approval of the commissioner of finance may transfer unencumbered balances not specified for a particular purpose among the above programs. Transfers must be reported immediately to the committee on finance of the senate and the committee on appropriations of the house of representatives.

Up to \$50,000 may be used to study the cost effectiveness of care provided by members of the healing arts, as defined in Minnesota Statutes, chapter 146. ~~The commissioner shall report the findings to the legislature by January 1, 1990.~~ The commissioner shall retain the results of the study for future research and reference.

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

Sec. 35. TRANSPORTATION STUDY BOARD.

Subdivision 1. BOARD EXTENDED; MEMBERSHIP. A transportation study board is created. The board shall consist of the following members:

(1) seven members of the senate, with not more than five of the same political party, appointed by the senate committee on committees; and

(2) seven members of the house of representatives, with not more than five of the same political party, appointed by the speaker of the house. Appointments are for two-year terms beginning July 1 of each odd-numbered year. Vacancies must be filled in the same manner as the original appointments.

Subd. 2. OFFICERS. The board shall elect a chair and vice-chair from among its members. The chair must alternate biennially between a member of the house and a member of the senate. The vice-chair must be a house member when the chair is a senate member, and a senate member when the chair is a house member.

Subd. 3. STAFF. The board may employ professional, technical, consulting, and clerical services. The board may use legislative staff to provide legal counsel, research, secretarial, and clerical assistance.

Subd. 4. EXPENSES AND REIMBURSEMENT. The members of the board may receive per diem payments when attending meetings and other commission business. Members, employees, and legislative staff must be reimbursed for expenses actually and necessarily incurred in the performance of their duties under the rules governing legislators and legislative employees.

Subd. 5. EXPIRATION. This section expires July 1, 1993.

Sec. 36. Minnesota Statutes 1990, section 10A.02, is amended by adding a subdivision to read:

Subd. 14. Notwithstanding the provisions of section 8.15, the board must not be assessed the cost of legal services rendered to it by the attorney general's office.

Sec. 37. Minnesota Statutes 1990, section 12.14, is amended to read:

12.14 ASSESSMENT FOR NUCLEAR SAFETY PREPAREDNESS ACT.

Any person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant located in Minnesota, shall pay ~~an assessment~~ quarterly assessments to cover the cost of nuclear power plant emergency response plans and other programs necessary to deal with incidents resulting from the operation of nuclear fission electrical generating plants. An assessment of ~~\$177,500 per plant up to one quarter of the projected annual cost~~ shall be paid to the commissioner of public safety on July 1 of each year. An assessment shall be billed by the commissioner based on actual costs for each

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

quarter of the fiscal year starting with the first quarter ending September 30. The July 1 assessment shall be deducted from the final quarterly billing for the fiscal year. The assessment collected shall be credited to the nuclear safety preparedness account in the special revenue fund.

Sec. 38. Minnesota Statutes 1990, section 15A.081, subdivision 1, is amended to read:

Subdivision 1. **SALARY RANGES.** The governor shall set the salary rate within the ranges listed below for positions specified in this subdivision, upon approval of the legislative commission on employee relations and the legislature as provided by section 43A.18, subdivisions 2 and 5:

Salary Range

Effective

July 1, 1987

\$57,500-\$78,500

Commissioner of finance;
 Commissioner of education;
 Commissioner of transportation;
 Commissioner of human services;
 Commissioner of revenue;
 Commissioner of public safety;
 Executive director, state board of
 investment;
~~Commissioner of gaming;~~
 Director of the state lottery;

\$50,000-\$67,500

Commissioner of administration;
 Commissioner of agriculture;
 Commissioner of commerce;
 Commissioner of corrections;
 Commissioner of jobs and training;

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

Commissioner of employee relations;
Commissioner of health;
Commissioner of labor and industry;
Commissioner of natural resources;
Commissioner of trade and economic development;
Chief administrative law judge; office of
administrative hearings;
Commissioner, pollution control agency;
Commissioner, state planning agency;
Director, office of waste management;
Commissioner, housing finance
agency;
Executive director, public employees
retirement association;
Executive director, teacher's
retirement association;
Executive director, state retirement
system;
Chair, metropolitan council;
Chair, regional transit board;

\$42,500-\$60,000

Commissioner of human rights;
Commissioner, department of public service;
Commissioner of veterans' affairs;
Commissioner, bureau of mediation services;
Commissioner, public utilities commission;
Member, transportation regulation board;

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

Ombudsman for corrections;

Ombudsman for mental health and retardation.

Sec. 39. Minnesota Statutes 1990, section 16A.662, subdivision 2, is amended to read:

Subd. 2. **BONDS AUTHORIZED.** When authorized by law enacted in accordance with the constitution, article XI, sections 5 and 7, the commissioner may by order sell and issue ~~infrastructure development~~ bonds of the state evidencing public debt incurred for any purpose stated in the law. The bonds are general obligations of the state, and the full faith and credit of the state are pledged for their payment.

Sec. 40. Minnesota Statutes 1990, section 16A.662, subdivision 4, is amended to read:

Subd. 4. **ESTABLISHMENT OF DEBT SERVICE ACCOUNT; APPROPRIATION OF DEBT SERVICE ACCOUNT MONEY.** There is established within the state bond fund a separate and special account designated as the infrastructure development bond debt service account. ~~There must be transferred to this debt service account in each fiscal year from money in the infrastructure development fund, other than bond proceeds and interest earned on bond proceeds, an amount sufficient to increase the balance on hand in the debt service account on each December 1 to an amount equal to the full amount of principal and interest to come due on all outstanding infrastructure development bonds to and including the second following July 1. The amount necessary to make the transfer is appropriated from the infrastructure development fund.~~ The money on hand in the debt service account must be used solely for the payment of the principal of, and interest on, the bonds issued under Laws 1990, chapter 610, article 1, section 30, subdivision 2, and is appropriated for this purpose. This appropriation does not cancel as long as any of the bonds remain outstanding.

Sec. 41. Minnesota Statutes 1990, section 16A.662, subdivision 5, is amended to read:

Subd. 5. **ASSESSMENT TO HIGHER EDUCATION SYSTEMS.** (a) In order to reduce the amount otherwise required to be transferred ~~under subdivision 4 to the state bond fund with respect to bonds heretofore or hereafter issued under Laws 1990, chapter 610, article 1, section 30, subdivision 2,~~ the commissioner of finance shall assess each higher education system for one-third the amount that would otherwise need to be transferred with respect to ~~infrastructure development~~ those bonds sold to finance capital improvement projects at institutions under the control of the system; provided that, to the extent that the amount to be transferred is for payment of principal and interest on bonds sold to finance life safety improvements, the commissioner must not assess the higher education systems for the transfer.

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

(b) After each sale of ~~infrastructure development~~ the bonds, the commissioner of finance shall notify the state board for vocational technical education, the state board for community colleges, the state university board, and the regents of the University of Minnesota of the amounts for which each system is responsible for each year for the life of the bonds. The amounts payable each year are reduced by one-third of the net income from investment of ~~infrastructure development~~ those bond proceeds that must be allocated among the systems in proportion to the amount of principal and interest otherwise required to be paid by each. Each higher education system shall pay its annual share of debt service payments to the commissioner of finance by December 1 each year. If a higher education system fails to make a payment when due, the commissioner of finance shall reduce allotments for appropriations from the general fund otherwise payable to the system to cover the amount of the missed debt service payment. The commissioner of finance shall credit the payments received from the higher education systems to the infrastructure development bond debt service account in the state bond fund each December 1 before the transfer is made under subdivision 4.

Sec. 42. Minnesota Statutes 1990, section 60A.14, subdivision 1, is amended to read:

Subdivision 1. **FEES OTHER THAN EXAMINATION FEES.** In addition to the fees and charges provided for examinations, the following fees must be paid to the commissioner for deposit in the general fund:

(a) by township mutual fire insurance companies:

- (1) for filing certificate of incorporation \$25 and amendments thereto, \$10;
- (2) for filing annual statements, \$15;
- (3) for each annual certificate of authority, \$15;
- (4) for filing bylaws \$25 and amendments thereto, \$10.

(b) by other domestic and foreign companies including fraternal and reciprocal exchanges:

- (1) for filing certified copy of certificate of articles of incorporation, \$100;
- (2) for filing annual statement, \$225;
- (3) for filing certified copy of amendment to certificate or articles of incorporation, \$100;
- (4) for filing bylaws, \$75 or amendments thereto, \$75;
- (5) for each company's certificate of authority, \$575, annually.

(c) the following general fees apply:

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

(1) for each certificate, including certified copy of certificate of authority, renewal, valuation of life policies, corporate condition or qualification, \$15;

(2) for each copy of paper on file in the commissioner's office 50 cents per page, and \$2.50 for certifying the same;

(3) for license to procure insurance in unadmitted foreign companies, \$575;

(4) for receiving and forwarding each notice, proof of loss, summons, complaint or other process served upon the commissioner of commerce, as attorney for service of process upon any nonresident agent or insurance company, including reciprocal exchanges, \$15 plus the cost of effectuating service by certified mail, which amount must be paid by the party serving the notice and may be taxed as other costs in the action;

(5) for valuing the policies of life insurance companies, one cent per \$1,000 of insurance so valued, provided that the fee shall not exceed ~~\$1,000~~ \$13,000 per year for any company. The commissioner may, in lieu of a valuation of the policies of any foreign life insurance company admitted, or applying for admission, to do business in this state, accept a certificate of valuation from the company's own actuary or from the commissioner of insurance of the state or territory in which the company is domiciled;

(6) for receiving and filing certificates of policies by the company's actuary, or by the commissioner of insurance of any other state or territory, \$50;

(7) for issuing an initial license to an individual agent, ~~\$20~~ \$25 per license, for issuing an initial agent's license to a partnership or corporation, \$50, and for issuing an amendment (variable annuity) to a license, ~~\$20~~ \$25, and for renewal of amendment, ~~\$20~~ \$25;

(8) for each appointment of an agent filed with the commissioner, a domestic insurer shall remit \$5 and all other insurers shall remit \$3;

(9) for renewing an individual agent's license, ~~\$20~~ \$25 per year per license, and for renewing a license issued to a corporation or partnership, \$50 per year;

(10) for issuing and renewing a surplus lines agent's license, \$150;

(11) for issuing duplicate licenses, \$5;

(12) for issuing licensing histories, \$10;

(13) for filing forms and rates, \$50 per filing;

(14) for annual renewal of surplus lines insurer license, \$300.

The commissioner shall adopt rules to define filings that are subject to a fee.

Sec. 43. Minnesota Statutes 1990, section 60A.17, subdivision 1d, is amended to read:

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

Subd. 1d. **RENEWAL FEE.** (a) Each agent licensed pursuant to this section shall annually pay in accordance with the procedure adopted by the commissioner a renewal fee as prescribed by section 60A.14, subdivision 1, paragraph (c), clause (10).

(b) Every agent, corporation, and partnership license expires on May ~~October~~ 31 of the year for which period a license is issued.

(c) Persons whose applications have been properly and timely filed who have not received notice of denial of renewal are approved for renewal and may continue to transact business whether or not the renewed license has been received on or before June ~~November~~ 1. Applications for renewal of a license are timely filed if received by the commissioner on or before May ~~October~~ 15 of the year due, on forms duly executed and accompanied by appropriate fees. An application mailed is considered timely filed if addressed to the commissioner, with proper postage, and postmarked by May ~~October~~ 15.

(d) The commissioner may issue licenses for agents, corporations, or partnerships for a three-year period. If three-year licenses are issued, the fee is three times the annual license fee.

Sec. 44. Minnesota Statutes 1990, section 72B.04, subdivision 7, is amended to read:

Subd. 7. **LICENSE TERM.** Every adjuster's and public adjuster solicitor's license shall be for a term expiring on May ~~October~~ 31 next following the date of its issuance, and may be renewed for the ensuing calendar year upon the timely filing of an application for renewal.

Sec. 45. Minnesota Statutes 1990, section 80C.04, subdivision 1, is amended to read:

Subdivision 1. An application for registration of a franchise shall be made by filing with the commissioner a proposed public offering statement accompanied by a fee of ~~\$250~~ \$400. The public offering statement shall contain the following:

(a) The name of the franchisor, the name under which the franchisor is doing or intends to do business, and the name of any parent or affiliated person that will engage in business transactions with franchisees;

(b) The franchisor's principal business address, the address of its agent in this state authorized to receive service of process, and a consent to service of process as required by section 80C.20, if applicable;

(c) The business form of the franchisor, whether corporate, partnership or otherwise, and the state or other sovereign power under which the franchisor is organized;

(d) Such information concerning the identity and business experiences of persons affiliated with the franchisor as the commissioner may by rule prescribe;

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

(e) A statement whether the franchisor or any person identified in the public offering statement:

(1) Has during the ten year period immediately preceding the date of the public offering statement been convicted of a felony, pleaded nolo contendere to a felony charge, or been held liable in a civil action by final judgment if such felony or civil action involved fraud, embezzlement, fraudulent conversion, restraint of trade, unfair or deceptive practices or misappropriation of property;

(2) Is subject to any currently effective order of the United States Securities and Exchange Commission or the securities administrator of any state denying registration to or revoking or suspending the license or registration of such person as a securities broker, dealer, agent, or investment adviser, or is subject to any currently effective order of any national securities association or national securities exchange, as defined in the Securities Exchange Act of 1934, suspending or expelling such person from membership in such association or exchange;

(3) Is subject to any currently effective order or ruling of the Federal Trade Commission;

(4) Is subject to any currently effective injunctive or restrictive order relating to the business which is the subject of the franchise offered or any other business activity as a result of an action brought by any public agency or department; or

(5) Has any civil or criminal actions pending against that franchisor or person involving fraud, embezzlement, fraudulent conversion, restraint of trade, unfair or deceptive practices or misappropriation of property.

Such statement shall set forth the court and date of conviction or judgment, any penalty imposed or damages assessed, the date, nature and issuer of any orders, and the court, nature, and current status of any pending action.

(f) The business experience of the franchisor, including the length of time the franchisor has conducted a business of the type to be operated by the franchisees, has granted franchises for such businesses, and has granted franchises in other lines of business.

(g) A balance sheet of the franchisor as of the end of the franchisor's most recent fiscal year and an income statement for the period ending on the date of such balance sheet, both audited by an independent certified public accountant; and, if the fiscal year-end of the franchisor is in excess of 90 days prior to the date of filing the application, a balance sheet and income statement, which may be unaudited, as of a date within 90 days of the date of the application. The commissioner may by rule or order prescribe the form and content of financial statements required under this clause and the circumstances under which consolidated financial statements may or shall be filed, and may waive the requirement of audited financial statements;

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

(h) A copy of the entire franchise contract or agreement proposed for use, including all amendments thereto;

(i) A statement of the franchise fee charged, the proposed use of the proceeds of such fee by the franchisor, and the method or formula by which the amount of the fee is determined if the fee is not the same in all cases;

(j) A statement describing any payments or fees other than franchise fees that the franchisee or subfranchisor is required to pay to the franchisor, including royalties and payments or fees which the franchisor collects in whole or in part on behalf of a third party;

(k) A statement of the conditions under which the franchise agreement may be terminated or renewal refused or repurchased at the option of the franchisor, any limitations on the right of the franchisee to sell, transfer, assign, move, renew or terminate the franchise, and a description of the provisions regarding franchisee equity upon sale, termination, refusal to renew, or repurchase;

(l) A statement whether, by the terms of the franchise agreement or by other device or practice, the franchisee or subfranchisor is required to purchase from the franchisor or person designated by the franchisor, services, supplies, products, fixtures or other goods relating to the establishment or operation of the franchise business, together with a description thereof;

(m) A statement of any restriction or condition imposed by the franchisor whether by the terms of the franchise agreement or by other device or practice of the franchisor whereby the franchisee is limited in the goods or services offered by the franchisee to the franchisee's customers;

(n) A statement of the terms and conditions of any financing arrangements when offered directly or indirectly by the franchisor or an agent or affiliate;

(o) A statement of any past or present practice or of any intent of the franchisor to sell, assign or discount to a third party any note, contract or other obligation of the franchisee or subfranchisor in whole or in part;

(p) A copy of any statement of estimated or projected franchisee earnings prepared for presentation to prospective franchisees or subfranchisors, or other persons, together with a statement setting forth the data upon which such estimation or projection is based;

(q) A statement describing the training program, supervision and assistance the franchisor has provided and will provide the franchisee;

(r) A statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from the use of the public figure in the name or symbol of the franchise or the endorsement or recommendation of the franchise by the public figure in advertisements, and the extent to which such public figure is involved in the actual management of the franchisor;

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

(s) A statement of the number of franchises presently operating and proposed to be sold;

(t) A statement whether franchisee or subfranchisors receive an exclusive area and territory, and if so, a map thereof; and

(u) Such other information as the commissioner may require;

(v) When the franchises to be registered are proposed to be offered and sold by a subfranchisor or the subfranchisor's agents, the application shall also include the same information concerning the subfranchisor as is required concerning the franchisor pursuant to this section.

Sec. 46. Minnesota Statutes 1990, section 80C.07, is amended to read:

80C.07 AMENDMENT OF REGISTRATION.

A person with a registration in effect shall, within 30 days after the occurrence of any material change in the information on file with the commissioner, notify the commissioner in writing of the change by an application to amend the registration accompanied by a fee of ~~\$50~~ \$100. The commissioner may by rule define what shall be considered a material change for such purposes, and may determine the circumstances under which a revised public offering statement must accompany the application. If the amendment is approved by the commissioner, it shall become effective upon the issuance by the commissioner of an order amending the registration.

Sec. 47. Minnesota Statutes 1990, section 80C.08, subdivision 1, is amended to read:

Subdivision 1. Within 120 days after the fiscal year end of the registrant, the registrant shall file a report in the form prescribed by rule of the commissioner. A fee of ~~\$100~~ \$200 shall accompany the annual report.

Sec. 48. Minnesota Statutes 1990, section 82.22, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** Each applicant for a license must pass an examination conducted by the commissioner. The examinations shall be of sufficient scope to establish the competency of the applicant to act as a real estate broker, ~~as~~ or a real estate salesperson, ~~or as a real estate closing agent.~~

Sec. 49. Minnesota Statutes 1990, section 82.22, subdivision 5, is amended to read:

Subd. 5. **PERIOD FOR APPLICATION.** An applicant who obtains an acceptable score on a salesperson's ~~or closing agent's~~ examination must file an application and obtain the license within one year of the date of successful completion of the examination or a second examination must be taken to qualify for the license. If a new examination is required, prelicense education must be completed in accordance with subdivision 6.

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

Sec. 50. Minnesota Statutes 1990, section 82.22, subdivision 10, is amended to read:

Subd. 10. **RENEWAL; EXAMINATION.** Except as provided in subdivisions 3 and 7, no examination shall be required for the renewal of any license, provided, however, any licensee having been licensed as a broker; or salesperson; or closing agent in the state of Minnesota and who shall fail to renew the license for a period of two years shall be required by the commissioner to again take an examination.

Sec. 51. Minnesota Statutes 1990, section 82.22, subdivision 11, is amended to read:

Subd. 11. **EXAMINATION ELIGIBILITY; REVOCATION.** No applicant shall be eligible to take any examination if a license as a real estate broker; or salesperson; or closing agent has been revoked in this or any other state within two years of the date of the application.

Sec. 52. Minnesota Statutes 1990, section 115C.09, is amended by adding a subdivision to read:

Subd. 8. LIMITATION ON REIMBURSEMENT OBLIGATION. The amount of the state's obligation to make reimbursement under this chapter is limited to the amount available. Notwithstanding any other provisions of this chapter, there shall be no obligation to the general fund to make a reimbursement if there are not sufficient funds in the petroleum tank release cleanup account.

Sec. 53. Minnesota Statutes 1990, section 129D.04, is amended by adding a subdivision to read:

Subd. 5. The board may contract as necessary in the performance of its duties.

Sec. 54. Minnesota Statutes 1990, section 129D.04, is amended by adding a subdivision to read:

Subd. 6. The board's receipts from the sale of publications, mailing lists, recordings or media projects, and fees from seminars or workshops are annually appropriated to the board for the purposes of this section.

Sec. 55. Minnesota Statutes 1990, section 129D.05, is amended to read:

129D.05 PUBLICATIONS; LEGEND.

Every publication, program, or other graphic material prepared by the board or prepared for use by any other organization in connection with an activity paid for by the board shall bear the legend: "This activity is made possible in part by a grant provided by the Minnesota state arts board through an appropriation by the Minnesota state legislature."

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

Each publication, program, or other graphic material prepared by an individual artist in connection with an activity paid for by the board shall bear the legend: "(artist's name) is a (fiscal year) recipient of a (program) grant from the Minnesota state arts board from funds appropriated by the Minnesota legislature."

Sec. 56. Minnesota Statutes 1990, section 138.91, is amended to read:

138.91 MINNESOTA HUMANITIES COMMISSION.

Subdivision 1. **REPORTS.** ~~From money appropriated to it for this purpose the Minnesota historical society shall make grants to the Minnesota humanities commission for its general operations and management. A grant shall not be made unless matched by an equal amount of federal money. At least 50 percent of the amount appropriated shall be used for cooperation with and service for other groups, agencies, and institutions outside the seven-county metropolitan area for the support and dissemination of the humanities.~~

~~Subd. 2.~~ The Minnesota humanities commission shall report to the legislature by September 1 of each year on the use of these grants state funds appropriated to the commission. The report shall include an itemized account of the programs and projects supported and the source of money for each. The report shall show actual expenditures for the fiscal year ending the preceding June 30 and proposed expenditures for the fiscal year beginning the preceding July 1.

Subd. 3. **2. HUMANITIES RESOURCE CENTER.** (a) The Minnesota humanities commission may establish a humanities ~~resource~~ center to ensure balance in public education and in the cultural life of the state, and to improve humanities education through the establishment of two institutes: The Minnesota institute for lifelong learning, and the Minnesota institute for the advancement of teaching.

(b) The humanities ~~resource~~ center may transport people and resources to small towns, rural communities, and urban settings to provide grants, technical assistance, and high quality educational and cultural programs to schools and community organizations throughout Minnesota.

(c) The Minnesota institute for the advancement of teaching may conduct seminars and other activities for the recognition of the teaching profession and the advancement of teaching in Minnesota.

Sec. 57. Minnesota Statutes 1990, section 138.94, is amended to read:

138.94 STATE HISTORICAL HISTORY CENTER.

Subdivision 1. **DESIGNATION.** ~~The historical building at 690 Cedar Street and the land housing the Mechanic Arts gymnasium, parking lot, and any other properties between those entities and the historical building at 690 Cedar Street~~ 160 John Ireland Boulevard is hereby designated as the state historical history center, and is to be used for such purposes notwithstanding any other law to the

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

contrary. Authority for administration and control of the state ~~historical~~ history center is conferred on the Minnesota historical society. The society is not exempt from rental or lease costs by the state. The state will maintain and provide custodial, security, and climate control services for the ~~historical~~ history center.

Subd. 2. USER FEES. The society may charge fees it deems reasonable for uses relating to the state history center including parking and special exhibits.

Sec. 58. Minnesota Statutes 1990, section 162.02, subdivision 12, is amended to read:

Subd. 12. **SYSTEM TO INCLUDE FORMER MUNICIPAL STATE-AID STREETS.** Former municipal state-aid streets located in a city that previously received money from the municipal state-aid street fund but whose population fell below 5,000 under the 1980 or 1990 federal census must be included in the county state-aid highway system, subject to the approval of the governing bodies of the city and the county. An action taken by a county board approving the inclusion of a former municipal state-aid street in the county state-aid highway system must also include a resolution taking over the street as a county highway under section 163.11. The county state-aid highway system is increased in extent by the addition of the mileage of municipal state-aid streets reverting or turned over to the jurisdiction of the counties under this subdivision.

Sec. 59. Minnesota Statutes 1990, section 168C.04, is amended to read:

168C.04 REGISTRATION FEE.

Subdivision 1. The registration fee for bicycles shall be ~~\$3 until January 1, 1985, and shall be \$5 thereafter~~ \$9 after July 1, 1991. These fees shall be paid at the time of registration. The fees, and any donations in excess of the fees must be deposited in ~~the general fund~~ a bicycle transportation account in the special revenue fund. Proof of purchase is required for registration. Bicycles lacking proof of purchase may be registered if there is no evidence that the bicycle is stolen. However, the registration record must be marked to indicate that no proof of purchase was provided. The registration is valid for three calendar years. A person registering a bicycle may add an additional amount to the registration fee, and all amounts so added must be deposited in the same manner as registration fees. A person registering a bicycle must at the time of registration be informed that a registrant may add an additional amount to the fee and that all such additional amounts will be used for the purposes specified in subdivision 2.

Subd. 2. ~~Funds received from bicycle registration may be expended only by legislative appropriation for the following purposes:~~

~~(a) for the costs incurred by the commissioner in administering the bicycle registration program;~~

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

(b) beginning July 1, 1984, for a program to be conducted by the commissioner to publicize the bicycle registration program and encourage participation in it by bicycle owners and local units of government;

(e) for the development of bicycle safety education programs and the development of bicycle transportation and recreational facilities including but not limited to bicycle lanes and ways on highway right-of-way, off-road bicycle trails and bicycle mapping. A bicycle transportation account is created in the special revenue fund. All funds in the account, up to a maximum of \$160,000 in a fiscal year, are annually appropriated as follows:

(1) one-half to the commissioner of transportation for the development of bicycle transportation and recreational facilities on public highways, including but not limited to bicycle lanes and ways on highways, off-road bicycle trails, and bicycle mapping; and

(2) one-half to the commissioner of public safety for bicycle safety programs, administration of the bicycle registration program, and public information and education designed to encourage participation in the program.

Subd. 3. An agency of the state expending funds from the bicycle ~~program~~ transportation account must, in making expenditures for the purposes of subdivision 2, paragraph (c) give consideration to participation or nonparticipation by a political subdivision in the bicycle registration program as provided in section 168C.13 and the extent of local public participation in the program before approving a project or expenditure in that political subdivision.

Subd. 4. ~~Not later than March 1, 1985 the commissioner shall report to the legislature on funds expended under subdivision 2, paragraph (b) and accomplishments in carrying out the purposes of that clause.~~

Sec. 60. Minnesota Statutes 1990, section 171.06, subdivision 2a, is amended to read:

Subd. 2a. **FEE INCREASED.** The fee for any duplicate drivers license which is obtained for the purpose of adding a two-wheeled vehicle endorsement is increased by ~~\$7.50~~ \$15 for each first such duplicate license and ~~\$6~~ \$12 for each renewal thereof. The additional fee shall be paid into the state treasury and credited as follows:

(1) \$7.50 of the additional fee for each first duplicate license, and \$6 of the additional fee for each renewal, must be credited to the motorcycle safety fund which is hereby created; provided that any fee receipts in excess of \$500,000 in a fiscal year shall be credited 90 percent to the trunk highway fund and ten percent to the general fund, as provided in section 171.26.

(2) The remainder of the additional fee must be credited to the general fund.

All application forms prepared by the commissioner for two-wheeled vehicle

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

endorsements shall clearly contain the information that of the total fee charged for the endorsement, \$6 is dedicated to the motorcycle safety fund.

Sec. 61. Minnesota Statutes 1990, section 171.26, is amended to read:

171.26 MONEY CREDITED TO TRUNK HIGHWAY FUND AND TO GENERAL FUND.

All money received under the provisions of this chapter shall be paid into the state treasury with 90 percent of such money credited to the trunk highway fund, and ten percent credited to the general fund, except as provided in ~~section~~ sections 171.06, subdivision 2a; and 171.29, subdivision 2.

Sec. 62. Minnesota Statutes 1990, section 174.24, is amended by adding a subdivision to read:

Subd. 2a. ELIGIBLE ACTIVITIES. Activities eligible for assistance under the program include but are not limited to:

- (1) planning and engineering design for transit services and facilities;
- (2) capital assistance to purchase or refurbish transit vehicles and other capital expenditures necessary to provide a transit service;
- (3) operating assistance as provided under subdivision 3; and
- (4) other assistance for public transit services that furthers the purposes of section 174.21.

Sec. 63. Minnesota Statutes 1990, section 182.651, is amended by adding a subdivision to read:

Subd. 21. AFFECTED EMPLOYEE. "Affected employee" means a current employee of a cited employer who is exposed within the scope of employment to the alleged hazard described in the citation.

Sec. 64. Minnesota Statutes 1990, section 182.651, is amended by adding a subdivision to read:

Subd. 22. AUTHORIZED EMPLOYEE REPRESENTATIVE. "Authorized employee representative" means a labor organization that has a collective bargaining relationship with the cited employer and that represents affected employees.

Sec. 65. Minnesota Statutes 1990, section 182.651, is amended by adding a subdivision to read:

Subd. 23. RESPONDENT. "Respondent" means a person against whom a complaint has been issued or served.

Sec. 66. Minnesota Statutes 1990, section 182.661, subdivision 1, is amended to read:

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

Subdivision 1. If, after an inspection or investigation, the commissioner issues a citation under section 182.66, the commissioner shall notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 182.666 and that the employer has ~~15 working~~ 20 calendar days within which to ~~notify the commissioner in writing~~ file a notice of contest and certification of service, on a form provided by the commissioner, indicating that the employer wishes to contest the citation, type of violation, proposed assessment of penalty, or the period of time fixed in the citation given for correction of violation. A copy of the citation and the proposed assessment of penalty shall also be mailed to the bargaining authorized employee representative and, in the case of the death of an employee, to the next of kin if requested ~~and designated representative of the employee if known to the department of labor and industry~~. If within ~~15 working~~ 20 calendar days from the receipt of the penalty notice issued by the commissioner the employer fails to ~~notify the commissioner in writing that the employer intends to contest the citation or proposed assessment of penalty~~ file the notice of contest, and no notice ~~contesting either the citation, the type of violation, proposed penalty, or the time fixed for abatement in the citation~~ of contest is filed by any employee or authorized representative of employees under subdivision 3 within such time, the citation and assessment, as proposed, shall be deemed a final order of the ~~board~~ commissioner and not subject to review by any court or agency.

Sec. 67. Minnesota Statutes 1990, section 182.653, subdivision 9, is amended to read:

Subd. 9. **STANDARD INDUSTRIAL CLASSIFICATION LIST.** The commissioner shall adopt, in accordance with section 182.655, a rule specifying a list of standard industrial classifications of employers who must comply with subdivision 8. The commissioner shall demonstrate the need to include each industrial classification on the basis of the safety record or workers' compensation record of that industry segment. An employer must comply with subdivision 8 six months following the date the standard industrial classification that applies to the employee is placed on the list. An employer having less than 51 employees must comply with subdivision 8 six months following the date the standard industrial classification that applies to the employee is placed on the list or by July 1, 1993, whichever is later. The list shall be updated every two years.

Sec. 68. Minnesota Statutes 1990, section 182.661, subdivision 2, is amended to read:

Subd. 2. If the commissioner has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction, which period shall not begin to run until the entry of a final order by the ~~board~~ commissioner in case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties, the commissioner shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under

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

section 182.666 by reason of such failure, and that the employer has ~~15 working~~ 20 calendar days within which to notify in writing the commissioner file a notice of contest and certification of service, on a form provided by the commissioner, indicating that the employer wishes to contest the commissioner's notification or the proposed assessment of penalty. If, within ~~15 working~~ 20 calendar days from the receipt of penalty notification issued by the commissioner, the employer fails to notify in writing the commissioner file the notice of contest indicating that the employer intends to contest the notification or proposed assessment of penalty, the penalty notification and assessment, as proposed, shall be deemed a final order of the ~~board~~ commissioner and not subject to review by any court or agency.

Sec. 69. Minnesota Statutes 1990, section 182.661, subdivision 2a, is amended to read:

Subd. 2a. The commissioner may bring an action in district court for injunctive or other appropriate relief including monetary damages if the employer fails to comply with a final order of the ~~board~~ commissioner.

Sec. 70. Minnesota Statutes 1990, section 182.661, subdivision 3, is amended to read:

Subd. 3. If an employer notifies the commissioner that the employer intends to contest the citation or the proposed assessment of penalty or the employee or the authorized employee representative notifies the commissioner that the employee intends to contest the time fixed for abatement in the citation issued under section 182.66, the citation, the type of alleged violation, the proposed penalty, or notification issued under subdivisions 1 or 2, the ~~board~~ commissioner shall conduct resolve the matter by settlement agreement, petition the board for a decision based on stipulated facts, or refer the matter to an administrative law judge for a hearing in accordance with the applicable provisions of chapter 14; for hearings in contested cases. Where the commissioner refers a matter for a contested case hearing, the administrative law judge shall make findings of fact, conclusions of law, and any appropriate orders. The determinations shall be the final decision of the commissioner and may be appealed to the board by any party. The rules of procedure prescribed by the ~~board~~ commissioner shall provide affected employees or authorized representatives of affected employees an opportunity to participate as parties to hearings under this subdivision. Upon receipt of notice of hearing under this subdivision, the employer shall serve such notice as required by rule.

Sec. 71. Minnesota Statutes 1990, section 182.661, subdivision 3a, is amended to read:

Subd. 3a. As prescribed in rules issued by the ~~board~~ commissioner, each notice of intent to contest the citation, proposed assessment of penalty, or period of time fixed in the citation for correction of the violation shall be prominently posted at or near each place a violation referred to in the citation occurred or served on affected employers, employees, and authorized employee

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

representatives. If the contesting employer, employee, or authorized employee representation representative fails to post or serve the notice of intent to contest the citation, the proposed assessment of penalty, or the period of time fixed for correction of the violation within the time prescribed in rules issued by the board commissioner, the board administrative law judge may render a default judgment in favor of the commissioner.

Sec. 72. Minnesota Statutes 1990, section 182.661, is amended by adding a subdivision to read:

Subd. 3b. SERVICE OF NOTICES. The contesting party shall serve a copy of the notice of contest and notice to employees, on forms provided by the commissioner, upon unrepresented affected employees and authorized employee representatives on or before the date the notice of contest is filed with the commissioner. For purposes of this section, a document is considered filed upon receipt by the commissioner.

Sec. 73. Minnesota Statutes 1990, section 182.661, is amended by adding a subdivision to read:

Subd. 5. SETTLEMENT. Where the parties resolve a contested matter by settlement agreement, the contesting party shall serve a copy of the agreement upon affected employees and authorized employee representatives. Affected employees and authorized employee representatives may file, with the commissioner, an objection to the settlement agreement. The objections must be filed within ten calendar days after service of the agreement. Upon receipt of an objection to a settlement agreement, the commissioner may refer the agreement to the office of administrative hearings for assignment to an administrative law judge who shall give consideration to the objection before approving or disapproving the agreement. If no timely objection is made, the settlement agreement becomes a final order of the commissioner.

Sec. 74. Minnesota Statutes 1990, section 182.661, is amended by adding a subdivision to read:

Subd. 6. COMPLAINT AND ANSWER. The commissioner shall serve a complaint on all parties no later than 90 calendar days after receiving a notice of contest. The contesting party shall serve an answer on all the parties within 20 calendar days after service of the complaint.

Sec. 75. Minnesota Statutes 1990, section 182.664, subdivision 3, is amended to read:

Subd. 3. The review board or its appointed administrative law judges may hold hearings at places of convenience to the parties concerned shall review and decide appeals from final decisions and orders of the commissioner, including decisions issued by administrative law judges, petitions to vacate final orders of the commissioner, and with the agreement of the parties, may review and decide petitions for decisions based on stipulated facts. The powers of the board in the

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

conduct of hearings, including the power to ~~administer oaths and subpoena persons sign decisions and orders~~, may be exercised on its behalf by delegated to a member, members, or an administrative law judge appointed by the board chair. The board may ~~administer oaths and subpoena persons, including parties, as witnesses and may compel them to produce documentary evidence for hearings~~ schedule a hearing for purposes of taking oral argument. A notice stating the time and place of the hearing must be given ten days in advance of such a hearing to the parties and copies of the notice of such hearing shall be ~~posted~~ served by the employer at ~~such places as~~ rules of the board shall require. The hearings shall be open to the public and the ~~records of hearings~~ board's decisions and orders shall be maintained and available for examination. ~~The hearing shall be conducted in compliance with rules contained in chapter 14. The rules of the board shall provide affected employers, employees or their representatives an opportunity to participate as parties provided they file notice at least five days before the start of the hearing.~~

Sec. 76. Minnesota Statutes 1990, section 182.664, subdivision 5, is amended to read:

Subd. 5. For the purpose of carrying out its functions under this chapter, two members of the board shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members. ~~The findings decisions and decision orders of an administrative law judge, or final orders of the commissioner, may be appealed to the review board by the employer, employee, or their authorized representatives or any party, within 30 days following publication service by mail of the administrative law judge's findings decision and decision order, or final order of the commissioner. The review board shall have authority to revise, confirm, or reverse the findings decision and decision order of administrative law judges, or to vacate and remand final orders of the commissioner. The board shall only vacate a final order of the commissioner upon a showing of good cause. For purposes of this section, good cause is limited to fraud, mistake of fact or law, or newly discovered evidence.~~

Sec. 77. Minnesota Statutes 1990, section 182.666, subdivision 1, is amended to read:

Subdivision 1. Any employer who willfully or repeatedly violates the requirements of section 182.653, or any standard, rule, or order ~~promulgated adopted~~ under the authority of the commissioner as provided in this chapter, may be assessed a fine not to exceed ~~\$20,000~~ \$70,000 for each violation. The minimum fine for a willful violation is \$5,000.

Sec. 78. Minnesota Statutes 1990, section 182.666, subdivision 2, is amended to read:

Subd. 2. Any employer who has received a citation for a serious violation of its duties under section 182.653, or any standard, rule, or order ~~promulgated adopted~~ under the authority of the commissioner as provided in this chapter, shall be assessed a fine not to exceed ~~\$2,000~~ \$7,000 for each ~~such~~ violation. If

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

~~such~~ the violation causes or contributes to the cause of the death of an employee, the employer shall be assessed a fine of up to \$10,000.

Sec. 79. Minnesota Statutes 1990, section 182.666, subdivision 3, is amended to read:

Subd. 3. Any employer who has received a citation for a violation of its duties under section 182.653, subdivisions 2 to 4, where ~~such~~ the violation is specifically determined not to be of a serious nature as provided in section 182.651, subdivision 12, may be assessed a fine of up to ~~\$2,000~~ \$7,000 for each ~~such~~ violation.

Sec. 80. Minnesota Statutes 1990, section 182.666, subdivision 4, is amended to read:

Subd. 4. Any employer who fails to correct a violation for which a citation has been issued under section 182.66 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the ~~board~~ commissioner in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a fine of not more than ~~\$2,000~~ \$7,000 for each day during which ~~such~~ the failure or violation continues.

Sec. 81. Minnesota Statutes 1990, section 182.666, subdivision 5, is amended to read:

Subd. 5. Any employer who violates any of the posting requirements, as prescribed under this chapter, except those prescribed under section 182.661, subdivision 3a, shall be assessed a fine of up to ~~\$2,000~~ \$7,000 for each violation.

Sec. 82. Minnesota Statutes 1990, section 182.666, subdivision 5a, is amended to read:

Subd. 5a. Any employer who knowingly violates section 182.6575 shall be assessed a fine of up to ~~\$2,000~~ \$7,000 for each violation. The employer shall also be liable to each aggrieved employee for civil punitive damages of \$400.

Sec. 83. Minnesota Statutes 1990, section 182.669, subdivision 1, is amended to read:

Subdivision 1. Any employee believed to have been discharged or otherwise discriminated against by any person because such employee has exercised any right authorized under the provisions of sections 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the commissioner alleging the discriminatory act. Upon receipt of such complaint, the commissioner shall cause such investigation to be made as the commissioner deems appropriate. If upon such investigation the commissioner determines that a discriminatory act was committed against an employee, the commissioner shall refer the matter to the office of administrative hearings for a hearing before an administrative law judge pursuant to the provisions of chapter 14. For purposes of this section, the commissioner shall file with the administrative law

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

judge and serve upon the respondent, by registered or certified mail, a complaint and written notice of hearing. The respondent shall file with the administrative law judge and serve upon the commissioner, by registered or certified mail, an answer within 20 days after service of the complaint. In all cases where the administrative law judge finds that an employee has been discharged or otherwise discriminated against by any person because the employee has exercised any right authorized under sections 182.65 to 182.674, the administrative law judge may order payment to the employee of back pay and compensatory damages. The administrative law judge may also order rehiring of the employee; reinstatement of the employee's former position, fringe benefits, and seniority rights; and other appropriate relief. In addition, the administrative law judge may order payment to the commissioner or to the employee of costs, disbursements, witness fees, and attorney fees. Interest shall accrue on, and be added to, the unpaid balance of an administrative law judge's order from the date the order is signed by the administrative law judge until it is paid, at the annual rate provided in section 549.09, subdivision 1, paragraph (c). An employee may bring a private action in the district court for relief under this section.

Sec. 84. Minnesota Statutes 1990, section 184.28, subdivision 2, is amended to read:

Subd. 2. The department shall hold such examinations at such times and places as it shall determine. An examination fee of ~~\$10~~ \$20 shall be paid by each applicant in addition to the license fee, which examination fee shall be retained by the department whether or not the applicant passes the examination. The examination fee shall be forfeited if the applicant does not take the examination within six months of the application date. The examination fee of ~~\$10~~ \$20 shall cover the costs of preparing and printing the examinations and the cost of giving each person taking the examination a copy of the latest rules. Rules shall be kept on the premises readily available to the counselor, manager, or agent.

Sec. 85. Minnesota Statutes 1990, section 184.29, is amended to read:

184.29 FEES.

Before a license is granted to an applicant, the applicant shall pay the following fee:

(a) An employment agent shall pay an annual license fee of ~~\$200~~ \$250 for each license.

(b) A search firm exempt under section 184.22, subdivision 2, shall pay an annual registration fee of ~~\$200~~ \$250, accompanying the annual statement to the commissioner.

(c) An applicant for a counselor's license shall pay a license fee of ~~\$10~~ \$20 and a renewal fee of ~~\$5~~ \$10.

(d) An applicant for an employment agency manager's license shall pay a license fee of ~~\$10~~ \$20 and a renewal fee of ~~\$5~~ \$10.

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

Sec. 86. Minnesota Statutes 1990, section 184A.09, is amended to read:

184A.09 LICENSE FEES.

Before a license shall be granted to an applicant, the applicant shall pay a filing fee of \$25 and a license fee of ~~\$200~~ \$250.

An application for consent to transfer or assign a license shall be accompanied by a \$25 filing fee.

Sec. 87. Minnesota Statutes 1990, section 239.78, is amended to read:

239.78 INSPECTION FEES.

An inspection fee shall be charged on petroleum products when received by the distributor, and on petroleum products received and held for sale or use by any person when the petroleum products have not previously been received by a licensed distributor. The department shall adjust the inspection fee to recover the ~~amount~~ amounts appropriated for petroleum product quality inspection expenses ~~and the amount appropriated,~~ for the inspection and testing of petroleum product measuring devices as required by this chapter, and for petroleum supply monitoring under chapter 216C. The department shall review and adjust the inspection fee as required by section 16A.128, except the review of the fee shall occur annually on or before January 1.

The commissioner of revenue shall credit the distributor for inspection fees previously paid in error or for any material exported or sold for export from the state upon filing of a report in a manner approved by the department. The commissioner of revenue is authorized to collect the inspection fees along with any taxes due under chapter 296.

Sec. 88. Minnesota Statutes 1990, section 240.02, subdivision 2, is amended to read:

Subd. 2. **QUALIFICATIONS.** A member of the commission; ~~other than the commissioner,~~ must have been a resident of Minnesota for at least five years before appointment, and must have a background and experience as would qualify for membership on the commission. A member must, before taking a place on the commission, file a bond in the principal sum of \$100,000 payable to the state, conditioned upon the faithful performance of duties. No commissioner, nor any member of the commissioner's immediate family residing in the same household, may hold a license issued by the commission or have a direct or indirect financial interest in a corporation, partnership, or association which holds a license issued by the commission.

Sec. 89. Minnesota Statutes 1990, section 240.02, subdivision 1, is amended to read:

Subdivision 1. **COMMISSION.** A Minnesota racing commission is established ~~within the division of pari-mutuel racing~~ with the powers and duties spec-

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

ified in this section. ~~Until the effective date of the first vacancy on the commission that occurs after the effective date of Laws 1989, chapter 334, including a vacancy caused by the expiration of a term;~~ The commission consists of nine members appointed by the governor with the advice and consent of the senate ~~and the commissioner of gaming as a nonvoting member.~~ After the date of the first vacancy, the commission consists of eight members appointed by the governor with the advice and consent of the senate, ~~plus the commissioner as a voting member.~~ Not more than five of the members may belong to the same political party. The governor shall designate the chair of the commission. Appointments by the governor are for terms of six years. An appointment to fill a vacancy in an unexpired term is for the remainder of the term and is with the advice and consent of the senate.

Sec. 90. Minnesota Statutes 1990, section 240.02, subdivision 3, is amended to read:

Subd. 3. **COMPENSATION.** The compensation of commission members is ~~\$35 per~~ for each day spent on commission activities, when authorized by the commission, shall be the same as compensation provided for other members of boards and commissions under section 15.0575, subdivision 3, plus expenses in the same manner and amount as provided in the commissioner's plan adopted according to section 43A.18, subdivision 2.

Sec. 91. Minnesota Statutes 1990, section 240.06, subdivision 8, is amended to read:

Subd. 8. **WORK AREAS.** A class A licensee must provide at no cost to the ~~division~~ commission suitable work areas for commission members, officers, employees, and agents, including agents of the division of gambling enforcement, who are directed or requested by the commission to supervise and control racing at the licensed racetrack.

Sec. 92. Minnesota Statutes 1990, section 240.155, is amended to read:

240.155 REIMBURSEMENT ~~ACCOUNT~~ ACCOUNTS AND PROCEDURES.

Subdivision 1. REIMBURSEMENT ACCOUNT CREDIT. Money received by the commission as reimbursement for the costs of services provided by assistant veterinarians and stewards must be deposited in the state treasury and credited to a racing commission reimbursement account, except as provided under subdivision 2. Receipts are appropriated to the commission to pay the costs of providing the services.

Subd. 2. GENERAL FUND CREDIT. Money received by the commission as reimbursement for the compensation of a steward who is an employee of the commission for which a general fund appropriation has been made must be credited to the general fund.

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

Sec. 93. Minnesota Statutes 1990, section 240.28, is amended to read:

240.28 CONFLICT OF INTEREST.

Subdivision 1. **FINANCIAL INTEREST.** No person may serve on or be employed by the commission ~~or be employed by the division~~ who has an interest in any corporation, association, or partnership which holds a license from the commission or which holds a contract to supply goods or services to a licensee or at a licensed racetrack, including concessions contracts. No member or employee of the commission ~~or employee of the division~~ may own, wholly or in part, or have an interest in a horse which races at a licensed racetrack in Minnesota. No member or employee of the commission ~~or employee of the division~~ may have a financial interest in or be employed in a profession or business which conflicts with the performance of duties as a member or employee.

Subd. 2. **BETTING.** No member or employee of the commission ~~or employee of the division~~ may bet or cause a bet to be made on a race at a licensed racetrack while serving on or being employed by the commission ~~or being employed by the division~~. No person appointed or approved by the director as a steward may bet or cause a bet to be made at a licensed racetrack during a racing meeting at which the person is serving as a steward. The commission shall by rule prescribe such restrictions on betting by its licensees as it deems necessary to protect the integrity of racing.

Subd. 3. **VIOLATION.** A violation of subdivisions 1 and 2 is grounds for removal from the commission or termination of employment. A bet made directly or indirectly by a licensee in violation of a rule made by the commission under subdivision 2 is grounds for suspension or revocation of the license.

Sec. 94. Minnesota Statutes 1990, section 297B.09, subdivision 1, is amended to read:

Subdivision 1. **GENERAL FUND SHARE.** (a) Money collected and received under this chapter must be deposited in the state treasury and credited to the general fund. The amounts collected and received shall be credited as provided in this subdivision, and transferred from the general fund on July 15 and ~~January~~ February 15 of each fiscal year. The commissioner of finance must make each transfer based upon the actual receipts of the preceding six calendar months and include the interest earned during that six-month period. The commissioner of finance may establish a quarterly or other schedule providing for more frequent payments to the transit assistance fund if the commissioner determines it is necessary or desirable to provide for the cash flow needs of the recipients of money from the transit assistance fund.

(b) ~~Twenty-five~~ Ten and sixty-seven hundredths percent of the money collected and received under this chapter after June 30, 1990, and before July 1, 1991, 1993 must be transferred to the highway user tax distribution trunk highway fund and the transit assistance fund for apportionment as follows: 75 percent must be transferred to the highway user tax distribution trunk highway

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

fund for apportionment in the same manner and for the same purposes as other money in that fund, and the remaining 25 percent of the money must be transferred to the transit assistance fund to be appropriated to the commissioner of transportation for transit assistance within the state and to the regional transit board.*

* (The governor vetoed the changes marked in paragraph (b).)

(c) ~~Five percent of the money collected and received under this chapter after June 30, 1989, and before July 1, 1991, must be transferred as follows: 75 percent must be transferred to the trunk highway fund and 25 percent must be transferred to the transit assistance fund.~~

(d) ~~Thirty percent of the money collected and received under this chapter after June 30, 1991, must be transferred as follows: 75 percent must be transferred to the trunk highway fund and 25 percent must be transferred to the transit assistance fund.~~

(e) The distributions under this subdivision to the ~~highway user tax distribution fund until June 30, 1991, and to the trunk highway fund thereafter,~~ must be reduced by the amount necessary to fund the appropriation under section 41A.09, subdivision 1. ~~For the fiscal years ending June 30, 1988, and June 30, 1989,~~ the commissioner of finance, before making the transfers required on July 15 and ~~January~~ February 15 of each year, shall estimate the amount required to fund the appropriation under section 41A.09, subdivision 1, for the six-month period for which the transfer is being made. The commissioner shall then reduce the amount transferred to the ~~highway user tax distribution~~ trunk highway fund by the amount of that estimate. The commissioner shall reduce the estimate for any six-month period by the amount by which the estimate for the previous six-month period exceeded the amount needed to fund the appropriation under section 41A.09, subdivision 1, for that previous six-month period. If at any time during a six-month period ~~in these fiscal years~~ the amount of reduction in the transfer to the ~~highway user tax distribution~~ trunk highway fund is insufficient to fund the appropriation under section 41A.09, subdivision 1 for that period, the commissioner shall transfer to the general fund from the ~~highway user tax distribution~~ trunk highway fund an additional amount sufficient to fund the appropriation for that period, but the additional amount so transferred to the general fund in a six-month period may not exceed the amount transferred to the ~~highway user tax distribution~~ trunk highway fund for that six-month period.*

* (The governor vetoed the changes marked in paragraph (e).)

Sec. 95. Minnesota Statutes 1990, section 299F.57, subdivision 1a, is amended to read:

Subd. 1a. **ADOPTION OF FEDERAL STANDARDS.** The federal safety standards adopted as Code of Federal Regulations, title 49, parts 191, 192, ~~and~~ and 193, ~~and~~ and 199, and standards that may be adopted that amend parts 191, 192, ~~and~~ and 193, ~~and~~ and 199, are adopted as minimum safety standards.

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

Sec. 96. Minnesota Statutes 1990, section 299F.641, subdivision 2, is amended to read:

Subd. 2. **FEDERAL STANDARDS ADOPTED.** The federal safety standards adopted as Code of Federal Regulations, title 49, ~~part parts~~ parts 195 and 199, and standards that may be adopted that amend ~~part parts~~ parts 195 and 199, are adopted as minimum safety standards. The commissioner may by rule adopt additional or more stringent safety standards for intrastate hazardous liquid pipeline facilities and the transportation of hazardous liquids associated with those facilities, if the state standards are compatible with the federal standards. The standards may not prescribe the location or routing of a pipeline facility.

Sec. 97. Minnesota Statutes 1990, section 299K.07, is amended to read:

299K.07 NOTIFICATION TO EMERGENCY RESPONSE MANAGEMENT CENTER.

(a) The notification of the commission required under the federal act shall be made to the state emergency ~~response~~ management center. The owner or operator of a facility shall immediately notify the state emergency ~~response~~ management center of the release of a reportable quantity of the following materials:

(1) a hazardous substance on the list established under United States Code, title 42, section 9602; or

(2) an extremely hazardous substance on the list established under United States Code, title 42, section 11002.

(b) This section does not apply to a release that results in exposure to persons solely within the site or sites on which a facility is located or to a release specifically authorized by state law.

(c) A person who is required to report to or notify a state agency of a discharge, release, or incident under section 221.034, chapter 18B, 18C, 18D, 115, 115A, 115B, 115C, 115D, 116, 299J, or 299K, or any other statute, administrative rule or federal rule may satisfy the requirement to report by notifying the emergency management center established in this section. The commissioner of the department of public safety shall ensure that the center is staffed with adequate personnel to answer all calls 24 hours a day and that those staff are adequately trained to efficiently notify all appropriate state and federal agencies with jurisdiction over the discharge or release, and provide emergency responder information. No state agency may adopt a rule or guideline that requires a person who notifies the emergency management center to also notify that agency. The commissioner of each affected state agency shall include the telephone number of the emergency management center in all files, permits, correspondence, educational publications, and other communications with the public and other persons, and shall designate personnel to coordinate receipt of reports or notifications with emergency management center personnel.

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

Sec. 98. Minnesota Statutes 1990, section 299K.09, subdivision 2, is amended to read:

Subd. 2. **FEE STRUCTURE.** The fee established under subdivision 1 may not exceed, in the aggregate, the amount necessary to cover the costs for all data management, including administration of fees, by the commission and regional review committees, and a portion of the costs of operation of the emergency management center.

Sec. 99. Minnesota Statutes 1990, section 336.9-413, is amended to read:

336.9-413 UNIFORM COMMERCIAL CODE ACCOUNT.

(a) The uniform commercial code account is established as an account in the state treasury.

(b) The filing officer with whom a financing statement, amendment, assignment, statement of release, or continuation statement is filed, or to whom a request for search is made, shall collect a ~~\$3~~ \$4 surcharge on each filing or search. By the 15th day following the end of each fiscal quarter, each county recorder shall forward the receipts from the surcharge accumulated during that fiscal quarter to the secretary of state. The surcharge does not apply to a search request made by a natural person who is the subject of the data to be searched except when a certificate is requested as a part of the search.

(c) The surcharge amounts received from county recorders and the surcharge amounts collected by the secretary of state's office must be deposited in the state treasury and credited to the general fund.

(d) Fees that are not expressly set by statute but are charged by the secretary of state to offset the costs of providing a service under sections 336.9-411 to 336.9-413 must be deposited in the state treasury and credited to the uniform commercial code account.

(e) Fees that are not expressly set by statute but are charged by the secretary of state to offset the costs of providing information contained in the computerized records maintained by the secretary of state must be deposited in the state treasury and credited to the uniform commercial code account.

(f) Money in the uniform commercial code account is continuously appropriated to the secretary of state to implement and maintain the computerized uniform commercial code filing system under section 336.9-411 and to provide electronic-view-only access to other computerized records maintained by the secretary of state.

Sec. 100. Minnesota Statutes 1990, section 349.12, subdivision 10, is amended to read:

Subd. 10. **DIRECTOR.** "Director" is the director of the ~~division of~~ gambling control board.

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

Sec. 101. Minnesota Statutes 1990, section 349.151, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP.** ~~(a) Until July 1, the board consists of six members appointed by the governor with the advice and consent of the senate and the commissioner of gaming as a voting member. Of the members first appointed, one is for a term expiring June 30, 1990; two are for a term expiring June 30, 1991; two are for a term expiring June 30, 1992; and one is for a term expiring June 30, 1993.~~

(b) On and after July 1, 1991, the board consists of seven members, as follows: (1) those members appointed by the governor before July 1, 1991, whose terms expire June 30, 1992, June 30, 1993, and June 30, 1994; (2) one member appointed by the governor for a term expiring June 30, 1994; (3) one member appointed by the commissioner of public safety for a term expiring June 30, 1995; and (4) one member appointed by the attorney general for a term expiring June 30, 1995.

(c) All appointments under this subdivision are with the advice and consent of the senate.

(d) After expiration of the initial terms, appointments are for four years.

(e) The board shall select one of its members, other than the commissioner, to serve as chair. No more than three members appointed by the governor under this subdivision may belong to the same political party.

Sec. 102. Minnesota Statutes 1990, section 349A.01, subdivision 5, is amended to read:

Subd. 5. **DIRECTOR.** "Director" is the director of the state lottery ~~division.~~

Sec. 103. Minnesota Statutes 1990, section 349A.01, subdivision 9, is amended to read:

Subd. 9. **LOTTERY.** "Lottery" is the state lottery ~~operated by the state lottery division of the department.~~

Sec. 104. Minnesota Statutes 1990, section 349A.02, subdivision 1, is amended to read:

Subdivision 1. **DIRECTOR.** A state lottery ~~division~~ is established ~~in the department of gaming,~~ under the supervision and control of the director of the state lottery appointed by the governor with the advice and consent of the senate. The governor shall appoint the first director from a list of at least three persons recommended to the governor by the governor's commission on the lottery which was appointed by the governor on December 8, 1988. The director must be qualified by experience and training to supervise the lottery. The director serves in the unclassified service.

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

Sec. 105. Minnesota Statutes 1990, section 349A.03, subdivision 1, is amended to read:

Subdivision 1. **BOARD CREATED.** There is created ~~within the division a~~ state lottery board. The board consists of ~~six~~ seven members appointed by the governor ~~plus the commissioner as a voting member~~. Not more than ~~three~~ four of the members ~~appointed by the governor under this subdivision~~ may belong to the same political party and at least three members must reside outside the seven-county metropolitan area. The terms of office, removal from office, and compensation of members of the board; ~~other than the commissioner~~, are as provided in section 15.059 except the board does not expire as provided under section 15.059, subdivision 5. The members of the board shall select the chair of the board; ~~who shall not be the commissioner~~.

Sec. 106. Minnesota Statutes 1990, section 349A.10, subdivision 5, is amended to read:

Subd. 5. **DEPOSIT OF NET PROCEEDS.** Within 30 days after the end of each month, the director shall deposit in the state treasury the net proceeds of the lottery, which is the balance in the lottery fund after transfers to the lottery prize fund and credits to the lottery operations account. Of the net proceeds, 40 percent must be credited to the Minnesota environment and natural resources trust fund, ~~28.3 percent must be credited to the infrastructure development fund for capital improvement projects at state institutions of higher education~~, ~~6.7 percent must be credited to the infrastructure development fund for capital improvement projects to develop or protect the state's environment and natural resources~~, and, through the first ten full fiscal years during which proceeds from the lottery are received, ~~25 percent must be credited to the Greater Minnesota account in the special revenue fund and the remainder must be credited to the general fund~~.

Sec. 107. Minnesota Statutes 1990, section 626.861, subdivision 1, is amended to read:

Subdivision 1. **LEVY OF ASSESSMENT.** There is levied a penalty assessment of ~~ten~~ 12 percent on each fine imposed and collected by the courts of this state for traffic offenses in violation of chapters 168 to 173 or equivalent local ordinances, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than \$5 nor more than \$10 when the conviction is for a misdemeanor or petty misdemeanor, and shall impose a penalty assessment of not less than \$10 but not more than \$50 when the conviction is for a gross misdemeanor or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a

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

portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.

Sec. 108. Minnesota Statutes 1990, section 626.861, subdivision 4, is amended to read:

Subd. 4. **PEACE OFFICERS TRAINING ACCOUNT.** Receipts from penalty assessments must be credited to the general fund. The peace officers standards and training board may allocate from funds appropriated as follows:

(a) Up to 30 percent may be provided for reimbursement to board approved skills courses.

(b) Up to 15 percent may be used for the school of law enforcement.

(c) The balance may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

Sec. 109. **REVISOR INSTRUCTIONS.**

Subdivision 1. The revisor shall change the following terms in Minnesota Statutes and Minnesota Rules to reflect the intent of this act to abolish the department of gaming and the divisions within it:

(1) "division" or similar term to "commission" or similar term wherever it appears in reference to the Minnesota racing commission;

(2) "division" or similar term to "board" or similar term in reference to the gambling control board; and

(3) "division" or similar term to "lottery" or similar term in reference to the state lottery board.

Subd. 2. In the next edition of Minnesota Statutes, the revisor of statutes shall delete the term "division" where it appears:

(1) in Minnesota Statutes, sections 349.153; 349.163, subdivision 4; 349.167, subdivision 4; 349.169, subdivision 2; and 349.18, subdivision 1, and insert the term "board"; and

(2) in Minnesota Statutes, sections 349A.02, subdivisions 4, 5, 6, and 8; 349A.06, subdivisions 2 and 5; 349A.08, subdivision 7; 349A.10, subdivisions 3 and 4; 349A.11; and 349A.12, and insert the term "lottery".

Sec. 110. **REPEALER.**

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

(a) Laws 1989, chapter 322, section 7, is repealed.

(b) Minnesota Statutes 1990, section 182.664, subdivision 2, is repealed.

(c) Minnesota Statutes 1990, sections 240.01, subdivision 15; 349.12, subdivision 12; 349A.01, subdivisions 3, 4, and 6; and 349B.01, are repealed.

Sec. 111. **EFFECTIVE DATE.**

(a) Sections 33 and 110, paragraph (a), are effective the day following final enactment.

(b) Sections 63; 64; 65; 66; 67; 68; 69; 70; 71; 72; 73; 74; 75; 76; 77; 78; 79; 80; 81; 82; 83; and 110, paragraph (b), are effective August 1, 1991.

(c) Sections 43 and 44 are effective July 1, 1992.

(d) All other provisions of this article are effective July 1, 1991.

Presented to the governor May 31, 1991

Signed by the governor June 4, 1991, 9:03 p.m.

CHAPTER 234—H.F.No. 1190

An act relating to utilities; prescribing a water use permit processing fee; limiting assessments against cooperative electric associations and municipal electric utilities to the maximum assessments that may be made against public utilities; adding real estate signs to the exemptions from the one call excavation notice system; amending Minnesota Statutes 1990, sections 103G.271, subdivision 6; 216B.62, subdivision 5; and 216D.01, subdivision 5.

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

Section 1. Minnesota Statutes 1990, section 103G.271, subdivision 6, is amended to read:

Subd. 6. **WATER USE PERMIT PROCESSING FEE.** (a) Except as described in paragraphs (b) to (e), a water use permit processing fee must be prescribed by the commissioner in accordance with the following schedule of fees for each water use permit in force at any time during the year:

(1) 0.05 cents per 1,000 gallons for the first 50,000,000 gallons per year;

(2) 0.10 cents per 1,000 gallons for amounts greater than 50,000,000 gallons but less than 100,000,000 gallons per year;

(3) 0.15 cents per 1,000 gallons for amounts greater than 100,000,000 gallons but less than 150,000,000 gallons per year; and

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