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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 2037

March 23, 2009

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The bill was read for the first time and referred to the Committee on Finance

March 4, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Ways and Means

April 19, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

May 5, 2010

Calendar For The Day

Amended

Read Third Time as Amended

Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to state government; moving appropriations of general fund dedicated
1.3 revenues to other funds; amending Minnesota Statutes 2008, sections 3.9741,
1.4 subdivision 2; 8.15, subdivision 3; 13.03, subdivision 10; 16C.23, subdivision
1.5 6; 103B.101, subdivision 9; 103I.681, subdivision 11; 116J.551, subdivision 1;
1.6 190.32; 257.69, subdivision 2; 260C.331, subdivision 6; 299C.48; 299E.02;
1.7 446A.086, subdivision 2; 469.177, subdivision 11; 518.165, subdivision 3;
1.8 609.3241; 611.20, subdivision 3; Minnesota Statutes 2009 Supplement, section
1.9 270.97; Laws 1994, chapter 531, section 1.

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

1.11 Section 1. Minnesota Statutes 2008, section 3.9741, subdivision 2, is amended to read:

1.12 Subd. 2. Postsecondary Education Board. The legislative auditor may enter into
1.13 an interagency agreement with the Board of Trustees of the Minnesota State Colleges and
1.14 Universities to conduct financial audits, in addition to audits conducted under section
1.15 3.972, subdivision 2. All payments received for audits requested by the board shall be
1.16 added to the appropriation for deposited in the special revenue fund and appropriated to
1.17 the legislative auditor to pay audit expenses.

1.18 Sec. 2. Minnesota Statutes 2008, section 8.15, subdivision 3, is amended to read:

1.19 Subd. 3. Agreements. (a) To facilitate the delivery of legal services, the attorney
1.20 general may:

1.21 (1) enter into agreements with executive branch agencies, political subdivisions, or
1.22 quasi-state agencies to provide legal services for the benefit of the citizens of Minnesota;
1.23 and

1.24 (2) in addition to funds otherwise appropriated by the legislature, accept and spend
1.25 funds received under any agreement authorized in clause (1) for the purpose set forth in

2.1 clause (1), subject to a report of receipts to the chairs of the senate Finance Committee and
2.2 the house of representatives Ways and Means Committee by October 15 each year.

2.3 (b) When entering into an agreement for legal services, the attorney general must
2.4 notify the committees responsible for funding the Office of the Attorney General. When
2.5 the attorney general enters into an agreement with a state agency, the attorney general
2.6 must also notify the committees responsible for funding that agency.

2.7 Funds received under this subdivision must be deposited in ~~the general~~ an account in
2.8 the special revenue fund and are appropriated to the attorney general for the purposes set
2.9 forth in this subdivision.

2.10 Sec. 3. Minnesota Statutes 2008, section 13.03, subdivision 10, is amended to read:

2.11 Subd. 10. **Costs for providing copies of data.** Money may be collected by a
2.12 responsible authority in a state agency for the actual cost to the agency of providing
2.13 copies or electronic transmittal of government data ~~is appropriated to the agency and~~
2.14 ~~added to the appropriations from which the costs were paid.~~ When funds collected for
2.15 purposes in this subdivision are of a magnitude sufficient to warrant a separate account in
2.16 the state treasury, those funds shall be deposited in a fund other than the general fund and
2.17 are appropriated to the agency.

2.18 Sec. 4. Minnesota Statutes 2008, section 16C.23, subdivision 6, is amended to read:

2.19 Subd. 6. **State surplus property.** The commissioner may do any of the following to
2.20 dispose of state surplus property:

- 2.21 (1) transfer it to or between state agencies;
- 2.22 (2) transfer it to a governmental unit or nonprofit organization in Minnesota; or
- 2.23 (3) sell it and charge a fee to cover expenses incurred by the commissioner in the
2.24 disposal of the surplus property.

2.25 The proceeds of the sale less the fee must be deposited in an account in a fund other
2.26 than the general fund and are appropriated to the agency for whose account the sale was
2.27 made, to be used and expended by that agency to purchase similar state property.

2.28 Sec. 5. Minnesota Statutes 2008, section 103B.101, subdivision 9, is amended to read:

2.29 Subd. 9. **Powers and duties.** In addition to the powers and duties prescribed
2.30 elsewhere, the board shall:

- 2.31 (1) coordinate the water and soil resources planning activities of counties, soil and
2.32 water conservation districts, watershed districts, watershed management organizations,

3.1 and any other local units of government through its various authorities for approval of
3.2 local plans, administration of state grants, and by other means as may be appropriate;

3.3 (2) facilitate communication and coordination among state agencies in cooperation
3.4 with the Environmental Quality Board, and between state and local units of government,
3.5 in order to make the expertise and resources of state agencies involved in water and soil
3.6 resources management available to the local units of government to the greatest extent
3.7 possible;

3.8 (3) coordinate state and local interests with respect to the study in southwestern
3.9 Minnesota under United States Code, title 16, section 1009;

3.10 (4) develop information and education programs designed to increase awareness
3.11 of local water and soil resources problems and awareness of opportunities for local
3.12 government involvement in preventing or solving them;

3.13 (5) provide a forum for the discussion of local issues and opportunities relating
3.14 to water and soil resources management;

3.15 (6) adopt an annual budget and work program that integrate the various functions
3.16 and responsibilities assigned to it by law; and

3.17 (7) report to the governor and the legislature by October 15 of each even-numbered
3.18 year with an assessment of board programs and recommendations for any program
3.19 changes and board membership changes necessary to improve state and local efforts
3.20 in water and soil resources management.

3.21 The board may accept grants, gifts, donations, or contributions in money, services,
3.22 materials, or otherwise from the United States, a state agency, or other source to achieve
3.23 an authorized purpose. The board may enter into a contract or agreement necessary or
3.24 appropriate to accomplish the transfer. The board may receive and expend money to
3.25 acquire conservation easements, as defined in chapter 84C, on behalf of the state and
3.26 federal government consistent with the Camp Ripley's Army Compatible Use Buffer
3.27 Project.

3.28 Any money received is hereby deposited in an account in a fund other than the
3.29 general fund and appropriated and dedicated for the purpose for which it is granted.

3.30 Sec. 6. Minnesota Statutes 2008, section 103I.681, subdivision 11, is amended to read:

3.31 Subd. 11. **Permit fee schedule.** (a) The commissioner of natural resources shall
3.32 adopt a permit fee schedule under chapter 14. The schedule may provide minimum fees
3.33 for various classes of permits, and additional fees, which may be imposed subsequent
3.34 to the application, based on the cost of receiving, processing, analyzing, and issuing

4.1 the permit, and the actual inspecting and monitoring of the activities authorized by the
4.2 permit, including costs of consulting services.

4.3 (b) A fee may not be imposed on a state or federal governmental agency applying
4.4 for a permit.

4.5 (c) The fee schedule may provide for the refund of a fee, in whole or in part, under
4.6 circumstances prescribed by the commissioner of natural resources. Fees received must
4.7 be deposited in the state treasury and credited to ~~the general~~ an account in the natural
4.8 resources fund. Permit fees received are appropriated annually from the ~~general~~ natural
4.9 resources fund to the commissioner of natural resources for the costs of inspecting and
4.10 monitoring the activities authorized by the permit, including costs of consulting services.

4.11 Sec. 7. Minnesota Statutes 2008, section 116J.551, subdivision 1, is amended to read:

4.12 Subdivision 1. **Grant account.** A contaminated site cleanup and development grant
4.13 account is created in the ~~general~~ special revenue fund. Money in the account may be used,
4.14 as appropriated by law, to make grants as provided in section 116J.554 and to pay for the
4.15 commissioner's costs in reviewing applications and making grants. Notwithstanding
4.16 section 16A.28, money appropriated to the account for this program from any source
4.17 is available until spent.

4.18 Sec. 8. Minnesota Statutes 2008, section 190.32, is amended to read:

4.19 **190.32 FEDERAL REIMBURSEMENT RECEIPTS.**

4.20 The Department of Military Affairs may deposit federal reimbursement receipts into
4.21 ~~the general fund~~ an account in the special revenue fund, maintenance of military training
4.22 facilities. These receipts are for services, supplies, and materials initially purchased by the
4.23 Camp Ripley maintenance account.

4.24 Sec. 9. Minnesota Statutes 2008, section 257.69, subdivision 2, is amended to read:

4.25 Subd. 2. **Guardian; legal fees.** (a) The court may order expert witness and guardian
4.26 ad litem fees and other costs of the trial and pretrial proceedings, including appropriate
4.27 tests, to be paid by the parties in proportions and at times determined by the court. The
4.28 court shall require a party to pay part of the fees of court-appointed counsel according
4.29 to the party's ability to pay, but if counsel has been appointed the appropriate agency
4.30 shall pay the party's proportion of all other fees and costs. The agency responsible for
4.31 child support enforcement shall pay the fees and costs for blood or genetic tests in a
4.32 proceeding in which it is a party, is the real party in interest, or is acting on behalf of the
4.33 child. However, at the close of a proceeding in which paternity has been established under

5.1 sections 257.51 to 257.74, the court shall order the adjudicated father to reimburse the
5.2 public agency, if the court finds he has sufficient resources to pay the costs of the blood or
5.3 genetic tests. When a party bringing an action is represented by the county attorney, no
5.4 filing fee shall be paid to the court administrator.

5.5 (b) In each fiscal year, the commissioner of management and budget shall deposit
5.6 guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a
5.7 separate account with the trial courts. The balance of this account is appropriated to the
5.8 trial courts and does not cancel but is available until expended. Expenditures by the state
5.9 court administrator's office from this account must be based on the amount of the guardian
5.10 ad litem reimbursements received by the state from the courts in each judicial district.

5.11 Sec. 10. Minnesota Statutes 2008, section 260C.331, subdivision 6, is amended to read:

5.12 Subd. 6. **Guardian ad litem fees.** (a) In proceedings in which the court appoints a
5.13 guardian ad litem pursuant to section 260C.163, subdivision 5, clause (a), the court may
5.14 inquire into the ability of the parents to pay for the guardian ad litem's services and,
5.15 after giving the parents a reasonable opportunity to be heard, may order the parents to
5.16 pay guardian fees.

5.17 (b) In each fiscal year, the commissioner of management and budget shall deposit
5.18 guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a
5.19 separate account with the trial courts. The balance of this account is appropriated to the
5.20 trial courts and does not cancel but is available until expended. Expenditures by the state
5.21 court administrator's office from this account must be based on the amount of the guardian
5.22 ad litem reimbursements received by the state from the courts in each judicial district.

5.23 Sec. 11. Minnesota Statutes 2009 Supplement, section 270.97, is amended to read:

5.24 **270.97 DEPOSIT OF REVENUES.**

5.25 The commissioner shall deposit all revenues derived from the tax, interest, and
5.26 penalties received from the county in the contaminated site cleanup and development
5.27 account in the ~~general~~ special revenue fund and is annually appropriated to the
5.28 commissioner of the Department of Employment and Economic Development, for the
5.29 purposes of section 116J.551.

5.30 Sec. 12. Minnesota Statutes 2008, section 299C.48, is amended to read:

5.31 **299C.48 CONNECTION BY AUTHORIZED AGENCY; FEE,**
5.32 **APPROPRIATION.**

6.1 (a) An agency authorized under section 299C.46, subdivision 3, may connect with
 6.2 and participate in the criminal justice data communications network upon approval
 6.3 of the commissioner of public safety; provided, that the agency shall first agree to pay
 6.4 installation charges as may be necessary for connection and monthly operational charges
 6.5 as may be established by the commissioner of public safety. Before participation by a
 6.6 criminal justice agency may be approved, the agency must have executed an agreement
 6.7 with the commissioner providing for security of network facilities and restrictions on
 6.8 access to data supplied to and received through the network.

6.9 (b) In addition to any fee otherwise authorized, the commissioner of public safety
 6.10 shall impose a fee for providing secure dial-up or Internet access for criminal justice
 6.11 agencies and noncriminal justice agencies. The following monthly fees apply:

- 6.12 (1) criminal justice agency accessing via Internet, \$15;
- 6.13 (2) criminal justice agency accessing via dial-up, \$35;
- 6.14 (3) noncriminal justice agency accessing via Internet, \$35; and
- 6.15 (4) noncriminal justice agency accessing via dial-up, \$35.

6.16 (c) The installation and monthly operational charges collected by the commissioner
 6.17 of public safety under paragraphs (a) and (b) must be deposited in an account in the special
 6.18 revenue fund and are annually appropriated to the commissioner to administer sections
 6.19 299C.46 to 299C.50.

6.20 Sec. 13. Minnesota Statutes 2008, section 299E.02, is amended to read:

6.21 **299E.02 CONTRACT SERVICES; APPROPRIATION.**

6.22 Fees charged for contracted security services provided by the Capitol Complex
 6.23 Security Division of the Department of Public Safety must be deposited in an account in
 6.24 the special revenue fund and are annually appropriated to the commissioner of public
 6.25 safety to administer and provide these services.

6.26 Sec. 14. Minnesota Statutes 2008, section 446A.086, subdivision 2, is amended to read:

6.27 Subd. 2. **Application.** (a) This section provides a state guarantee of the payment of
 6.28 principal and interest on debt obligations if:

- 6.29 (1) the obligations are issued after June 30, 2000;
- 6.30 (2) application to the Public Facilities Authority is made before issuance; and
- 6.31 (3) the obligations are covered by an agreement meeting the requirements of
 6.32 subdivision 3.

6.33 (b) Applications to be covered by the provisions of this section must be made in a
 6.34 form and contain the information prescribed by the authority. Applications are subject to

7.1 either a fee of \$500 for each bond issue requested by a county or governmental unit or the
7.2 applicable fees under section 446A.087.

7.3 (c) Application fees paid under this section must be deposited in a separate credit
7.4 enhancement bond guarantee account in the ~~general~~ special revenue fund. Money in the
7.5 credit enhancement bond guarantee account is appropriated to the authority for purposes
7.6 of administering this section.

7.7 (d) Neither the authority nor the commissioner is required to promulgate
7.8 administrative rules under this section and the procedures and requirements established by
7.9 the authority or commissioner under this section are not subject to chapter 14.

7.10 Sec. 15. Minnesota Statutes 2008, section 469.177, subdivision 11, is amended to read:

7.11 Subd. 11. **Deduction for enforcement costs; appropriation.** (a) The county
7.12 treasurer shall deduct an amount equal to 0.25 percent of any increment distributed to an
7.13 authority or municipality. The county treasurer shall pay the amount deducted to the
7.14 commissioner of management and budget for deposit in ~~the state general~~ an account in
7.15 the special revenue fund.

7.16 (b) The amounts deducted and paid under paragraph (a) are appropriated to the state
7.17 auditor for the cost of (1) the financial reporting of tax increment financing information
7.18 and (2) the cost of examining and auditing of authorities' use of tax increment financing
7.19 as provided under section 469.1771, subdivision 1. Notwithstanding section 16A.28 or
7.20 any other law to the contrary, this appropriation does not cancel and remains available
7.21 until spent.

7.22 (c) For taxes payable in 2002 and thereafter, the commissioner of revenue shall
7.23 increase the percent in paragraph (a) to a percent equal to the product of the percent in
7.24 paragraph (a) and the amount that the statewide tax increment levy for taxes payable in
7.25 2002 would have been without the class rate changes in this act and the elimination of
7.26 the general education levy in this act divided by the statewide tax increment levy for
7.27 taxes payable in 2002.

7.28 Sec. 16. Minnesota Statutes 2008, section 518.165, subdivision 3, is amended to read:

7.29 Subd. 3. **Fees.** (a) A guardian ad litem appointed under either subdivision 1 or 2
7.30 may be appointed either as a volunteer or on a fee basis. If a guardian ad litem is appointed
7.31 on a fee basis, the court shall enter an order for costs, fees, and disbursements in favor
7.32 of the child's guardian ad litem. The order may be made against either or both parties,
7.33 except that any part of the costs, fees, or disbursements which the court finds the parties
7.34 are incapable of paying shall be borne by the state courts. The costs of court-appointed

8.1 counsel to the guardian ad litem shall be paid by the county in which the proceeding is
8.2 being held if a party is incapable of paying for them. Until the recommendations of the
8.3 task force created in Laws 1999, chapter 216, article 7, section 42, are implemented, the
8.4 costs of court-appointed counsel to a guardian ad litem in the Eighth Judicial District shall
8.5 be paid by the state courts if a party is incapable of paying for them. In no event may the
8.6 court order that costs, fees, or disbursements be paid by a party receiving public assistance
8.7 or legal assistance or by a party whose annual income falls below the poverty line as
8.8 established under United States Code, title 42, section 9902(2).

8.9 (b) In each fiscal year, the commissioner of management and budget shall deposit
8.10 guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a
8.11 separate account with the trial courts. The balance of this account is appropriated to the
8.12 trial courts and does not cancel but is available until expended. Expenditures by the state
8.13 court administrator's office from this account must be based on the amount of the guardian
8.14 ad litem reimbursements received by the state from the courts in each judicial district.

8.15 Sec. 17. Minnesota Statutes 2008, section 609.3241, is amended to read:

8.16 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

8.17 When a court sentences an adult convicted of violating section 609.322 or 609.324,
8.18 while acting other than as a prostitute, the court shall impose an assessment of not less
8.19 than \$250 and not more than \$500 for a violation of section 609.324, subdivision 2, or a
8.20 misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall impose
8.21 an assessment of not less than \$500 and not more than \$1,000. The mandatory minimum
8.22 portion of the assessment is to be used for the purposes described in section 626.558,
8.23 subdivision 2a, and is in addition to the surcharge required by section 357.021, subdivision
8.24 6. Any portion of the assessment imposed in excess of the mandatory minimum amount
8.25 shall be ~~forwarded to the general~~ deposited in an account in the special revenue fund and
8.26 is appropriated annually to the commissioner of public safety. The commissioner, with the
8.27 assistance of the General Crime Victims Advisory Council, shall use money received under
8.28 this section for grants to agencies that provide assistance to individuals who have stopped
8.29 or wish to stop engaging in prostitution. Grant money may be used to provide these
8.30 individuals with medical care, child care, temporary housing, and educational expenses.

8.31 Sec. 18. Minnesota Statutes 2008, section 611.20, subdivision 3, is amended to read:

8.32 Subd. 3. **Reimbursement.** In each fiscal year, the commissioner of management
8.33 and budget shall deposit the payments in the ~~general~~ special revenue fund and credit them

9.1 to a separate account with the Board of Public Defense. The amount credited to this
9.2 account is appropriated to the Board of Public Defense.

9.3 The balance of this account does not cancel but is available until expended.
9.4 Expenditures by the board from this account for each judicial district public defense office
9.5 must be based on the amount of the payments received by the state from the courts in
9.6 each judicial district. A district public defender's office that receives money under this
9.7 subdivision shall use the money to supplement office overhead payments to part-time
9.8 attorneys providing public defense services in the district. By January 15 of each year,
9.9 the Board of Public Defense shall report to the chairs and ranking minority members of
9.10 the senate and house of representatives divisions having jurisdiction over criminal justice
9.11 funding on the amount appropriated under this subdivision, the number of cases handled
9.12 by each district public defender's office, the number of cases in which reimbursements
9.13 were ordered, the average amount of reimbursement ordered, and the average amount of
9.14 money received by part-time attorneys under this subdivision.

9.15 Sec. 19. Laws 1994, chapter 531, section 1, is amended to read:

9.16 Section 1. **SALE OF WILDLIFE LANDS.**

9.17 Notwithstanding Minnesota Statutes, sections 84.027, subdivision 10; 92.45; 94.09
9.18 to 94.165; 97A.135; 103F.535, or any other law, the commissioner of administration may
9.19 sell lands located in the Gordy Yaeger wildlife management area in Olmsted county. The
9.20 consideration for the lands described in sections 2 and 3 shall be \$950 per acre. The
9.21 conveyances shall be by ~~quitclaim~~ quitclaim deed in a form approved by the attorney
9.22 general and shall reserve to the state all minerals and mineral rights. The proceeds received
9.23 from the sales are to be deposited in an account in the general natural resources fund and
9.24 are appropriated to the commissioner of natural resources for acquisition of replacement
9.25 wildlife management area lands. These sales are pursuant to the recommendation of the
9.26 Gordy Yaeger wildlife management area advisory committee.

9.27 Sec. 20. **EFFECTIVE DATE.**

9.28 Sections 1 to 19 are effective July 1, 2010.