

fee for the facility. The amount of the fee is:

- (1) \$500, for facilities with a full-time equivalence of fewer than five;
- (2) \$1,000, for facilities with a full-time equivalence of five to ten; and
- (3) \$1,500, for facilities with a full-time equivalence of more than ten.

(b) A person who sells drycleaning solvents for use by drycleaning facilities in the state shall collect and remit to the commissioner of revenue in a manner prescribed by the commissioner of revenue, on or before the 20th day of the month following the month in which the sales of drycleaning solvents are made, a fee of:

(1) \$3.50 for each gallon of perchloroethylene sold for use by drycleaning facilities in the state; and

(2) 70 cents for each gallon of hydrocarbon-based drycleaning solvent sold for use by drycleaning facilities in the state; and

(3) 35 cents for each gallon of other nonaqueous solvents sold for use by dry-cleaning facilities in the state.

(c) To enforce this subdivision, the commissioner of revenue may examine documents, assess and collect fees, conduct investigations, issue subpoenas, grant extensions to file returns and pay fees, impose penalties and interest on the annual registration fee under paragraph (a) and the monthly fee under paragraph (b), abate penalties and interest, and administer appeals, in the manner provided in chapters 270 and 289A. The penalties and interest imposed on taxes under chapter 297A apply to the fees imposed under this subdivision. Disclosure of data collected by the commissioner of revenue under this subdivision is governed by chapter 270B.

Sec. 3. **EFFECTIVE DATE.**

Section 1 is effective on the day following final enactment. Section 2 is effective April 1, 2002.

Presented to the governor April 4, 2002

Signed by the governor April 8, 2002, 2:28 p.m.

CHAPTER 325—S.F.No. 3054

An act relating to the environment; modifying provisions relating to petrofund contractors and consultants; modifying application requirements for certain petrofund reimbursements; amending Minnesota Statutes 2000, sections 115C.02, subdivisions 5a, 5b; 115C.11; Minnesota Statutes 2001 Supplement, section 115C.09, subdivision 1.

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

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Section 1. Minnesota Statutes 2000, section 115C.02, subdivision 5a, is amended to read:

Subd. 5a. **CONSULTANT.** "Consultant" means an individual, partnership, association, private corporation, or any other legal entity that provides actually performs consulting services. Consulting services include the rendering of professional opinion, advice, or analysis regarding a release.

Sec. 2. Minnesota Statutes 2000, section 115C.02, subdivision 5b, is amended to read:

Subd. 5b. **CONTRACTOR.** "Contractor" means an individual, partnership, association, private corporation, or any other legal entity that provides actually performs contractor services. Contractor services means products and services within a scope of work that can be defined by typical written plans and specifications including, but not limited to, excavation, treatment of contaminated soil and groundwater, soil borings and well installations, laboratory analysis, surveying, electrical work, plumbing, carpentry, and equipment.

Sec. 3. Minnesota Statutes 2001 Supplement, section 115C.09, subdivision 1, is amended to read:

Subdivision 1. **REIMBURSABLE COSTS.** (a) The board shall provide reimbursement to eligible applicants for reimbursable costs.

(b) The following costs are reimbursable for purposes of this chapter:

(1) corrective action costs incurred by the applicant and documented in a form prescribed by the board, except the costs related to the physical removal of a tank; and

(2) costs that the responsible person is legally obligated to pay as damages to third parties for bodily injury, property damage, or corrective action costs incurred by a third party caused by a release where the responsible person's liability for the costs has been established by a court order or court-approved settlement; and

(3) up to 180 days of interest costs associated with the financing of corrective action and incurred by the applicant in a written extension of credit or loan that has been signed by the applicant and executed after July 1, 2002, provided that the applicant documents that:

(i) the interest costs are incurred as a result of an extension of credit or loan from a financial institution; and

(ii) the board has not considered the application within the applicable time frame specified in section 115C.09, subdivision 2a, paragraph (c).

Interest costs meeting the requirements of this clause are eligible only when they are incurred between the date a complete initial application is received by the board, or the date a complete supplemental application is received by the board, and the date that the board first notifies the applicant of its reimbursement determination. An application is complete when the information reasonably required or requested by the board's staff from the applicant has been received by the board's staff. Interest costs are not eligible

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for reimbursement to the extent they exceed two percentage points above the adjusted prime rate charged by banks, as defined in section 270.75, subdivision 5, at the time the extension of credit or loan was executed.

(c) A cost for liability to a third party is incurred by the responsible person when an order or court-approved settlement is entered that sets forth the specific costs attributed to the liability. Except as provided in this paragraph, reimbursement may not be made for costs of liability to third parties until all eligible corrective action costs have been reimbursed. If a corrective action is expected to continue in operation for more than one year after it has been fully constructed or installed, the board may estimate the future expense of completing the corrective action and, after subtracting this estimate from the total reimbursement available under subdivision 3, reimburse the costs for liability to third parties. The total reimbursement may not exceed the limit set forth in subdivision 3.

Sec. 4. Minnesota Statutes 2000, section 115C.11, is amended to read:

115C.11 CONSULTANTS AND CONTRACTORS; SANCTIONS.

Subdivision 1. **REGISTRATION.** (a) All consultants and contractors who perform corrective action services must register with the board. In order to register, consultants must meet and demonstrate compliance with the following criteria:

(1) provide a signed statement to the board verifying agreement to abide by this chapter and the rules adopted under it and to include a signed statement with each claim that all costs claimed by the consultant are a true and accurate account of services performed;

(2) provide a signed statement that the consultant shall make available for inspection any records requested by the board for field or financial audits under the scope of this chapter;

(3) certify knowledge of the requirements of this chapter and the rules adopted under it;

(4) obtain and maintain professional liability coverage, including pollution impairment liability; and

(5) agree to submit to the board a certificate or certificates verifying the existence of the required insurance coverage.

(b) The board must maintain a list of all registered consultants and a list of all registered contractors.

(c) All corrective action services must be performed by registered consultants and contractors.

(d) Reimbursement for corrective action services performed by an unregistered consultant or contractor is subject to reduction under section 115C.09, subdivision 3, paragraph (i).

(e) Corrective action services performed by a consultant or contractor prior to being removed from the registration list may be reimbursed without reduction by the board.

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(f) If the information in an application for registration becomes inaccurate or incomplete in any material respect, the registered consultant or contractor must promptly file a corrected application with the board.

(g) Registration is effective 30 days after a complete application is received by the board. The board may reimburse without reduction the cost of work performed by an unregistered contractor if the contractor performed the work within 60 days of the effective date of registration.

(h) Registration for consultants under this section remains in force until the expiration date of the professional liability coverage, including pollution impairment liability, required under paragraph (a), clause (4), or until voluntarily terminated by the registrant, or until suspended or revoked by the commissioner of commerce. Registration for contractors under this section expires each year on the anniversary of the effective date of the contractor's most recent registration and must be renewed on or before expiration. Prior to its annual expiration, a registration remains in force until voluntarily terminated by the registrant, or until suspended or revoked by the commissioner of commerce. All registrants must comply with registration criteria under this section.

Sec. 5. EXTENSION OF APPLICATION DATE.

Subdivision 1. REIMBURSEMENTS; SMALL GASOLINE RETAILERS. In response to an application submitted during the period beginning July 1, 2002, and ending June 30, 2003, the board may reimburse costs that met the requirements of Minnesota Statutes 1998, section 115C.09, subdivision 3f, to an eligible applicant who met the requirements of Minnesota Statutes 1998, section 115C.09, subdivision 3f.

Subd. 2. REIMBURSEMENTS; SMALL BUSINESS OWNERS. In response to an application submitted during the period beginning July 1, 2002, and ending June 30, 2003, the board may reimburse costs that met the requirements of Minnesota Statutes 2000, section 115C.09, subdivision 3g, to an eligible applicant who met requirements of Minnesota Statutes 2000, section 115C.09, subdivision 3g.

Subd. 3. PREREMOVAL SITE ASSESSMENT. In response to an application submitted during the period beginning July 1, 2002, and ending June 30, 2003, the board may reimburse costs that met the requirements of Minnesota Statutes 2000, section 115C.092, to an eligible applicant who met the requirements of that section.

Subd. 4. RESUBMISSION OF COSTS. Costs meeting the requirements of Minnesota Statutes 1998, section 115C.09, subdivision 3f, Minnesota Statutes 2000, section 115C.09, subdivision 3g, or Minnesota Statutes 2000, section 115C.092, that were submitted for reimbursement after June 29, 2001, may be resubmitted during the period beginning July 1, 2002, and ending June 30, 2003, for consideration by the board.

Presented to the governor April 4, 2002

Signed by the governor April 8, 2002, 2:28 p.m.

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