

(a) The board of social work shall, upon receipt of funding from federal or private sources, commission a study by an independent researcher to determine the extent to which the social work licensure examination failure rate for applicants who were born in a foreign country and for whom English is not their first language is greater than the failure rate for applicants from other populations taking the licensure examination, and the underlying cause of any such disparity. The study shall include consultations with and the collection of data from Minnesota social work educators; representatives of culturally based community organizations, including, but not limited to, the Asian-Pacific, Chicano/Latino, and Somali populations; and the national organization that develops, owns, and maintains the social work examinations used by the board. The study shall also include the collection and review of relevant data from other health-related boards in Minnesota, as well as relevant data from social work and health-related boards in other states. The results of the study shall be reported directly to the board.

(b) Provided funding is received to conduct the study, the board shall submit a report to the legislature by September 1, ~~2003~~ 2004. The report shall include the results of the study as well as recommendations on possible remedies to address any disparity in examination failure rates among different populations.

**Sec. 14. REVISOR INSTRUCTION.**

The revisor shall change references in Minnesota Rules from "part 8740.0290" to "Minnesota Statutes, section 148B.226."

**Sec. 15. REPEALER.**

Minnesota Rules, parts 8740.0200, subpart 3, item C; 8740.0222; 8740.0227; and 8740.0290, are repealed.

**Sec. 16. EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 4:07 p.m.

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**CHAPTER 112—H.F.No. 943**

*An act relating to state government; modifying practices and procedures relating to state finance; transferring state treasurer duties to the commissioner of finance; amending Minnesota Statutes 2002, sections 7.26; 15.62, subdivisions 2, 3; 16A.10, subdivisions 1, 2; 16A.127, subdivision 4; 16A.129, subdivision 3; 16A.133, subdivision 1; 16A.14, subdivision 3; 16A.17, by adding a subdivision; 16A.27, subdivision 5; 16A.40; 16A.46; 16A.501; 16A.626; 16A.642, subdivision 1; 16D.09, subdivision 1; 16D.13, subdivisions 1, 2; 35.08; 35.09, subdivision 3; 49.24, subdivisions 13, 16; 84A.11; 84A.23, subdivision 4; 84A.33, subdivision 4; 84A.40; 85A.05, subdivision 2; 94.53; 115A.58, subdivision 2; 116.16, subdivision 4; 116.17, subdivision*

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2; 122A.21; 126C.72, subdivision 2; 127A.40; 161.05, subdivision 3; 161.07; 167.50, subdivision 2; 174.51, subdivision 2; 176.181, subdivision 2; 176.581; 190.11; 241.08, subdivision 1; 241.10; 241.13, subdivision 1; 244.19, subdivision 7; 245.697, subdivision 2a; 246.15, subdivision 1; 246.18, subdivision 1; 246.21; 276.11, subdivision 1; 280.29; 293.06; 299D.03, subdivision 5; 352.05; 352B.03, subdivision 2; 354.06, subdivision 3; 354.52, subdivision 5; 385.05; 475A.04; 475A.06, subdivision 2; 481.01; 490.123, subdivision 2; 525.161; 525.841; *repealing Minnesota Statutes 2002, sections 7.21; 16A.06, subdivision 10; 16A.131, subdivision 1; 16D.03, subdivision 3; 16D.09, subdivision 2.*

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

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## ARTICLE 1

### GENERAL

Section 1. Minnesota Statutes 2002, section 15.62, subdivision 2, is amended to read:

Subd. 2. A public employee who qualifies as a member of a United States team for athletic competition on the world championship, Pan American, or Olympic team in a sport sanctioned by the International Olympic Committee, shall ~~may~~ be granted a leave of absence without loss of pay or other benefits or rights for the purpose of preparing for and engaging in the competition. In no event shall the paid leave under this section exceed the period of the official training camp and competition combined or 90 calendar days a year, whichever is less.

Sec. 2. Minnesota Statutes 2002, section 15.62, subdivision 3, is amended to read:

Subd. 3. If the public employee granted the leave is an employee of a school district, university system or other political subdivision, ~~the state shall reimburse the employer~~ is responsible for the actual cost ~~to the employer~~ of employing a substitute.

Sec. 3. Minnesota Statutes 2002, section 16A.10, subdivision 1, is amended to read:

Subdivision 1. **BUDGET FORMAT.** In each even-numbered calendar year the commissioner shall prepare budget forms and instructions for all agencies, including guidelines for reporting agency performance measures, subject to the approval of the governor. The commissioner shall request and receive advisory recommendations from the chairs of the senate finance committee and house of representatives ways and means committee before adopting a format for the biennial budget document. By June 15, the commissioner shall send the proposed budget forms to the appropriations and finance committees. The committees have until July 15 to give the commissioner their advisory recommendations on possible improvements. To facilitate this consultation, the commissioner shall establish a working group consisting of executive branch staff and designees of the chairs of the senate finance and house of representatives ways and

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means committees. The commissioner must involve this group in all stages of development of budget forms and instructions. The budget format must show actual expenditures and receipts for the ~~two~~ most recent fiscal years year, estimated expenditures and receipts for the current fiscal year, and estimates for each fiscal year of the next biennium. Estimated expenditures must be classified by funds and character of expenditures and may be subclassified by programs and activities. Agency revenue estimates must show how the estimates were made and what factors were used. Receipts must be classified by funds, programs, and activities. Expenditure and revenue estimates must be based on the law in existence at the time the estimates are prepared.

Sec. 4. Minnesota Statutes 2002, section 16A.10, subdivision 2, is amended to read:

Subd. 2. **BY OCTOBER 15 AND NOVEMBER 30.** By October 15 of each even-numbered year, an agency must file the following with the commissioner:

- (1) budget estimates for the most recent and current fiscal years;
- (2) its upcoming biennial budget estimates;
- (3) a comprehensive and integrated statement of agency missions and outcome and performance measures; and
- (4) a concise explanation of any planned changes in the level of services or new activities.

The commissioner shall prepare and file the budget estimates for an agency failing to file them. By November 30, the commissioner shall send the final budget format, agency budget estimates for the next biennium, and copies of the filed material to the ways and means and finance committees, except that the commissioner shall not be required to transmit information that identifies executive branch budget decision items. At this time, a list of each employee's name, title, and salary must be available to the legislature, either on paper or through electronic retrieval.

Sec. 5. Minnesota Statutes 2002, section 16A.127, subdivision 4, is amended to read:

Subd. 4. **FEDERAL PROPOSALS.** Agency applications for federal money shall include necessary submissions to recover both statewide and agency indirect costs. A copy of the indirect cost submission must have the prior approval of be submitted to the commissioner for review. An agency indirect cost plan is unnecessary if the commissioner determines that the costs incurred in preparing and maintaining it exceed the benefit received by the state. If less than the entire agency proposal is federally approved, the commissioner may accept reimbursement of less than all of the federal receipts. If no federal funds are approved for indirect costs, the agency must document that fact to the commissioner.

Sec. 6. Minnesota Statutes 2002, section 16A.129, subdivision 3, is amended to read:

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Subd. 3. **CASH ADVANCES.** When the operations of any nongeneral fund account would be impeded by projected cash deficiencies resulting from delays in the receipt of grants, dedicated income, or other similar receivables, and when the deficiencies would be corrected within the budget period involved, the commissioner of finance may use general fund level cash reserves to meet cash demands. If funds are transferred from the general fund to meet cash flow needs, the cash flow transfers must be returned to the general fund as soon as sufficient cash balances are available in the account to which the transfer was made. Any interest earned on general fund cash flow transfers accrues to the general fund and not to the accounts or funds to which the transfer was made. The commissioner may advance general fund cash reserves to nongeneral fund accounts where the receipts from other governmental units cannot be collected within the budget period.

Sec. 7. Minnesota Statutes 2002, section 16A.133, subdivision 1, is amended to read:

Subdivision 1. **PAYROLL DIRECT DEPOSIT AND DEDUCTIONS.** An agency head in the executive, judicial, and legislative branch shall, upon written request signed by an employee, directly deposit all or part of an employee's pay ~~in any to those credit union unions or financial institution institutions~~, as defined in section 47.015, designated by the employee.

An agency head may, upon written request of an employee, deduct from the pay of the employee a requested amount to be paid to the Minnesota Benefit Association, or to any organization contemplated by section 179A.06, of which the employee is a member, ~~or to a company that has contracted to insure the employee for the medical costs of cancer or intensive care. If an employee is a member of or has accounts more than one account with more than one credit union or financial institution the Minnesota Benefit Association or more than one organization under section 179A.06, or is insured by more than one company, only one credit union or financial institution may be paid money by direct deposit, and one credit union, only the Minnesota Benefit Association and one organization, and one company as defined under section 179A.06, may be paid money by payroll deduction from the employee's pay.~~

Sec. 8. Minnesota Statutes 2002, section 16A.14, subdivision 3, is amended to read:

Subd. 3. **SPENDING PLAN.** An appropriation to an agency may not be made available for spending in the next allotment period until the agency has submitted met all the requirements related to the policies and procedures of the Minnesota accounting and procurement system. A spending plan shall be submitted by July 31 to the commissioner on the commissioner's form with. The spending plan must certify that: the amount required for each activity and each is accurate and is consistent with legislative intent; revenue estimates are reasonable; and the plan is structurally balanced, with all legal restrictions on spending having been met for the purpose for which money is to be spent. The spending plan must also be approved or modified by the commissioner and funds allotted for the plan before the money is made available.

Sec. 9. Minnesota Statutes 2002, section 16A.17, is amended by adding a subdivision to read:

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Subd. 10. DIRECT DEPOSIT. Notwithstanding section 177.23, the commissioner may require direct deposit for all state employees who are being paid by the state payroll system.

Sec. 10. Minnesota Statutes 2002, section 16A.40, is amended to read:

**16A.40 WARRANTS AND ELECTRONIC FUND TRANSFERS.**

Money must not be paid out of the state treasury except upon the warrant of the commissioner or an electronic fund transfer approved by the commissioner. Warrants must be drawn on printed blanks that are in numerical order. The commissioner shall enter, in numerical order in a warrant register, the number, amount, date, and payee for every warrant issued.

The commissioner may require payees receiving more than ten payments of \$10,000 per year must to supply the commissioner with their bank routing information to enable the payments to be made through an electronic fund transfer.

Sec. 11. Minnesota Statutes 2002, section 16A.46, is amended to read:

**16A.46 LOST OR DESTROYED WARRANT DUPLICATE; INDEMNITY.**

The commissioner may issue a duplicate of an unpaid warrant to an owner if the loss or destruction of an unpaid warrant is owner certifies that the original was lost or destroyed. The commissioner may require certification be documented by affidavit. When the duplicate is issued, the original is void. The commissioner may require an indemnity bond from the applicant to the state for double the amount of the warrant for anyone damaged by the issuance of the duplicate. The commissioner may refuse to issue a duplicate of an unpaid state warrant. If the commissioner acts in good faith the commissioner is not liable, whether the application is granted or denied. For an unpaid refund or rebate issued under a tax law administered by the commissioner of revenue that has been lost or destroyed, an affidavit is not required for the commissioner to issue a duplicate if the duplicate is issued to the same name and social security number as the original warrant and that information is verified on a tax return filed by the recipient.

Sec. 12. Minnesota Statutes 2002, section 16A.501, is amended to read:

**16A.501 REPORT ON EXPENDITURE OF BOND PROCEEDS.**

The commissioner of finance must report annually to the legislature on the degree to which entities receiving appropriations for capital projects in previous omnibus capital improvement acts have encumbered or expended that money. The report must be submitted to the chairs of the house of representatives ways and means committee and the senate finance committee by ~~February~~ January 1 of each year.

Sec. 13. Minnesota Statutes 2002, section 16A.642, subdivision 1, is amended to read:

Subdivision 1. **REPORTS.** (a) The commissioner of finance shall report to the chairs of the senate committee on finance and the house of representatives committees

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on ways and means and on capital investment by ~~February~~ January 1 of each odd-numbered year on the following:

(1) all laws authorizing the issuance of state bonds or appropriating general fund money for state or local government capital investment projects enacted more than four years before ~~February~~ January 1 of that odd-numbered year; the projects authorized to be acquired and constructed for which less than 100 percent of the authorized total cost has been expended, encumbered, or otherwise obligated; the cost of contracts to be let in accordance with existing plans and specifications shall be considered expended for this report; and the amount of general fund money appropriated but not spent or otherwise obligated, and the amount of bonds not issued and bond proceeds held but not previously expended, encumbered, or otherwise obligated for these projects; and

(2) all laws authorizing the issuance of state bonds or appropriating general fund money for state or local government capital programs or projects other than those described in clause (1), enacted more than four years before ~~February~~ January 1 of that odd-numbered year; and the amount of general fund money appropriated but not spent or otherwise obligated, and the amount of bonds not issued and bond proceeds held but not previously expended, encumbered, or otherwise obligated for these programs and projects.

(b) The commissioner shall also report on general fund appropriations for capital projects, bond authorizations or bond proceed balances that may be canceled because projects have been canceled, completed, or otherwise concluded, or because the purposes for which the money was appropriated or bonds were authorized or issued have been canceled, completed, or otherwise concluded. The general fund appropriations, bond authorizations or bond proceed balances that are unencumbered or otherwise not obligated that are reported by the commissioner under this subdivision are canceled, effective July 1 of the year of the report, unless specifically reauthorized by act of the legislature.

Sec. 14. Minnesota Statutes 2002, section 16D.09, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** When a debt is determined by a state agency to be uncollectible, the debt may be written off by the state agency from the state agency's financial accounting records and no longer recognized as an account receivable for financial reporting purposes. A debt is considered to be uncollectible when (1) all reasonable collection efforts have been exhausted, (2) the cost of further collection action will exceed the amount recoverable, (3) the debt is legally without merit or cannot be substantiated by evidence, (4) the debtor cannot be located, (5) the available assets or income, current or anticipated, that may be available for payment of the debt are insufficient, (6) the debt has been discharged in bankruptcy, (7) the applicable statute of limitations for collection of the debt has expired, or (8) it is not in the public interest to pursue collection of the debt. The determination of the uncollectibility of a debt must be reported by the state agency along with the basis for that decision as part of its quarterly reports to the commissioner of finance. Determining that the debt is uncollectible does not cancel the legal obligation of the debtor to pay the debt, ~~except~~

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in the case of a debt related to a tax liability that is canceled by the department of revenue.

Sec. 15. Minnesota Statutes 2002, section 16D.13, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY.** Unless otherwise provided by a contract out of which the debt arises ~~or~~, by state or federal law, or by a written justification from an agency and approved by the department of finance showing the costs of charging interest exceed the benefit, a state agency shall charge simple interest on debts owed to the state at the rate provided in subdivision 2 if notice has been given in accordance with this subdivision. Interest charged under this section begins to accrue on the 30th calendar day following the state agency's first written demand for payment that includes notification to the debtor that interest will begin to accrue on the debt in accordance with this section.

Sec. 16. Minnesota Statutes 2002, section 16D.13, subdivision 2, is amended to read:

Subd. 2. **COMPUTATION.** Notwithstanding chapter 334, the rate of interest is the rate ~~determined by the state court administrator under section 549.09, subdivision 1, paragraph (c)~~ established by the department of revenue under section 270.75.

Sec. 17. Minnesota Statutes 2002, section 245.697, subdivision 2a, is amended to read:

Subd. 2a. **SUBCOMMITTEE ON CHILDREN'S MENTAL HEALTH.** The state advisory council on mental health (the "advisory council") must have a subcommittee on children's mental health. The subcommittee must make recommendations to the advisory council on policies, laws, regulations, and services relating to children's mental health. Members of the subcommittee must include:

(1) the commissioners or designees of the commissioners of the departments of human services, health, children, families, and learning, state planning, ~~finance,~~ and corrections;

(2) the commissioner of commerce or a designee of the commissioner who is knowledgeable about medical insurance issues;

(3) at least one representative of an advocacy group for children with emotional disturbances;

(4) providers of children's mental health services, including at least one provider of services to preadolescent children, one provider of services to adolescents, and one hospital-based provider;

(5) parents of children who have emotional disturbances;

(6) a present or former consumer of adolescent mental health services;

(7) educators currently working with emotionally disturbed children;

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(8) people knowledgeable about the needs of emotionally disturbed children of minority races and cultures;

(9) people experienced in working with emotionally disturbed children who have committed status offenses;

(10) members of the advisory council;

(11) one person from the local corrections department and one representative of the Minnesota district judges association juvenile committee; and

(12) county commissioners and social services agency representatives.

The chair of the advisory council shall appoint subcommittee members described in clauses (3) to (11) through the process established in section 15.0597. The chair shall appoint members to ensure a geographical balance on the subcommittee. Terms, compensation, removal, and filling of vacancies are governed by subdivision 1, except that terms of subcommittee members who are also members of the advisory council are coterminous with their terms on the advisory council. The subcommittee shall meet at the call of the subcommittee chair who is elected by the subcommittee from among its members. The subcommittee expires with the expiration of the advisory council.

#### Sec. 18. **CARRYFORWARD.**

Notwithstanding Minnesota Statutes, section 16A.28, or other law to the contrary, funds encumbered by the judicial or executive branch for severance costs, unemployment compensation costs, and health, dental, and life insurance continuation costs resulting from state employee layoffs during the fiscal year ending June 30, 2003, may be carried forward and may be spent until January 1, 2004.

#### Sec. 19. **REPEALER.**

Minnesota Statutes 2002, sections 16A.06, subdivision 10; 16A.131, subdivision 1; 16D.03, subdivision 3; and 16D.09, subdivision 2, are repealed.

#### Sec. 20. **EFFECTIVE DATE.**

This article is effective July 1, 2003.

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## ARTICLE 2

### TRANSFER OF STATE TREASURER DUTIES

#### Section 1. **TRANSFER.**

All powers, responsibilities, and duties of the state treasurer are transferred to the commissioner of finance under Minnesota Statutes, section 15.039, except as otherwise prescribed in this act and Laws 1998, chapter 387, and except that Minnesota Statutes,

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section 15.039, subdivision 7, does not apply to the state treasurer or deputy state treasurer.

Sec. 2. Minnesota Statutes 2002, section 7.26, is amended to read:

**7.26 DELIVERY OF DUPLICATES; BOND.**

Such duplicate obligation when executed shall be delivered by the ~~state treasurer~~ commissioner of finance to the owner of the original obligation, the owner's guardian, or the representative of the owner's estate; provided, such owner, guardian, or representative shall first file with the ~~state treasurer~~ commissioner a bond in the full amount of such obligation and unpaid interest to maturity, with sufficient sureties, approved by the same authority as state depository bonds, indemnifying the state against any loss thereon by reason of the existence of the original obligation or any coupon thereto attached, unless such bond is waived as hereinafter provided; and, provided, such owner, guardian, or representative shall furnish satisfactory proof to the ~~state treasurer~~ commissioner that such original obligation and coupons have not been found or presented for payment up to the time of such delivery; and, if any thereof have been found or presented, duplicates shall be delivered only of such as have not been found or presented. A record of the issuance and delivery of each duplicate obligation and attached coupons shall be made by the ~~state treasurer~~ and ~~forthwith reported by the treasurer to the commissioner of finance, who shall also make a record of the same.~~ Such duplicate obligations and coupons, when issued and delivered as hereinbefore provided shall have the same force and effect as the originals.

Sec. 3. Minnesota Statutes 2002, section 16A.27, subdivision 5, is amended to read:

Subd. 5. **CHARGES, COMPENSATING BALANCES.** The commissioner may, ~~after consulting with the state treasurer, agree that the treasurer may pay a~~ depository a reasonable charge from appropriated money, maintain appropriate compensating balances with the depository, or purchase non-interest-bearing certificates of deposit from the depository for performing depository related services.

Sec. 4. Minnesota Statutes 2002, section 16A.626, is amended to read:

**16A.626 ELECTRONIC PAYMENTS.**

(a) For purposes of this section, the terms defined in this paragraph have the meaning given them. "Agency" means a state officer, employee, board, commission, authority, department, entity, or organization of the executive branch of state government. "Government services transaction" means the conduct of business between an agency and an individual or business entity where the individual or business entity is paying a license or permit fee or tax or purchasing goods or services.

(b) Notwithstanding any other provision of law, rule, or regulation to the contrary, an agency may accept credit cards, charge cards, debit cards, or other method of electronic funds transfer for payment in government services transactions, including electronic transactions.

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(c) The commissioner of finance, ~~in consultation with the state treasurer,~~ shall contract with one or more entities for the purpose of enabling agencies to accept and process credit cards and other electronic financial transactions. All agencies shall process their credit card and other electronic financial transactions through the contracts negotiated by the commissioner of finance, unless the commissioner of finance grants a waiver allowing an agency to negotiate its own contract with an entity. These contracts must be approved by the commissioner of finance.

(d) Agencies that accept credit cards, charge cards, debit cards, or other method of electronic funds transfer for payment may impose a convenience fee to be added to each transaction, except that the department of revenue shall not impose a fee under this section on any payment of tax that is required by law or rule to be made by electronic funds transfer. The total amount of such convenience fee must be equal to the transaction fee charged by a processing contractor for such credit services during the most recent collection period. An agency imposing a convenience fee must notify the person using the credit services of the fee before the transaction is processed. Fees collected under this section are appropriated to the agency collecting the fee for purposes of paying the processing contractor.

(e) A convenience fee imposed by an agency under this section is in addition to any tax, fee, charge, or cost otherwise imposed for a license, permit, tax, service, or good provided by the agency.

(f) Credit card, charge card, debit card, or other method of electronic funds transfer account numbers are nonpublic data not on individuals as defined in section 13.02, subdivision 9, or private data on individuals as defined in section 13.02, subdivision 12.

Sec. 5. Minnesota Statutes 2002, section 35.08, is amended to read:

**35.08 KILLING OF DISEASED ANIMALS.**

If the board decides upon the killing of an animal affected with tuberculosis, paratuberculosis, or brucellosis, it shall notify the animal's owner or keeper of the decision. If the board, through its executive director, orders that an animal may be transported for immediate slaughter to any abattoir where the meat inspection division of the United States Department of Agriculture maintains inspection, or where the animal and plant health inspection service of the United States Department of Agriculture or the board establishes field postmortem inspection, the owner must receive the value of the net salvage of the carcass.

Before the animal is removed from the premises of the owner, the representative or authorized agent of the board must agree with the owner in writing as to the value of the animal. In the absence of an agreement, three competent, disinterested persons, one appointed by the board, one by the owner, and a third by the first two, shall appraise the animal at its full replacement cost taking into consideration the purpose and use of the animal.

The appraisal made under this section must be in writing, signed by the appraisers, and certified by the board to the commissioner of finance, who shall draw a warrant ~~on the state treasurer~~ for the amount due the owner.

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Sec. 6. Minnesota Statutes 2002, section 35.09, subdivision 3, is amended to read:

Subd. 3. **EMERGENCIES.** (a) When it is determined by the board that it is necessary to eradicate any dangerous, infectious, communicable disease among domestic animals in the state, the presence of which constitutes an emergency declared by resolution of the board, order of the governor, or by the United States Department of Agriculture, the board may take reasonable and necessary steps to suppress and eradicate the disease. The board may cooperate with the animal and plant health inspection service of the United States Department of Agriculture, federally recognized Indian tribes, state or local government agencies, or any other private or public entity in the suppression and eradication of the disease.

(b) When an emergency has been declared, the board may appraise and destroy animals affected with, or which have been exposed to the disease, or which are highly susceptible to exposure to the disease because of proximity to diseased animals, appraise and destroy personal property in order to remove the infection and complete the cleaning and disinfection of the premises, temporarily commandeer real property under paragraph (c) for the purpose of disposing of animals, and do any act and incur any other expense reasonably necessary to suppress the disease.

(c) The governor, at the request of the board, may temporarily commandeer agricultural or other suitable nonresidential land under the provisions of chapter 12 to be used for disposal of the destroyed animals when an emergency has been declared by the governor under section 35.0661 and the board determines that:

- (1) the owner of destroyed animals lacks sufficient land to properly dispose of the animals;
- (2) the animals cannot be transported to other sites;
- (3) no landowner within the appropriate area will consent to voluntarily provide land for animal disposal;
- (4) time pressures prevent formal condemnation procedures; and
- (5) other means of animal disposal are either impractical or contrary to good disease control practices.

After the land has been used for animal disposal, possession shall return to the owner or occupant. Damages resulting from the temporary taking shall be paid in the same amount and manner as if the land had been temporarily condemned for other public purposes.

(d) The board may accept, on behalf of the state, the rules adopted by the animal and plant health inspection service of the United States Department of Agriculture pertaining to the disease, authorized under an act of Congress, or the portion of the regulations deemed necessary, suitable, or applicable, and cooperate with the animal and plant health inspection service of the United States Department of Agriculture, in the enforcement of those rules. Alternatively, the board may follow the procedure only

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as to quarantine, inspection, condemnation, appraisal, compensation, destruction, burial of animals, disinfection, or other acts the board considers reasonably necessary for the suppression of the disease, as agreed upon and adopted by the board and representatives or authorized agents of the animal and plant health inspection service of the United States Department of Agriculture.

(e) For the purpose of compensation under paragraph (f), appraisals of animals or personal property destroyed in order to remove the infection and complete the cleaning and disinfection of premises where the animals are found, must be made by an appraisal board consisting of a representative of the board, a representative of the animal and plant health inspection service of the United States Department of Agriculture, and the owner of the animals or the owner's representative. Notwithstanding any law to the contrary, when, in the judgment of the board, physical appraisal of the animals to be killed or personal property to be destroyed poses a disease threat, appraisals may be conducted after the animals are killed based on documents, testimony, or other relevant evidence. Appraisals must be in writing and signed by the appraisers, and must be made at the true market value of all animals and personal property appraised, unless otherwise provided by applicable federal law or regulation when compensation is paid by federal funds.

(f) Upon destruction of animals or personal property, or temporary commandeering of real property, and burial or other disposition of the carcasses of the animals in accordance with the law and rules of the board and the animal and plant health inspection service of the United States Department of Agriculture, and the completion of the cleaning and disinfection of the premises, the board shall certify the appraisal or the condemnation award to the commissioner of finance, who shall draw a warrant ~~on the state treasurer~~ for the proper amount payable to the owner, excluding any compensation received by the owner from other sources, from appropriations made available for this purpose.

(g) No entity of any kind may begin or proceed with any proceeding to collect a debt from the owner of animals or personal property destroyed under this subdivision, until the owner has received compensation under paragraph (d). For purposes of this paragraph, "proceeding to collect a debt" includes foreclosure, repossession, garnishment, levy, contract for deed cancellation, an action to obtain a court judgment, a proceeding to collect real estate taxes or special assessments, eviction, and any other in-court and out-of-court proceedings to collect a debt. The term does not include sending bills or other routine communications to the owner. If an entity refuses to comply with this paragraph after being informed that the owner qualifies for relief under this paragraph, the owner may apply to the district court in the county in which the owner resides for a court order directing the entity to comply with this paragraph and to reimburse the owner for reasonable attorney fees incurred in obtaining the court order. This paragraph does not affect the validity of a mortgage foreclosure, contract for deed cancellation or other proceeding involving the title to real property, unless the owner records in the office of the county recorder, or files in the office of the registrar of titles, prior to completion of the proceeding to collect a debt, a certified copy of a court order, which includes a legal description of the property, determining that the

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owner qualifies for relief under this paragraph. For purposes of proceedings involving title to real property, the court order must provide that it expires 90 days after the court order was applied for, unless the court extends the court order prior to that date for good cause shown. A certified copy of any extension of the court order must be recorded or filed in order to affect the validity of a proceeding affecting the title to real property. For purposes of this paragraph, "completion of a proceeding to collect a debt" means, in the case of a mortgage foreclosure under chapter 580 or 581 or of a foreclosure of any other lien on real property, the filing or recording of the sheriff's certificate of sale; and, in the case of a contract for deed cancellation under section 559.21, the end of the cancellation period provided in that section.

Sec. 7. Minnesota Statutes 2002, section 49.24, subdivision 13, is amended to read:

Subd. 13. **DISPOSITION OF UNCLAIMED DIVIDENDS.** Upon the liquidation of any financial institution liquidated by the commissioner as statutory liquidator, if any dividends or other moneys set apart for the payment of claims remain unpaid, and the places of residence of the owners thereof are unknown to the commissioner, the commissioner may pay same into the state treasury as hereinafter provided. Whenever the commissioner shall be satisfied that the process of liquidation should not be further continued the commissioner may make and certify triplicate lists of any such unclaimed dividends or other moneys, specifying the name of each owner, the amount due, and the last known address. Upon one of such lists, to be retained by the commissioner shall be endorsed the commissioner's order that such unclaimed moneys be forthwith deposited in the state treasury. When so deposited, one of said lists shall be delivered to the ~~state treasurer and another to the~~ commissioner of finance and the commissioner shall retain in the commissioner's office such records and proofs concerning said claims as the commissioner may have, which shall thereafter remain on file in the office. The ~~treasurer~~ commissioner of finance shall execute upon the list retained by the commissioner a receipt for such money, which shall operate as a full discharge of the commissioner on account of such claims. At any time within six years after such receipt, but not afterward, the claimant may apply to the commissioner for the amount so deposited for the claimant's benefit, and upon proof satisfactory to the governor, the attorney general and the commissioner, or to a majority of them, they shall give an order to the commissioner of finance to issue a warrant upon the ~~treasurer~~ for such amount, and such warrant shall thereupon be issued. If no such claim be presented within six years, the commissioner shall so note upon the commissioner's copy of said list and certify the fact to the commissioner of finance ~~and treasurer~~ who shall make like entries upon the commissioner of finance's corresponding lists ~~in their hands~~; and all further claims to said money shall be barred. Provided, that the ~~state treasurer~~ commissioner of finance shall transfer to the commissioner of commerce's liquidation fund created by this section not to exceed 50 percent of the amount so turned over by the commissioner, to be used to partially defray expenses in connection with the liquidation of closed banks and the conduct of the liquidation division, in such amounts and at such times as the commissioner shall request.

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There is hereby appropriated to the persons entitled to such amounts, from such moneys in the state treasury not otherwise appropriated, an amount sufficient to make such payment.

Sec. 8. Minnesota Statutes 2002, section 49.24, subdivision 16, is amended to read:

Subd. 16. **TRANSFERS TO LIQUIDATION FUND.** The following moneys shall be transferred to and deposited in the commissioner of commerce's liquidation fund:

(1) All moneys paid to the state ~~treasurer~~ commissioner of finance by the commissioner out of funds of any financial institution in the commissioner's hands as reimbursement for services and expenses pursuant to the provisions of subdivision 7.

(2) All moneys in the possession of the commissioner set aside for the purpose of meeting unforeseen and contingent expenses incident to the liquidation of closed financial institutions, which funds have been or shall be hereafter established by withholding portions of final liquidating dividends in such cases.

(3) All moneys which the commissioner shall request the state ~~treasurer~~ commissioner of finance to transfer to such fund pursuant to the provisions of subdivision 13.

(4) All moneys in the possession of the commissioner now carried on the commissioner's books in "stamp account," "suspense account," and "unclaimed deposit account."

(5) All moneys in the possession of the commissioner which the commissioner may be authorized by order of any district court having jurisdiction of any liquidation proceedings to transfer to such fund, or to use for any of the purposes for which the fund is established.

(6) All moneys in the possession of the commissioner carried on the commissioner's books in the "unclaimed bonds account." At any time within ~~one year after the effective date of Laws 1945, chapter 128, or within six years after any bond~~ proceeds of the sale of which constitute a portion of the moneys in this paragraph referred to came into the possession of the commissioner as liquidator of any financial institution, ~~whichever is later~~, any claimant thereto may apply to the commissioner for the proceeds of the sale of such bond, and, upon proof satisfactory to the governor, the attorney general, and the commissioner, or a majority of them, they shall give an order to the commissioner of finance to issue a warrant ~~upon the treasurer~~ for such amount, without interest, and such warrant shall thereupon be issued and the amount thereof paid out of the commissioner of commerce's liquidation fund. If no such claim be presented within such period, all further claims to the proceeds of any such bond shall be barred.

(7) All sums which the commissioner may receive from the sale of personal property of liquidated financial institutions where the final dividend has been paid and no disposition of said property made by any order of the court, and the proceeds of

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sales of any personal property used by the liquidation division which have been purchased with funds of financial institutions in liquidation.

Sec. 9. Minnesota Statutes 2002, section 84A.11, is amended to read:

**84A.11 WHEN BONDS PAID IN PART BY COUNTIES.**

A county containing a portion of the preserve may voluntarily assume, in the manner specified in this section, the obligation to pay a portion of the principal and interest of the bonds issued before April 19, 1929, and remaining unpaid at maturity, of any school district or town in the county and wholly or partly within the preserve. The portion must bear the same proportion to the whole of the unpaid principal and interest as the 1928 assessed valuation of lands then acquired by the state under sections 84A.01 to 84A.11 in that school district or town bears to the total 1928 assessed valuation of the school district or town.

This assumption must be evidenced by a resolution of the county board. A copy of the resolution must be certified to the commissioner of finance within one year after the passage of sections 84A.01 to 84A.11.

After that time, if any bonds remain unpaid at maturity, the county board shall, upon demand of the governing body of the school district or town or of a bondholder, provide for the payment of the portion assumed. The county board shall levy general taxes on all the taxable property of the county for that purpose, or shall issue its bonds to raise the sum needed conforming to law respecting the issuance of county refunding bonds. The proceeds of these taxes or bonds must be paid by the county treasurer to the treasurers of the respective school districts or towns.

If a county fails to adopt and certify this resolution, the commissioner of finance shall withhold from the payments to be made to the county, under section 84A.04, a sum equal to that portion of the principal and interest of these outstanding bonds that bears the same proportion to the whole principal and interest as the 1928 assessed valuation of lands acquired by the state within the preserve bears to the total 1928 assessed valuation of the school district or town. The money withheld must be set aside in the state treasury and not paid to the county until the full principal and interest of these school district and town bonds is paid.

If any bonds remain unpaid at maturity, upon the demand of the governing body of the school district or town, or a bondholder, the commissioner of finance shall issue to the treasurer of the school district or town a warrant ~~on the state treasurer~~ for that portion of the past due principal and interest computed as in the case of the county liability authorized to be voluntarily assumed. Money received by a school district or town under this section must be applied to the payment of these past due bonds and interest.

Sec. 10. Minnesota Statutes 2002, section 84A.23, subdivision 4, is amended to read:

Subd. 4. **DRAINAGE DITCH BONDS; REPORTS.** (a) Immediately after a project is approved and accepted and then after each distribution of the tax collections

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on the June and November tax settlements, the county auditor shall certify to the commissioner of finance the following information relating to bonds issued to finance or refinance public drainage ditches wholly or partly within the projects, and the collection of assessments levied on account of the ditches:

(1) the amount of principal and interest to become due on the bonds before the next tax settlement and distribution;

(2) the amount of money collected from the drainage assessments and credited to the funds of the ditches; and

(3) the amount of the deficit in the ditch fund of the county chargeable to the ditches.

(b) On approving the certificate, the commissioner of finance shall draw a warrant ~~on the state treasurer~~, payable out of the fund pertaining to the project, for the amount of the deficit in favor of the county.

(c) As to public drainage ditches wholly within a project, the amount of money paid to or for the benefit of the county under paragraph (b) must never exceed the principal and interest of the bonds issued to finance or refinance the ditches outstanding at the time of the passage and approval of sections 84A.20 to 84A.30, less money on hand in the county ditch fund to the credit of the ditches. The liabilities must be reduced from time to time by the amount of all payments of assessments after April 25, 1931, made by the owners of lands assessed before that date for benefits on account of the ditches.

(d) As to public drainage ditches partly within and partly outside a project, the amount paid from the fund pertaining to the project to or for the benefit of the county must never exceed a certain percentage of bonds issued to finance and refinance the ditches so outstanding, less money on hand in the county ditch fund to the credit of the ditches on April 25, 1931. The percentage must bear the same proportion to the whole amount of these bonds as the original benefits assessed against lands within the project bear to the original total benefits assessed to the entire system of the ditches. This liability shall be reduced from time to time by the payments of all assessments extended after April 25, 1931, made by the owners of lands within the project of assessments for benefits assessed before that date on account of a ditch.

(e) The commissioner of finance may provide and prescribe forms for reports required by sections 84A.20 to 84A.30 and require any additional information from county officials that the commissioner of finance considers necessary for the proper administration of sections 84A.20 to 84A.30.

Sec. 11. Minnesota Statutes 2002, section 84A.33, subdivision 4, is amended to read:

Subd. 4. **DITCH BONDS; FUNDS; PAYMENTS TO COUNTIES.** (a) Upon the approval and acceptance of a project and after each distribution of the tax collections for the June and November tax settlements, the county auditor shall certify to the commissioner of finance the following information about bonds issued to finance

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or refinance public drainage ditches wholly or partly within the projects, and the collection of assessments levied for the ditches:

(1) the amount of principal and interest to become due on the bonds before the next tax settlement and distribution;

(2) the amount of money collected from the drainage assessments and credited to the funds of the ditches, not already sent to the state ~~treasurer~~ commissioner of finance as provided in sections 84A.31 to 84A.42; and

(3) the amount of the deficit in the ditch fund of the county chargeable to the ditches.

(b) On approving this certificate of the county auditor, the commissioner of finance shall draw a warrant ~~on the state treasurer~~, payable out of the fund provided for in sections 84A.31 to 84A.42, and send it to the county treasurer of the county. These funds must be credited to the proper ditch of the county and placed in the ditch bond fund of the county, which is created, and used only to pay the ditch bonded indebtedness of the county assumed by the state under sections 84A.31 to 84A.42. The total amount of warrants drawn must not exceed in any one year the total amount of the deficit provided for under this section.

(c) The state is subrogated to all title, right, interest, or lien of the county in or on the lands so certified within these projects.

(d) As to public drainage ditches wholly within a project, the amount paid to, or for the benefit of, the county under this subdivision must never exceed the principal and interest of the bonds issued to finance or refinance a ditch outstanding on April 22, 1933, less money on hand in the county ditch fund to the credit of a ditch. These liabilities must be reduced from time to time by the amount of any payments of assessments extended after April 22, 1933, made by the owners of lands assessed before that date for benefits on account of the ditches.

As to public drainage ditches partly within and partly outside a project the amount paid from the fund pertaining to the project to or for the benefit of the county must never exceed a certain percentage of bonds issued to finance and refinance a ditch so outstanding, less money on hand in the county ditch fund to the credit of a ditch on April 22, 1932. The percentage must bear the same proportion to the whole amount of the bonds as the original benefits assessed against these lands within the project bear to the original total benefits assessed to the entire system for a ditch. This liability must be reduced from time to time by the payments of all assessments extended after April 22, 1933, made by the owners of lands within the project of assessments for benefits assessed before that date on account of a ditch.

Sec. 12. Minnesota Statutes 2002, section 84A.40, is amended to read:

**84A.40 COUNTY MAY ASSUME BONDS.**

Any county where a project or portion of it is located may voluntarily assume, in the manner specified in this section, the obligation to pay a portion of the principal and interest of the bonds issued before the approval and acceptance of the project and

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remaining unpaid at maturity, of any school district or town in the county and wholly or partly within the project. The portion must bear the same proportion to the whole of the unpaid principal and interest as the last net tax capacity, before the acceptance of the project, of lands then acquired by the state under sections 84A.31 to 84A.42 in the school districts or towns bears to the total net tax capacity for the same year of the school district or town. This assumption must be evidenced by a resolution of the county board of the county. A copy of the resolution must be certified to the commissioner of finance within one year after the acceptance of the project.

Later, if any of the bonds remains unpaid at maturity, the county board shall, upon demand of the governing body of the school district or town or of a bondholder, provide for the payment of the portion assumed. The county shall levy general taxes on all the taxable property of the county for that purpose, or issue its bonds to raise the sum needed, conforming to law respecting the issuance of county refunding bonds. The proceeds of taxes or bonds must be paid by the county treasurer to the treasurer of the school district or town. No payments shall be made by the county to the school district or town until the money in the treasury of the school district or town, together with the money to be paid by the county, is sufficient to pay in full each of the bonds as it becomes due.

If a county fails to adopt and certify the resolution, the commissioner of finance shall withhold from the payments to be made to the county under section 84A.32 a sum equal to that portion of the principal and interest of the outstanding bonds that bears the same proportion to the whole of the bonds as the above determined net tax capacity of lands acquired by the state within the project bears to the total net tax capacity for the same year of the school district or town. Money withheld from the county must be set aside in the state treasury and not paid to the county until the full principal and interest of the school district and town bonds have been paid.

If any bonds remain unpaid at maturity, upon the demand of the governing body of the school district or town, or a bondholder, the commissioner of finance shall issue to the treasurer of the school district or town a warrant ~~on the state treasurer~~ for that portion of the past due principal and interest computed as in the case of the county's liability authorized in this section to be voluntarily assumed. Money received by a school district or town under this section must be applied to the payment of past-due bonds and interest.

Sec. 13. Minnesota Statutes 2002, section 85A.05, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE OF BONDS.** Upon request by resolution of the Minnesota zoological board and upon authorization as provided in subdivision 1 the commissioner of finance shall sell and issue Minnesota zoological garden bonds in the aggregate amount requested, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks within or outside the state, with such provisions for registration, conversion, and exchange

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and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further rules, as the commissioner of finance shall determine, subject to the approval of the attorney general, but not subject to chapter 14, including section 14.386. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals seal. The signatures of the officers signature on the bonds and any appurtenant interest coupons and their seals the seal may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of ~~one of the officers~~ the commissioner of finance or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Sec. 14. Minnesota Statutes 2002, section 94.53, is amended to read:

**94.53 WARRANT TO COUNTY TREASURERS; FEDERAL LOANS TO COUNTIES.**

It shall be the duty of the commissioner of finance to transmit warrants on the state treasury to the county treasurers of the respective counties for the sum that may be due in accordance with sections 94.52 to 94.54, which sum or sums are hereby appropriated out of the state treasury from the amounts received from the United States government pursuant to the aforesaid act of Congress. The commissioner of finance, upon being notified by the federal government or any agencies thereof that a loan has been made to any such county the repayment of which is to be made from such fund, is authorized to transmit a warrant or warrants ~~on the state treasurer~~ to the federal government or any agency thereof sufficient to repay such loan out of any money apportioned or due to such county under the provisions of such act of Congress, approved May 23, 1908 (Statutes at Large, volume 35, page 260).

Sec. 15. Minnesota Statutes 2002, section 115A.58, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE OF BONDS.** Upon request by the director and upon authorization as provided in subdivision 1, the commissioner of finance shall sell Minnesota state waste management bonds. The bonds shall be in the aggregate amount requested, and sold upon sealed bids upon the notice, at the price in the form and denominations, bearing interest at the rate or rates, maturing in the amounts and on the dates (with or without option of prepayment upon notice and at specified times and prices), payable at a bank or banks within or outside the state (with provisions, if any, for registration, conversion, and exchange and for the issuance of temporary bonds or notes in anticipation of the sale or delivery of definitive bonds), and in accordance with further provisions as the commissioner of finance shall determine, subject to the approval of the attorney general, but not subject to chapter 14, including section 14.386. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals seal. The signatures of the officers signature on the bonds and any interest coupons and their seals the seal may be printed,

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lithographed, engraved, stamped, or otherwise reproduced thereon, except that each bond shall be authenticated by the manual signature on its face of ~~one of the officers~~ the commissioner of finance or of an authorized representative of a bank designated by the commissioner of finance as registrar or other authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Sec. 16. Minnesota Statutes 2002, section 116.16, subdivision 4, is amended to read:

Subd. 4. **DISBURSEMENTS.** Disbursements for the water pollution control program shall be made by the ~~state treasurer upon order of the~~ commissioner of finance at the times and in the amounts requested by the agency or the Minnesota public facilities authority in accordance with the applicable state and federal law governing such disbursements; except that no appropriation or loan of state funds for any project shall be disbursed to any municipality until and unless the agency has by resolution determined the total estimated cost of the project, and ascertained that financing of the project is assured by:

(1) a grant to the municipality by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state; or

(2) a grant of funds appropriated by state law; or

(3) a loan authorized by state law; or

(4) the appropriation of proceeds of bonds or other funds of the municipality to a fund for the construction of the project; or

(5) any or all of the means referred to in clauses (1) to (4); and

(6) an irrevocable undertaking, by resolution of the governing body of the municipality, to use all funds so made available exclusively for the construction of the project, and to pay any additional amount by which the cost of the project exceeds the estimate, by the appropriation to the construction fund of additional municipal funds or the proceeds of additional bonds to be issued by the municipality; and

(7) conformity of the project and of the loan or grant application with the state water pollution control plan as certified to the federal government and with all other conditions under applicable state and federal law for a grant of state or federal funds of the nature and in the amount involved.

Sec. 17. Minnesota Statutes 2002, section 116.17, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE OF BONDS.** Upon request by resolution of the agency and upon authorization as provided in subdivision 1 the commissioner of finance shall sell and issue Minnesota state water pollution control bonds in the aggregate amount

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requested, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at a rate or rates, maturing in amounts and on dates, with or without option of prepayment upon notice and at specified times and prices, payable at a bank or banks within or outside the state, with provisions, if any, for registration, conversion, and exchange and for the issuance of temporary bonds or notes in anticipation of the sale or delivery of definitive bonds, and in accordance with further provisions, as the commissioner of finance shall determine, subject to the approval of the attorney general, but not subject to chapter 14, including section 14.386. The bonds shall be executed by the commissioner of finance and attested by ~~the state treasurer under their official seals~~ seal. The ~~signatures~~ signature of the ~~officers~~ commissioner on the bonds and any appurtenant interest coupons and ~~their seals~~ the seal may be printed, lithographed, engraved, stamped, or otherwise reproduced thereon, except that each bond shall be authenticated by the manual signature on its face of ~~one of the officers~~ the commissioner or of an authorized representative of a bank designated by the commissioner as registrar or other authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Sec. 18. Minnesota Statutes 2002, section 122A.21, is amended to read:

**122A.21 TEACHERS' AND ADMINISTRATORS' LICENSES; FEES.**

Each application for the issuance, renewal, or extension of a license to teach must be accompanied by a processing fee in an amount set by the board of teaching by rule. Each application for issuing, renewing, or extending the license of a school administrator or supervisor must be accompanied by a processing fee in the amount set by the board of teaching. The processing fee for a teacher's license and for the licenses of supervisory personnel must be paid to the executive secretary of the appropriate board. The executive secretary of the board shall deposit the fees with the ~~state treasurer, as provided by law, and report each month to the commissioner of finance the amount of fees collected.~~ The fees as set by the board are nonrefundable for applicants not qualifying for a license. However, a fee must be refunded by the ~~state treasurer~~ commissioner of finance in any case in which the applicant already holds a valid unexpired license. The board may waive or reduce fees for applicants who apply at the same time for more than one license.

Sec. 19. Minnesota Statutes 2002, section 126C.72, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE AND SALE OF BONDS; COMMISSIONER OF FINANCE.** Upon receipt of each such certification, subject to authorization as provided in subdivision 4, the commissioner of finance shall from time to time as needed issue and sell state of Minnesota school loan bonds in the aggregate principal amount stated in the commissioner's certificate, for the prompt and full payment of which, with the interest thereon, the full faith, credit, and taxing powers of the state are hereby irrevocably pledged. The commissioner of finance shall credit the net proceeds

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of the sale of the bonds to the purposes for which they are appropriated by section 126C.66, subdivision 1. The bonds shall be issued and sold at such price, in such manner, in such number of series, at such times, and in such form and denominations, shall bear such dates of issue and of maturity, either without option of prior redemption or subject to prepayment upon such notice and at such times and prices, shall bear interest at such rate or rates and payable at such intervals, shall be payable at such bank or banks within or without the state, with such provisions for registration, conversion, and exchange, and for the issuance of notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such further provisions as the commissioner of finance shall determine subject to the limitations stated in this subdivision (but not subject to chapter 14, including section 14.386). The maturity date must not be more than 20 years after the date of issue of any bond and the principal amounts. The due dates must conform as near as may be with the commissioner's estimates of dates and amounts of payments to be received on debt service and capital loans. The bonds and any interest coupons attached to them must be executed by the commissioner of finance and attested by the state treasurer under their official seals seal. The signatures signature of these officers the commissioner and their seals the seal may be printed, lithographed, stamped, engraved, or otherwise reproduced thereon. Each bond must be authenticated by the manual signature on its face of one of the officers commissioner or a person authorized to sign on behalf of a bank or trust company designated by the commissioner to act as registrar or other authenticating agent. The commissioner of finance is authorized and directed to ascertain and certify to purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota in accordance with their terms.

Sec. 20. Minnesota Statutes 2002, section 127A.40, is amended to read:

**127A.40 MANNER OF PAYMENT OF STATE AIDS.**

It shall be the duty of the commissioner to deliver to the commissioner of finance a certificate for each district entitled to receive state aid under the provisions of this chapter. Upon the receipt of such certificate, it shall be the duty of the commissioner of finance to draw a warrant upon the state treasurer in favor of the district for the amount shown by each certificate to be due to the district. The commissioner of finance shall transmit such warrants to the district together with a copy of the certificate prepared by the commissioner.

Sec. 21. Minnesota Statutes 2002, section 161.05, subdivision 3, is amended to read:

Subd. 3. **CERTIFICATE.** Before the state treasurer commissioner of finance shall make any such loan, the commissioner shall file with the commissioner of finance and the state treasurer a certificate showing the amount of disbursements from the trunk highway fund which are to be repaid to the state by the federal government.

Sec. 22. Minnesota Statutes 2002, section 161.07, is amended to read:

**161.07 MANNER OF PAYMENTS.**

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Subdivision 1. **ABSTRACT FOR PAYMENT.** In all cases of payments to be made as herein authorized by the commissioner out of the trunk highway fund, the same shall be made in the following manner. The commissioner shall furnish verified abstracts of the same, prepared in ~~triplicate~~ duplicate, one of which shall be delivered to the commissioner of finance, ~~one to the state treasurer~~, and one to be retained by the commissioner of transportation. The abstract shall contain the name, residence, and the amount due each claimant and designate the contract or purpose for which the payment is made.

Subd. 2. **PAYMENT.** The copy of the abstracts delivered to the commissioner of finance shall be accompanied by the original voucher or vouchers, together with the proof of claim for each item included in such abstracts. If there be sufficient money in the proper fund, the commissioner of finance shall issue a warrant ~~upon the state treasurer~~ for the gross amount shown by such abstract. ~~The state treasurer~~ commissioner of finance shall deliver checks to the several persons entitled thereto as shown by such abstracts, and shall preserve in the ~~treasurer's~~ commissioner's office a record of each check and remittance showing the date of each issue, the name of the payee, and any other facts tending to evidence its payment.

Sec. 23. Minnesota Statutes 2002, section 167.50, subdivision 2, is amended to read:

Subd. 2. **ISSUANCE AND SALE.** The bonds shall be issued and sold upon competitive bids after published notice. The bonds shall be issued and sold at the times and prices (not less than par and accrued interest), in the form and denominations, bearing interest at the rate or rates, maturing on dates, with or without option of prior redemption upon notice and at specified times and prices, payable at a bank or banks, within or without the state, with provisions for registration, conversion, and exchange and for the issuance of temporary bonds or notes in anticipation of the sale and delivery of definitive bonds, and in accordance with such further provisions, as the commissioner of finance may determine, subject to the approval of the attorney general (but not subject to the provisions of chapter 14, including 14.386). Each bond shall mature within 20 years from its date of issue and shall be executed by the commissioner of finance and ~~attested by the state treasurer~~ under ~~their official seals~~ seal. ~~The signatures~~ signature of these officers ~~the commissioner~~ on the face of and any interest coupons appurtenant to any bond, ~~and their seals~~ the seal may be printed, lithographed, stamped, engraved, or otherwise reproduced thereon, provided that the signature of one of the officers, or of an authorized representative of a corporate registrar or other agent designated by the commissioner of finance to authenticate the bonds, shall be manually subscribed on the face of each bond.

Sec. 24. Minnesota Statutes 2002, section 174.51, subdivision 2, is amended to read:

Subd. 2. **SALE; GENERAL OBLIGATIONS.** The bonds shall be sold upon sealed bids and upon notice, at a price, in form and denominations, bearing interest at a rate or rates, maturing in amounts and on dates, without option of prior redemption or subject to prepayment upon notice and at times and prices, payable at a bank or

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banks within or outside the state, with or without provisions for registration, conversion, exchange, and issuance of temporary bonds or notes in anticipation of the sale or delivery of definitive bonds, and in accordance with further provisions, as the commissioner of finance shall determine subject to the approval of the attorney general, but not subject to the provisions of chapter 14, including section 14.386. Each bond shall mature within 20 years from its date of issue and shall be executed by the commissioner of finance and ~~attested by the state treasurer under their official seals seal.~~ The signature on the bonds and on any interest coupons and the ~~seals seal~~ may be printed or otherwise reproduced, except that each bond shall be authenticated by the manual signature on its face of ~~one of the officers the~~ commissioner of finance or of a person authorized to sign on behalf of a bank designated by the commissioner of ~~finance~~ as registrar or other authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Sec. 25. Minnesota Statutes 2002, section 176.181, subdivision 2, is amended to read:

Subd. 2. **COMPULSORY INSURANCE; SELF-INSURERS.** (1) Every employer, except the state and its municipal subdivisions, liable under this chapter to pay compensation shall insure payment of compensation with some insurance carrier authorized to insure workers' compensation liability in this state, or obtain a written order from the commissioner of commerce exempting the employer from insuring liability for compensation and permitting self-insurance of the liability. The terms, conditions and requirements governing self-insurance shall be established by the commissioner pursuant to chapter 14. The commissioner of commerce shall also adopt, pursuant to clause (2)(c), rules permitting two or more employers, whether or not they are in the same industry, to enter into agreements to pool their liabilities under this chapter for the purpose of qualifying as group self-insurers. With the approval of the commissioner of commerce, any employer may exclude medical, chiropractic and hospital benefits as required by this chapter. An employer conducting distinct operations at different locations may either insure or self-insure the other portion of operations as a distinct and separate risk. An employer desiring to be exempted from insuring liability for compensation shall make application to the commissioner of commerce, showing financial ability to pay the compensation, whereupon by written order the commissioner of commerce, on deeming it proper, may make an exemption. An employer may establish financial ability to pay compensation by providing financial statements of the employer to the commissioner of commerce. Upon ten days' written notice the commissioner of commerce may revoke the order granting an exemption, in which event the employer shall immediately insure the liability. As a condition for the granting of an exemption the commissioner of commerce may require the employer to furnish security the commissioner of commerce considers sufficient to insure payment of all claims under this chapter, consistent with subdivision 2b. If the required security is in the form of currency or negotiable bonds, the commissioner of commerce shall deposit it with the ~~state treasurer~~ commissioner of finance. In the event

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of any default upon the part of a self-insurer to abide by any final order or decision of the commissioner of labor and industry directing and awarding payment of compensation and benefits to any employee or the dependents of any deceased employee, then upon at least ten days' notice to the self-insurer, the commissioner of commerce may by written order to the ~~state treasurer~~ commissioner of finance require the ~~treasurer~~ commissioner of finance to sell the pledged and assigned securities or a part thereof necessary to pay the full amount of any such claim or award with interest thereon. This authority to sell may be exercised from time to time to satisfy any order or award of the commissioner of labor and industry or any judgment obtained thereon. When securities are sold the money obtained shall be deposited in the state treasury to the credit of the commissioner of commerce and awards made against any such self-insurer by the commissioner of commerce shall be paid to the persons entitled thereto by the ~~state treasurer~~ commissioner of finance upon warrants prepared by the commissioner of commerce and ~~approved by the commissioner of finance~~ out of the proceeds of the sale of securities. Where the security is in the form of a surety bond or personal guaranty the commissioner of commerce, at any time, upon at least ten days' notice and opportunity to be heard, may require the surety to pay the amount of the award, the payments to be enforced in like manner as the award may be enforced.

(2)(a) No association, corporation, partnership, sole proprietorship, trust or other business entity shall provide services in the design, establishment or administration of a group self-insurance plan under rules adopted pursuant to this subdivision unless it is licensed, or exempt from licensure, pursuant to section 60A.23, subdivision 8, to do so by the commissioner of commerce. An applicant for a license shall state in writing the type of activities it seeks authorization to engage in and the type of services it seeks authorization to provide. The license shall be granted only when the commissioner of commerce is satisfied that the entity possesses the necessary organization, background, expertise, and financial integrity to supply the services sought to be offered. The commissioner of commerce may issue a license subject to restrictions or limitations, including restrictions or limitations on the type of services which may be supplied or the activities which may be engaged in. The license is for a two-year period.

(b) To assure that group self-insurance plans are financially solvent, administered in a fair and capable fashion, and able to process claims and pay benefits in a prompt, fair and equitable manner, entities licensed to engage in such business are subject to supervision and examination by the commissioner of commerce.

(c) To carry out the purposes of this subdivision, the commissioner of commerce may promulgate administrative rules pursuant to sections 14.001 to 14.69. These rules may:

- (i) establish reporting requirements for administrators of group self-insurance plans;
- (ii) establish standards and guidelines consistent with subdivision 2b to assure the adequacy of the financing and administration of group self-insurance plans;
- (iii) establish bonding requirements or other provisions assuring the financial integrity of entities administering group self-insurance plans;

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(iv) establish standards, including but not limited to minimum terms of membership in self-insurance plans, as necessary to provide stability for those plans;

(v) establish standards or guidelines governing the formation, operation, administration, and dissolution of self-insurance plans; and

(vi) establish other reasonable requirements to further the purposes of this subdivision.

Sec. 26. Minnesota Statutes 2002, section 176.581, is amended to read:

**176.581 PAYMENT TO STATE EMPLOYEES.**

Upon a warrant prepared by the commissioner of the department of employee relations and approved by the ~~commissioner of finance~~, and in accordance with the terms of the order awarding compensation, the ~~state treasurer~~ commissioner of finance shall pay compensation to the employee or the employee's dependent. These payments shall be made from money appropriated for this purpose.

Sec. 27. Minnesota Statutes 2002, section 190.11, is amended to read:

**190.11 CAMP GROUNDS AND MILITARY RESERVATIONS.**

The adjutant general shall have charge of the camp grounds and military reservations of the state and shall be responsible for the protection and safety thereof, and promulgate rules for the maintenance of order thereon, for the enforcement of traffic rules and for all other lawful rules as may be ordered for the operation, care and preservation of existing facilities and installations on all state military reservations.

The adjutant general shall keep in repair all state buildings, and other improvements thereon, including water pipes laid by the state on highways leading thereto and of all military property connected with the grounds and may make such further improvements thereon as the good of the service requires.

Private property may be acquired by condemnation, upon the application of the adjutant general, for camp ground, rifle range, and other military purposes. All damages, cost, and expense incurred in condemning such property shall be paid by the ~~state treasurer~~ commissioner of finance, upon certificate of the adjutant general and ~~warrant of the commissioner of finance~~, from any unexpended balance of the military fund after meeting the demands of the national guard.

Sec. 28. Minnesota Statutes 2002, section 241.08, subdivision 1, is amended to read:

Subdivision 1. The chief executive officer of each institution under the jurisdiction of the commissioner of corrections shall have the care and custody of all money belonging to inmates thereof which may come into the chief executive officer's hands, keep accurate accounts thereof, and pay them out under rules prescribed by law under section 243.23, subdivision 3, or by the commissioner of corrections, taking vouchers therefor. All such money received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement

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of the amount of all money so received and the names of the inmates from whom received, accompanied by a check for the amount, payable to the ~~state treasurer~~ commissioner of finance. On receipt of such statement, the commissioner shall ~~transmit the same to the commissioner of finance, together with such check, who shall deliver the same to the state treasurer.~~ Upon the payment of such check, the amount shall be credited to a fund to be known as "Correctional Inmates Fund," for the institution from which the same was received. All such funds shall be paid out by the ~~state treasurer~~ commissioner of finance upon vouchers duly approved by the commissioner of corrections as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

Sec. 29. Minnesota Statutes 2002, section 241.10, is amended to read:

**241.10 DISPOSAL OF FUNDS; CORRECTIONAL INSTITUTIONS.**

Every officer and employee of the several institutions under the jurisdiction of the commissioner of corrections shall pay to the accounting officer thereof any funds in the officer's or employee's hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of corrections a statement of the amount and sources of all money received. On receipt of ~~such the~~ the statement, the commissioner shall transmit the same to the commissioner of finance, who shall deliver ~~to the state treasurer~~ a draft upon the accounting officer for the same, specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

Sec. 30. Minnesota Statutes 2002, section 241.13, subdivision 1, is amended to read:

Subdivision 1. **CONTINGENT ACCOUNT.** The commissioner of corrections may permit a contingent account to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of corrections. An itemized statement of every expenditure made during the month from such account shall be submitted to the commissioner under rules established by the commissioner. If necessary, the commissioner shall make proper requisition upon the commissioner of finance for a warrant ~~upon the state treasurer~~ to secure the contingent account for each institution.

Sec. 31. Minnesota Statutes 2002, section 244.19, subdivision 7, is amended to read:

Subd. 7. **CERTIFICATE OF COUNTIES ENTITLED TO STATE AID.** On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall deliver to the commissioner of finance a certificate in duplicate for each county of the state entitled to receive state aid under the

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provisions of this section. Upon the receipt of such certificate, the commissioner of finance shall draw a warrant upon ~~the state treasurer~~ in favor of the county treasurer for the amount shown by each certificate to be due to the county specified. The commissioner of finance shall transmit such warrant to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.

Sec. 32. Minnesota Statutes 2002, section 246.15, subdivision 1, is amended to read:

Subdivision 1. The chief executive officer of each institution under the jurisdiction of the commissioner of human services shall have the care and custody of all money belonging to inmates thereof which may come into the chief executive officer's hands, keep accurate accounts thereof, and pay them out under rules prescribed by law or by the commissioner of human services, taking vouchers therefor. All such money received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all money so received and the names of the inmates from whom received, accompanied by a check for the amount, payable to the ~~state treasurer~~ commissioner of finance. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, together with such check, ~~who shall deliver the same to the state treasurer~~. Upon the payment of such check, the amount shall be credited to a fund to be known as "Inmates Fund," for the institution from which the same was received. All such funds shall be paid out by the ~~state treasurer~~ commissioner of finance upon vouchers duly approved by the commissioner of human services as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

Sec. 33. Minnesota Statutes 2002, section 246.18, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** Except as provided in subdivisions 2 and 4, every officer and employee of the several institutions under the jurisdiction of the commissioner of human services who has money belonging to an institution shall pay the money to the accounting officer thereof. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of human services a statement of the amount and sources of all money received. On receipt of ~~such~~ the statement, the commissioner shall transmit the same to the commissioner of finance, who shall deliver ~~to the state treasurer~~ a draft upon the accounting officer for the same specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

Sec. 34. Minnesota Statutes 2002, section 246.21, is amended to read:

**246.21 CONTINGENT FUND.**

The commissioner of human services may permit a contingent fund to remain in the hands of the accounting officer of any such institution from which expenditures

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may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of human services. An itemized statement of every expenditure made during the month from such fund shall be submitted to the commissioner under rules established by the commissioner. If necessary, the commissioner shall make proper requisition upon the commissioner of finance for a warrant ~~upon the state treasurer~~ to secure the contingent fund for each institution.

Sec. 35. Minnesota Statutes 2002, section 276.11, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** As soon as practical after the settlement day determined in section 276.09, the county treasurer shall pay to the ~~state treasurer~~ commissioner of finance or the treasurer of a town, city, school district, or special district, on the warrant of the county auditor, all receipts of taxes levied by the taxing district and deliver up all orders and other evidences of indebtedness of the taxing district, taking triplicate receipts for them. The treasurer ~~or commissioner of finance~~ shall file one of the receipts with the county auditor, and shall return one by mail on the day of its receipt to the clerk of the town, city, school district, or special district to which payment was made. The clerk shall keep the receipt in the clerk's office. Upon written request of the taxing district, to the extent practicable, the county treasurer shall make partial payments of amounts collected periodically in advance of the next settlement and distribution. A statement prepared by the county treasurer must accompany each payment. It must state the years for which taxes included in the payment were collected and, for each year, the amount of the taxes and any penalties on the tax. Upon written request of a taxing district, except school districts, the county treasurer shall pay at least 70 percent of the estimated collection within 30 days after the settlement date determined in section 276.09. Within seven business days after the due date, or 28 calendar days after the postmark date on the envelopes containing real or personal property tax statements, whichever is latest, the county treasurer shall pay to the treasurer of the school districts 50 percent of the estimated collections arising from taxes levied by and belonging to the school district, unless the school district elects to receive 50 percent of the estimated collections arising from taxes levied by and belonging to the school district after making a proportionate reduction to reflect any loss in collections as the result of any delay in mailing tax statements. In that case, 50 percent of those adjusted, estimated collections shall be paid by the county treasurer to the treasurer of the school district within seven business days of the due date. The remaining 50 percent of the estimated collections must be paid to the treasurer of the school district within the next seven business days of the later of the dates in the preceding sentence, unless the school district elects to receive the remainder of its estimated collections after a proportionate reduction has been made to reflect any loss in collections as the result of any delay in mailing tax statements. In that case, the remaining 50 percent of those adjusted, estimated collections shall be paid by the county treasurer to the treasurer of the school district within 14 days of the due date. The treasurer shall pay the balance of the amounts collected to the state before June 30,

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or to a municipal corporation or other body within 60 days after the settlement date determined in section 276.09. After 45 days interest at an annual rate of eight percent accrues and must be paid to the taxing district. Interest must be paid upon appropriation from the general revenue fund of the county. If not paid, it may be recovered by the taxing district, in a civil action.

Sec. 36. Minnesota Statutes 2002, section 280.29, is amended to read:

**280.29 PROCEEDS OF SALE, HOW DISTRIBUTED.**

The proceeds of any parcel of land so sold, to the amount of taxes, penalties, interest, and costs charged thereon, shall be distributed as provided by law for the distribution of the like sums upon sales for delinquent taxes. The portion thereof due to the state shall be paid to the ~~state treasurer upon the draft of the commissioner of finance, and the excess, if any, above the taxes, penalties, interest, and costs charged upon the land, shall be included in such draft and be paid in like manner for the benefit of the state.~~ If any parcel be sold for less than the amount charged thereon, the state taxes shall first be paid and the remainder, if any, distributed pro rata to the several funds for which the taxes were levied.

Sec. 37. Minnesota Statutes 2002, section 293.06, is amended to read:

**293.06 CONSIDERATION AND DETERMINATION OF REPORT.**

Upon the receipt of the report provided for in section 293.03, the commissioner shall determine, from information possessed or obtained, whether the same is correct or otherwise. If found correct, the commissioner shall determine therefrom the amount of tax due from such income or annuity recipient, and shall record the amount thereof and shall make a certificate of taxes due thereon from such person; and, on or before the first day of May, of each year, file the same with the commissioner of finance ~~and a duplicate thereof with the state treasurer;~~ and the commissioner of revenue shall have power, in case the report is deemed incorrect, to make findings as to the amount of such taxes due after hearing upon notice to the person interested, and the findings shall have the same effect as the determination of the amount of such taxes upon a report made as hereinbefore provided.

Sec. 38. Minnesota Statutes 2002, section 299D.03, subdivision 5, is amended to read:

Subd. 5. **FINES AND FORFEITED BAIL MONEY.** (a) All fines and forfeited bail money, from traffic and motor vehicle law violations, collected from persons apprehended or arrested by officers of the state patrol, shall be paid by the person or officer collecting the fines, forfeited bail money or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the county treasurer of the county where the violation occurred. Three-eighths of these receipts shall be credited to the general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted to the ~~state treasurer~~ commissioner of finance for deposit in the state treasury and credited to the general fund. ~~The other five-eighths of these receipts shall be transmitted by that officer to the state treasurer~~ commissioner

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of finance and must be credited to the trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be credited to the general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be transmitted to the state treasurer commissioner of finance as provided in this subdivision. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be paid by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the county treasurer of the county where the violation occurred. Five-eighths of these receipts shall be transmitted by that officer to the state treasurer commissioner of finance and shall be credited to the highway user tax distribution fund. Three-eighths of these receipts shall be credited to the general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted to the state treasurer commissioner of finance for deposit in the state treasury and credited to the general fund.

Sec. 39. Minnesota Statutes 2002, section 352.05, is amended to read:

**352.05 ~~STATE TREASURER~~ COMMISSIONER OF FINANCE TO BE TREASURER OF SYSTEM.**

The state treasurer commissioner of finance is ex officio treasurer of the retirement funds of the system. The general bond to the state shall cover all liability for actions as treasurer of these funds. Funds of the system received by the treasurer commissioner of finance must be set aside in the state treasury to the credit of the proper fund. The treasurer commissioner of finance shall deliver to the director copies of all payroll abstracts of the state together with the commissioner of finance's warrants covering the deductions made on these payroll abstracts for the retirement fund. The director shall have a list made of the commissioner of finance's warrants. These warrants must then be deposited with the state treasurer to be credited to the retirement fund. The treasurer commissioner of finance shall pay out of this fund only on warrants issued by the commissioner of finance, upon abstracts signed by the director, or by the finance officer designated by the director during the disability or the absence of the director from the city of St. Paul, Minnesota. Abstracts for investments may be signed by the executive director of the state board of investment.

Sec. 40. Minnesota Statutes 2002, section 352B.03, subdivision 2, is amended to read:

Subd. 2. **~~DUTIES OF TREASURER~~ COMMISSIONER OF FINANCE**. The state treasurer commissioner of finance is ex officio treasurer of the state patrol retirement fund. The treasurer's commissioner of finance's general bond to the state

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covers all liability for actions as treasurer of the fund.

All money of the fund received by the ~~treasurer~~ commissioner of finance under this chapter must be set aside in the state treasury and credited to the state patrol retirement fund. The ~~treasurer~~ commissioner of finance shall transmit, monthly, to the director, a detailed statement showing all credits to and disbursements from the fund. The ~~treasurer~~ commissioner of finance shall disburse money from the fund only ~~on~~ warrants issued by the commissioner of finance upon vouchers signed by the director.

Sec. 41. Minnesota Statutes 2002, section 354.06, subdivision 3, is amended to read:

Subd. 3. **TREASURER COMMISSIONER OF FINANCE.** The ~~state treasurer~~ commissioner of finance shall be ex officio treasurer of the association and the ~~treasurer's commissioner's~~ commissioner's general bond to the state shall cover any liabilities for acts as treasurer of the association. The ~~state treasurer~~ commissioner shall receive all moneys payable to the association and pay out the same only ~~on warrants issued by the~~ commissioner of finance upon forms signed by the executive director.

Sec. 42. Minnesota Statutes 2002, section 354.52, subdivision 5, is amended to read:

Subd. 5. The ~~state treasurer~~ commissioner of finance, the several county treasurers, and the treasurers of the various school districts and institutions to which the provisions of this chapter apply shall be officially liable for the receipt, handling, and disbursement of all moneys coming into their hands belonging to the fund and the sureties on the official bonds of each of these treasurers and the commissioner of finance shall be liable for such moneys the same as for all other moneys belonging to the school funds of this state.

Sec. 43. Minnesota Statutes 2002, section 385.05, is amended to read:

#### 385.05 RECEIPT AND PAYMENT OF MONEY.

The county treasurer shall receive all moneys directed by law to be paid to the treasurer and pay them out only on the order of the proper authority. All moneys belonging to the county shall be paid out upon the order of the county board, signed by the chair thereof, and attested by the county auditor, or upon the warrant of the county auditor upon the presentation to the auditor of the proper certificate of the person or tribunal allowing the same, and not otherwise. All moneys due the state, arising from the collection of taxes or from other sources, shall be paid upon the draft of the commissioner of finance, ~~drawn in favor of the state treasurer,~~ and a duplicate copy of the receipt for payment of such draft shall be forwarded by the ~~state treasurer~~ commissioner of finance to the county auditor, who shall preserve the same, and credit the county treasurer with the amount thereof. The county auditor shall issue a warrant in favor of the state for the amount of such draft and the county treasurer shall pay the warrant forthwith without endorsement thereof by the ~~state treasurer~~ commissioner of finance or other state official, and without expense to the state for collection charges.

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Sec. 44. Minnesota Statutes 2002, section 475A.04, is amended to read:

**475A.04 DEBT SERVICE DEFICIENCY LOANS.**

Subdivision 1. **PROCEDURE.** In the event that funds sufficient to pay all of the principal and interest due on any guaranteed bond are not in the hands of the municipal treasurer or the paying agent at least 15 days before the due date, the treasurer or agent shall report the amount of the deficiency to the paying agent and the auditor who shall grant a loan to the issuer in this amount and shall certify to the issuer, the paying agent, and the auditor and treasurer of each county in which property subject to taxation by the issuer is situated, the amount of the loan and interest to accrue thereon to the due date of the loan, and the commissioner of finance shall issue a warrant for the principal amount and the state treasurer shall remit it to the paying agent on or before the due date. If the municipal treasurer fails to deposit funds with the paying agent sufficient to pay all principal and interest due on any guaranteed bond on any date, without having previously given the notice herein required, the paying agent may report the amount of the deficiency to the commissioner of finance, who shall forthwith grant a loan to the issuer for this amount plus interest to accrue thereon for one month at the rate represented by the coupons then due, and the loan shall be certified and remitted as provided above. The paying agent may advance its own funds for the payment of any guaranteed bonds and interest due for which it has not received sufficient funds from the municipality, and may contract with the municipality to make such advances, and shall be entitled to reimbursement therefor from the proceeds of the loan, with interest at the rate represented by the coupons due. The issuing municipality shall give a receipt to the commissioner of finance for the amount of the loan and interest.

Subd. 2. **DUE DATE; INTEREST; PREPAYMENT.** Each loan shall become due on December 31 in the year following the year when a tax is levied for its payment as provided in subdivision 3, and shall bear interest from the date of its disbursement until paid, at a rate determined by the commissioner of finance, not less than the average annual rate payable on state municipal aid bonds most recently issued before such disbursement, and in no event less than 3-1/2 percent per annum. Any loan may be prepaid at any time with interest to the date of prepayment, by remittance to the commissioner of finance, who shall deposit the prepayment with the state treasurer to the credit of the municipal bond guarantee fund and shall issue a receipt to the municipality with a copy to the treasurer of each county in which taxable property within the municipality is situated. Interest on loans not prepaid shall be due at the same time as principal.

Subd. 3. **LEVY.** Before October 1 in each year the state auditor shall certify to the county auditor and treasurer of each county containing taxable property situated within any municipality having an outstanding loan, and to the municipality, the amount, if any, necessary to be levied to produce the total amount of principal and interest to become due in the next ensuing year on such loan plus the amount of any guaranty fee unpaid. After receipt of the certification each county auditor, upon ascertaining the current year's net tax capacity of all taxable property within the municipality which is situated within that county, and upon ascertaining from the county auditors of other counties the net tax capacity of any such property situated within their counties, shall

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extend upon the tax rolls an ad valorem tax upon all such property within that county, in an amount equal to that proportion of the total amount certified by the secretary which the net tax capacity of such property bears to the net tax capacity of all taxable property within the municipality.

Subd. 4. **FIRST LIEN.** Each loan shall be a first lien and charge on all collections of taxes levied on property by the municipality to which the loan is granted, which are due and payable on and after October 31 in the year in which the loan is due. Unless a receipt for the prepayment thereof has theretofore been filed with the treasurer of each county in which property taxable by the municipality to which the loan was granted is situated, each such treasurer shall deduct from the first such taxes to be distributed to the municipality the full amount of the tax extended pursuant to subdivision 3, and shall remit the same to the commissioner of finance, who shall deposit the remittance with the state treasurer to the credit of the municipal bond guaranty fund and shall issue a receipt to the municipality with a copy to the county treasurer.

Sec. 45. Minnesota Statutes 2002, section 475A.06, subdivision 2, is amended to read:

Subd. 2. **FORMALITIES.** The bonds shall be issued and sold upon sealed bids and upon such notice, at such price, at such times, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, either without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks within or outside the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further rules, as the commissioner of finance shall determine, subject to the approval of the attorney general, but not subject to chapter 14, including section 14.386. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals seal. The signatures signature of the officers commissioner on the bonds and any appurtenant interest coupons and their seals the seal may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers the commissioner or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Sec. 46. Minnesota Statutes 2002, section 481.01, is amended to read:

**481.01 BOARD OF LAW EXAMINERS; EXAMINATIONS; ALTERNATIVE DISPUTE FEES.**

The supreme court shall, by rule from time to time, prescribe the qualifications of all applicants for admission to practice law in this state, and shall appoint a board of law examiners, which shall be charged with the administration of the rules and with the examination of all applicants for admission to practice law. The board shall consist of

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not less than three, nor more than seven, attorneys at law, who shall be appointed each for the term of three years and until a successor qualifies. The supreme court may fill any vacancy in the board for the unexpired term and in its discretion may remove any member of it. The board shall have a seal and shall keep a record of its proceedings, of all applications for admission to practice, and of persons admitted to practice upon its recommendation. At least two times a year the board shall hold examinations and report the result of them, with its recommendations, to the supreme court. Upon consideration of the report, the supreme court shall enter an order in the case of each person examined, directing the board to reject or to issue to the person a certificate of admission to practice. The board shall have such officers as may, from time to time, be prescribed and designated by the supreme court. The fee for examination shall be fixed, from time to time, by the supreme court. This fee, and any other fees which may be received pursuant to any rules the supreme court adopts governing the practice of law and court-related alternative dispute resolution practices shall be paid to the ~~state treasurer~~ commissioner of finance and shall constitute a special fund in the state treasury which shall be exempt from section 16A.127. The money in this fund is appropriated annually to the supreme court for the payment of compensation and expenses of the members of the board of law examiners and for otherwise regulating the practice of law. The money in the fund shall never cancel. Payments from it shall be made by the ~~state treasurer~~, upon warrants of the commissioner of finance issued by the commissioner of finance upon vouchers signed by one of the justices of the supreme court. The members of the board shall have compensation and allowances for expenses as may, from time to time, be fixed by the supreme court.

Sec. 47. Minnesota Statutes 2002, section 490.123, subdivision 2, is amended to read:

Subd. 2. ~~TREASURER~~ COMMISSIONER OF FINANCE. The ~~state treasurer~~ commissioner of finance shall be ex officio treasurer of the judges' retirement fund and the ~~treasurer's commissioner's~~ general bond to the state shall be so conditioned as to cover all liability for acting as treasurer of this fund. All moneys received by the ~~treasurer~~ commissioner pursuant to this section shall be set aside in the state treasury to the credit of the judges' retirement fund. The ~~treasurer~~ commissioner shall transmit monthly to the executive director described in section 352.03, subdivision 5, a detailed statement of all amounts so received and credited to the fund. The ~~treasurer~~ commissioner shall pay out the fund only on warrants issued by the commissioner of finance, upon vouchers signed by said executive director; provided that vouchers for investment may be signed by the secretary of the state board of investment.

Sec. 48. Minnesota Statutes 2002, section 525.161, is amended to read:

**525.161 NO SURVIVING SPOUSE OR KINDRED, NOTICES TO ATTORNEY GENERAL.**

When it appears from the petition or application for administration of the estate, or otherwise, in a proceeding in the court that the intestate left surviving no spouse or kindred, the court shall give notice of such fact and notice of all subsequent proceedings in such estate to the attorney general forthwith; and the attorney general

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shall protect the interests of the state during the course of administration. The residue which escheats to the state shall be transmitted to the attorney general. All moneys, stocks, bonds, notes, mortgages and other securities, and all other personal property so escheated shall then be given into the custody of the state treasurer, who shall notify the commissioner of finance thereof and who shall immediately credit the moneys received to the general fund. The treasurer commissioner of finance shall hold such stocks, bonds, notes, mortgages and other securities, and all other personal property, subject to such investment, sale or other disposition as the state board of investment may direct pursuant to section 11A.04, clause (9). The attorney general shall immediately report to the state executive council all real property received in the individual escheat, and any sale or disposition of such real estate shall be made in accordance with sections 94.09 to 94.16.

Sec. 49. Minnesota Statutes 2002, section 525.841, is amended to read:

**525.841 ESCHEAT RETURNED.**

In all such cases the commissioner of finance shall be furnished with a certified copy of the court's order assigning the escheated property to the persons entitled thereto, and upon notification of payment of the estate tax, the commissioner of finance shall draw a warrant on the state treasurer, or execute a proper conveyance to the persons designated in such order. In the event any escheated property has been sold pursuant to sections 11A.04, clause (9), and 11A.10, subdivision 2, or 94.09 to 94.16, then the warrant shall be for the appraised value as established during the administration of the decedent's estate. There is hereby annually appropriated from any moneys in the state treasury not otherwise appropriated an amount sufficient to make payment to all such designated persons. No interest shall be allowed on any amount paid to such persons.

**Sec. 50. INSTRUCTION TO REVISOR.**

(a) The revisor shall delete "treasurer," "state treasurer," and "treasurer-elect," and make necessary grammatical changes in the following sections of Minnesota Statutes: 3C.12, subdivision 2; 4.06; 8.02, subdivision 2; 8.05; 10.01; 15.16, subdivision 3; 16A.125, subdivision 5; 16B.05, subdivision 2; 43A.08, subdivisions 1 and 1a; 43A.18, subdivision 4; 89.43; 116.16, subdivision 3; 116.17, subdivision 5; 117.135, subdivision 2; 126C.55, subdivision 3; 161.06, subdivision 1; 167.51, subdivision 2; 174.51, subdivision 5; 204B.11, subdivision 1; 204D.10, subdivision 2; 209.01, subdivision 2; 241.27, subdivision 4; 270.74; 272.68, subdivision 1; 352.01, subdivision 3; 352B.01, subdivision 4; 352C.021, subdivision 2; 352D.02, subdivision 1; and 475A.06, subdivision 5.

(b) The revisor shall delete "state treasurer," "state treasurer's," "treasurer," and "treasurer's" where it refers to the state treasurer, and substitute "commissioner of finance" and "commissioner of finance's" respectively in the following sections of Minnesota Statutes: 6.60; 7.06; 7.09; 7.10; 7.12, subdivision 1; 7.19; 7.193; 7.20; 7.22; 7.24; 7.25; 7.27; 9.031; 11A.04; 11A.07, subdivision 4; 11A.10, subdivisions 1 and 4; 11A.15, subdivisions 3 and 5; 12.24, subdivision 2; 15.73, subdivision 3; 16A.011, subdivision 15; 16A.126, subdivision 3; 16A.127, subdivision 7; 16A.13, subdivisions

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1 and 2a; 16A.131, subdivision 1; 16A.27, subdivisions 1 and 2; 16A.45, subdivision 1; 16A.672, subdivision 11; 31.15; 41B.17, subdivision 3; 46.041, subdivision 1; 46.34; 48A.03, subdivisions 2, 4, and 5; 49.24, subdivision 7; 51A.51, subdivisions 1, 2, and 3a; 52.06, subdivision 1; 52.20, subdivision 5; 53.03, subdivisions 1 and 6; 56.02; 60B.47; 79.34, subdivision 1; 79A.04, subdivisions 5, 6, 7, and 10; 79A.071; 79A.15; 79A.24, subdivision 4; 79A.25, subdivision 3; 82.24, subdivision 8; 82.34, subdivisions 1 and 5; 84.153; 84.415, subdivision 5; 84A.04, subdivisions 3 and 4; 84A.23, subdivision 3; 84A.33, subdivision 4; 85A.05, subdivision 4; 90.173; 92.21, subdivision 1; 92.23; 92.24; 93.17; 93.20, subdivisions 7, 19, and 31; 94.346, subdivision 2; 97A.055, subdivision 2; 97A.065, subdivision 2; 103L.521; 115.77, subdivision 2; 115A.54, subdivision 3; 115A.58, subdivision 4; 116.16, subdivision 8; 116.17, subdivision 4; 116J.64, subdivisions 6, 7, and 10; 116R.11, subdivision 2; 126C.68, subdivision 3; 126C.69, subdivision 14; 127A.09, subdivision 3; 141.25, subdivision 5; 141.26, subdivision 3; 144.09; 144.10; 144.226, subdivision 4; 144.7022, subdivision 4; 149A.06, subdivision 4; 149A.20, subdivision 8; 149A.30, subdivision 2; 149A.40, subdivision 8; 149A.50, subdivision 6; 149A.51, subdivision 7; 149A.97, subdivision 7; 161.04, subdivision 2; 161.05, subdivisions 1, 2, 4, and 5; 161.081, subdivision 2; 161.36, subdivision 5; 161.41, subdivision 3; 162.16; 163.051, subdivision 2; 168.33, subdivision 2; 168.67; 168C.11, subdivision 1; 169.781, subdivision 7; 174.50, subdivision 3; 174.51, subdivision 4; 176.129, subdivisions 1, 7, and 8; 176.181, subdivision 5; 176.421, subdivision 4; 176.591, subdivisions 2 and 3; 193.23, subdivision 1; 214.13, subdivision 1; 222.025; 223.17, subdivision 4; 231.17; 237.11; 240.10; 240.15, subdivision 6; 240.22; 241.09; 243.48, subdivision 1; 245.4932, subdivision 4; 246.16; 246.18, subdivision 2a; 246.41, subdivision 2; 246.51, subdivision 1; 248.07, subdivisions 8 and 12; 256.89; 256.90; 256.92; 256B.041, subdivision 5; 256B.0625, subdivision 20; 256B.0945, subdivision 3; 256F.10, subdivision 10; 257.69, subdivision 2; 260B.331, subdivision 6; 260C.331, subdivision 6; 270.45; 271.12; 273.02, subdivision 6; 282.19; 282.226; 282.33, subdivision 1; 284.28, subdivisions 8 and 9; 290.431; 290.432; 293.08; 293.09; 293.11; 296A.03, subdivision 5; 297E.02, subdivision 3; 298.39; 298.396; 299F.17, subdivision 1; 299F.60, subdivision 4; 300.19; 302A.771; 303.07, subdivision 1; 303.16, subdivision 2; 303.19, subdivision 2; 303.25, subdivision 3; 317A.771; 322B.86; 325G.415; 332.15, subdivision 4; 332.30; 332.55; 340A.409, subdivision 1; 340A.904, subdivision 2; 352.04, subdivision 4; 352B.02, subdivisions 1b and 1d; 353.05; 353B.06, subdivision 1; 354.07, subdivision 4; 357.021, subdivisions 1a, 2, 6, and 7; 357.022; 357.08; 360.017, subdivision 2; 385.20; 446A.085, subdivision 3; 446A.16, subdivisions 1 and 2; 458A.03, subdivision 3; 462A.17, subdivision 3; 462A.18; 469.177, subdivision 11; 475A.06, subdivision 4; 480.058, subdivision 2; 480.175, subdivision 2; 485.018, subdivision 5; 487.31, subdivision 1; 487.32, subdivision 3; 487.33, subdivision 5; 490.102, subdivision 6; 508.75; 508.77; 508.82, subdivision 1; 508A.22, subdivision 3; 508A.77; 508A.82, subdivision 1; 517.08, subdivision 1c; 518.165, subdivision 3; 525.033; 563.01, subdivisions 9 and 10; 574.261, subdivisions 1, 2, and 3; 574.264, subdivision 1; 609.101, subdivisions 3 and 4; 611.20, subdivisions 2 and 3; and 626.85, subdivisions 2 and 3.

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(c) The revisor shall recodify Minnesota Statutes, chapter 7, into Minnesota Statutes, chapter 16A.

(d) The revisor shall delete "state treasurer" where it means the state treasurer of Minnesota and substitute "commissioner of finance" in Minnesota Rules.

**Sec. 51. REPEALER.**

Minnesota Statutes 2002, section 7.21, is repealed.

**Sec. 52. EFFECTIVE DATE.**

Sections 1 to 49 and 51 are effective the day following final enactment.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 2:25 p.m.

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**CHAPTER 113—S.F.No. 308**

*An act relating to mining; specifying duties of owners and operators when operations are discontinued; amending Minnesota Statutes 2002, section 93.003.*

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

Section 1. Minnesota Statutes 2002, section 93.003, is amended to read:

**93.003 IRON MINING; CONDITIONS.**

Subdivision 1. DUTY TO MAINTAIN MINE. Legal authority to mine and process iron ore, a basic irreplaceable natural resource of the people of the state of Minnesota, is subject to the conditions of this section. When the owner or operator of an iron mine or related production or beneficiation facilities determines to discontinue the operation of the mine or facilities for any reason it shall maintain the mine or facilities in salable operating condition for at least two years after it discontinues operation in order to allow the state of Minnesota and other interested public and private bodies to seek a new owner and operator. The requirement imposed by this section is a preliminary and permanent requirement on the right of an owner to commence or continue the operation of an iron mine or related facilities. This requirement is enforceable on all owners and operators and successors of owners and operators and shall be enforced by the state in any action in bankruptcy or other litigation that may affect it.

Subd. 2. TEMPORARY MAINTENANCE PLAN. At least 60 days before the owner or operator of an iron mine or related production or beneficiation facilities determines to discontinue the operation of the mine or facilities, it shall submit a temporary maintenance plan to the state for approval. The plan must provide for:

(1) the orderly shutdown of the mine and facilities, including:

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