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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4554

04/14/2020 Authored by Hansen and Becker-Finn
The bill was read for the first time and referred to the Environment and Natural Resources Finance Division

1.1 A bill for an act
1.2 relating to state government; appropriating money for environment and natural
1.3 resources; creating soil and water conservation fund; modifying state park permit
1.4 provisions; modifying provisions for conveying state land interests; modifying
1.5 provisions for closed landfill investment fund; reestablishing Advisory Council
1.6 on Water Supply Systems and Wastewater Treatment Facilities; modifying
1.7 provisions for riparian protection aid; modifying prior appropriations; authorizing
1.8 sales of certain surplus state land; requiring rulemaking; amending Minnesota
1.9 Statutes 2018, sections 16A.531, by adding a subdivision; 84.63; 85.053, by adding
1.10 a subdivision; 92.502; 115B.421; 477A.21, subdivisions 2, 4; Laws 2019, First
1.11 Special Session chapter 4, article 1, section 2, subdivisions 1, 3; proposing coding
1.12 for new law in Minnesota Statutes, chapters 84; 92; 115.

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

1.14 Section 1. ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.

1.15 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
1.16 and for the purposes specified in this article. The appropriations are from the general fund,
1.17 or another named fund, and are available for the fiscal years indicated for each purpose.
1.18 The figures "2020" and "2021" used in this article mean that the appropriations listed under
1.19 them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.
1.20 "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium"
1.21 is fiscal years 2020 and 2021. Appropriations for the fiscal year ending June 30, 2020, are
1.22 effective the day following final enactment.

Table with columns: APPROPRIATIONS, Available for the Year, Ending June 30, 2020, 2021

1.27 Sec. 2. NATURAL RESOURCES

2.1 Subdivision 1. Total Appropriation \$ 500,000 \$ 10,716,000

2.2 Appropriations by Fund

2.3	<u>2020</u>	<u>2021</u>
2.4	<u>500,000</u>	<u>10,000,000</u>
2.5	<u>-0-</u>	<u>672,000</u>

2.6 The amounts that may be spent for each
 2.7 purpose are specified in the following
 2.8 subdivisions.

2.9 Subd. 2. Ecological and Water Resources -0- 5,000,000

2.10 \$5,000,000 the second year is for aquatic
 2.11 invasive species prevention, response,
 2.12 education, and grants. This is a onetime
 2.13 appropriation and is available until June 30,
 2.14 2023.

2.15 Subd. 3. Fish and Wildlife Management -0- 1,972,000

2.16 Appropriations by Fund

2.17	<u>2020</u>	<u>2021</u>
2.18	<u>-0-</u>	<u>1,300,000</u>
2.19	<u>-0-</u>	<u>672,000</u>

2.20 (a) \$672,000 the second year is from the game
 2.21 and fish fund for deer research to maintain and
 2.22 promote a healthy deer population. The base
 2.23 for this appropriation is \$546,000 in fiscal year
 2.24 2023.

2.25 (b) \$1,300,000 the second year is for
 2.26 surveillance and response to chronic wasting
 2.27 disease. This is a onetime appropriation and
 2.28 is available until June 30, 2022.

2.29 Subd. 4. Enforcement -0- 200,000

2.30 \$200,000 the second year is for enforcement
 2.31 activities related to chronic wasting disease.
 2.32 This is a onetime appropriation and is
 2.33 available until June 30, 2022.

3.1 **Subd. 5. Operations Support** 500,000 3,500,000
 3.2 \$500,000 the first year and \$3,500,000 the
 3.3 second year are for legal costs. Of this amount,
 3.4 up to \$500,000 the first year and \$1,500,000
 3.5 the second year may be transferred to the
 3.6 Minnesota Pollution Control Agency. This is
 3.7 a onetime appropriation and is available until
 3.8 June 30, 2023.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.10 Sec. 3. Minnesota Statutes 2018, section 16A.531, is amended by adding a subdivision to
 3.11 read:

3.12 **Subd. 4. Soil and water conservation fund.** There is created in the state treasury a soil
 3.13 and water conservation fund as a special revenue fund for deposit of appropriations, revenue
 3.14 dedicated to benefit soil and water conservation, and other revenue sources.

3.15 Sec. 4. **[84.625] CONVEYANCE OF CONSERVATION EASEMENTS.**

3.16 Notwithstanding any law to the contrary, the commissioner of natural resources may,
 3.17 on state-owned lands administered by the commissioner and on behalf of the state, convey
 3.18 conservation easements as defined in section 84C.01, upon such terms and conditions,
 3.19 including reversion in the event of nonuse, as the commissioner may determine. Any terms
 3.20 and conditions obligating the state to incur costs related to monitoring or maintaining a
 3.21 conservation easement must acknowledge the state is liable for the costs only to the extent
 3.22 of an available appropriation according to section 16A.138.

3.23 Sec. 5. Minnesota Statutes 2018, section 84.63, is amended to read:

3.24 **84.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE AND, FEDERAL,**
 3.25 **AND TRIBAL GOVERNMENTS.**

3.26 (a) Notwithstanding any existing law to the contrary, the commissioner of natural
 3.27 resources is hereby authorized on behalf of the state to convey to the United States, to a
 3.28 federally recognized Indian tribe, or to the state of Minnesota or any of its subdivisions,
 3.29 upon state-owned lands under the administration of the commissioner of natural resources,
 3.30 permanent or temporary easements for specified periods or otherwise for trails, highways,
 3.31 roads including limitation of right of access from the lands to adjacent highways and roads,
 3.32 flowage for development of fish and game resources, stream protection, flood control, and

4.1 necessary appurtenances thereto, such conveyances to be made upon such terms and
4.2 conditions including provision for reversion in the event of non-user as the commissioner
4.3 of natural resources may determine.

4.4 (b) In addition to the fee for the market value of the easement, the commissioner of
4.5 natural resources shall assess the applicant the following fees:

4.6 (1) an application fee of \$2,000 to cover reasonable costs for reviewing the application
4.7 and preparing the easement; and

4.8 (2) a monitoring fee to cover the projected reasonable costs for monitoring the
4.9 construction of the improvement for which the easement was conveyed and preparing special
4.10 terms and conditions for the easement. The commissioner must give the applicant an estimate
4.11 of the monitoring fee before the applicant submits the fee.

4.12 (c) The applicant shall pay these fees to the commissioner of natural resources. The
4.13 commissioner shall not issue the easement until the applicant has paid in full the application
4.14 fee, the monitoring fee, and the market value payment for the easement.

4.15 (d) Upon completion of construction of the improvement for which the easement was
4.16 conveyed, the commissioner shall refund the unobligated balance from the monitoring fee
4.17 revenue. The commissioner shall not return the application fee, even if the application is
4.18 withdrawn or denied.

4.19 (e) Money received under paragraph (b) must be deposited in the land management
4.20 account in the natural resources fund and is appropriated to the commissioner of natural
4.21 resources to cover the reasonable costs incurred for issuing and monitoring easements.

4.22 (f) A county or joint county regional railroad authority is exempt from all fees specified
4.23 under this section for trail easements on state-owned land.

4.24 Sec. 6. Minnesota Statutes 2018, section 85.053, is amended by adding a subdivision to
4.25 read:

4.26 Subd. 5a. Free permit; members of federally recognized tribes. (a) The commissioner
4.27 must issue an annual state park permit for no charge to any member of the eleven federally
4.28 recognized tribes in Minnesota, as determined by each of the tribal governments. To qualify
4.29 for a free state park permit under this subdivision, a person must present a qualifying tribal
4.30 identification to the park attendant on duty or other designee of the commissioner.

5.1 (b) For vehicles permitted under paragraph (a), the permit issued under this subdivision
 5.2 is valid only when displayed on a vehicle owned and occupied by the person to whom the
 5.3 permit is issued.

5.4 (c) The commissioner may issue a daily state park permit free of charge to an individual
 5.5 who qualifies under paragraph (a) and does not own or operate a motor vehicle.

5.6 Sec. 7. Minnesota Statutes 2018, section 92.502, is amended to read:

5.7 **92.502 LEASE OF TAX-FORFEITED AND STATE LANDS.**

5.8 (a) Notwithstanding section 282.04 or other law to the contrary, St. Louis County may
 5.9 enter a 30-year lease of tax-forfeited land for a wind energy project.

5.10 (b) The commissioner of natural resources may enter a 30-year lease of land administered
 5.11 by the commissioner for a wind energy project.

5.12 (c) The commissioner of natural resources may enter a 30-year lease of land administered
 5.13 by the commissioner for recreational trails and facilities. The commissioner may assess the
 5.14 lease applicant a monitoring fee to cover the projected reasonable costs of monitoring
 5.15 construction of the recreational trail or facility and preparing special terms and conditions
 5.16 of the license to ensure proper construction. The commissioner must give the applicant an
 5.17 estimate of the monitoring fee before the applicant is required to submit the fee. When
 5.18 construction of the trail or facility is completed, the commissioner must refund the
 5.19 unobligated balance from the monitoring fee revenue.

5.20 (d) Notwithstanding section 282.04 or other law to the contrary, Lake and St. Louis
 5.21 Counties may enter into 30-year leases of tax-forfeited land for recreational trails and
 5.22 facilities.

5.23 Sec. 8. **[92.503] CONSERVATION PLANNING LEASES.**

5.24 The commissioner of natural resources may lease state-owned lands as defined in section
 5.25 92.01 for a term not to exceed 21 years for the purpose of investigating, analyzing, and
 5.26 developing conservation easements that provide ecosystem services benefits. Leases granted
 5.27 under this section are not subject to section 92.50, subdivision 1, paragraph (b), with respect
 5.28 to Executive Council approval for commercial leases or section 92.50, subdivision 1,
 5.29 paragraph (d).

6.1 Sec. 9. [115.742] ADVISORY COUNCIL ON WATER SUPPLY SYSTEMS AND
6.2 WASTEWATER TREATMENT FACILITIES.

6.3 Subdivision 1. Purpose; membership. The Advisory Council on Water Supply Systems
6.4 and Wastewater Treatment Facilities advises the commissioners of health and the Pollution
6.5 Control Agency regarding classification of water supply systems and wastewater treatment
6.6 facilities; qualifications and competency evaluation of water supply system operators and
6.7 wastewater treatment facility operators; and additional laws, rules, and procedures that may
6.8 be desirable for regulating the operation of water supply systems and wastewater treatment
6.9 facilities. The advisory council is composed of 11 voting members, of whom:

6.10 (1) one member must be from the Department of Health, Division of Environmental
6.11 Health, appointed by the commissioner of health;

6.12 (2) one member must be from the Pollution Control Agency, appointed by the
6.13 commissioner of the Pollution Control Agency;

6.14 (3) three members must be certified water supply system operators, appointed by the
6.15 commissioner of health, one of whom must represent a nonmunicipal community water
6.16 system or a nontransient noncommunity water system;

6.17 (4) three members must be certified wastewater treatment facility operators, appointed
6.18 by the commissioner of the Pollution Control Agency;

6.19 (5) one member must be a representative from an organization representing municipalities,
6.20 appointed by the commissioner of health with the concurrence of the commissioner of the
6.21 Pollution Control Agency; and

6.22 (6) two members must be members of the public who are not associated with water
6.23 supply systems or wastewater treatment facilities, one appointed by the commissioner of
6.24 health and one appointed by the commissioner of the Pollution Control Agency.

6.25 Consideration should be given to one of these members being a representative of academia
6.26 knowledgeable in water or wastewater matters.

6.27 Subd. 2. Members; geographic representation. At least one of the water supply system
6.28 operators and at least one of the wastewater treatment facility operators must be from outside
6.29 the seven-county metropolitan area and one wastewater operator must come from the
6.30 Metropolitan Council.

6.31 Subd. 3. Terms; compensation. The terms of the appointed members and the
6.32 compensation and removal of all members are governed by section 15.059.

7.1 Subd. 4. **Officers.** When new members are appointed to the council, a chair must be
 7.2 elected at the next council meeting. The Department of Health representative serves as
 7.3 secretary of the council.

7.4 Sec. 10. Minnesota Statutes 2018, section 115B.421, is amended to read:

7.5 **115B.421 CLOSED LANDFILL INVESTMENT FUND.**

7.6 (a) The closed landfill investment fund is established in the state treasury. The fund
 7.7 consists of money credited to the fund, and interest and other earnings on money in the
 7.8 fund. Beginning July 1, 2003, funds must be deposited as described in section 115B.445.
 7.9 The fund shall be managed to maximize long-term gain through the State Board of
 7.10 Investment. Money in the fund is appropriated to the commissioner and may be spent by
 7.11 the commissioner after fiscal year 2020 in accordance with sections 115B.39 to 115B.444.

7.12 (b) The commissioner of management and budget must allocate the amounts available
 7.13 in any biennium to the commissioner for the purposes provided in sections 115B.39 to
 7.14 115B.444 based upon work plans submitted by the commissioner and may adjust those
 7.15 allocations when the commissioner submits revised work plans. The commissioner must
 7.16 submit copies of the work plans to the chairs of the senate and house of representatives
 7.17 committees having jurisdiction over environment and environment finance. The commissioner
 7.18 may submit one work plan for the landfill cleanup program covering all funding sources to
 7.19 meet the work plan requirements under section 116.155 and this section.

7.20 Sec. 11. Minnesota Statutes 2018, section 477A.21, subdivision 2, is amended to read:

7.21 **Subd. 2. **Certifications to commissioner.**** (a) The Board of Water and Soil Resources
 7.22 must certify to the commissioner of revenue, on or before July 1 each year, which counties
 7.23 and watershed districts have affirmed and implemented their jurisdiction under section
 7.24 103F.48 and the proportion of centerline miles of public watercourses, and miles of public
 7.25 drainage system ditches on the buffer protection map, within each county and each watershed
 7.26 district within the county with affirmed jurisdiction.

7.27 (b) On or before July 1 each year, the commissioner of natural resources shall certify to
 7.28 the commissioner of revenue the statewide and countywide number of centerline miles of
 7.29 public watercourses and miles of public drainage system ditches on the buffer protection
 7.30 map.

8.1 Sec. 12. Minnesota Statutes 2018, section 477A.21, subdivision 4, is amended to read:

8.2 Subd. 4. **Payments.** (a) The commissioner of revenue must compute the amount of
8.3 riparian protection aid payable to each eligible county and to the Board of Water and Soil
8.4 Resources under this section. On or before August 1 each year, the commissioner must
8.5 certify the amount to be paid to each county and the Board of Water and Soil Resources in
8.6 the following year, except that the payments for 2017 must be certified by July 15, 2017.
8.7 The commissioner must pay riparian protection aid to counties and to the Board of Water
8.8 and Soil Resources in the same manner and at the same time as aid payments under section
8.9 477A.015.

8.10 (b) Upon written notice from the Board of Water and Soil Resources, the commissioner
8.11 must cancel future payment of riparian protection aid to a county when the county or a
8.12 watershed district in the county renounces jurisdiction under section 103F.48. A copy of
8.13 the county board or watershed district resolution renouncing jurisdiction under section
8.14 103F.48 must be included with the written notice. The commissioner must pay the amount
8.15 of the canceled payment to the Board of Water and Soil Resources on the next scheduled
8.16 payment date under section 477A.015. If the written notice is received by the commissioner
8.17 five or fewer business days before a payment date under section 477A.015, the commissioner
8.18 must make payment to the county, which must transfer the payment amount to the Board
8.19 of Water and Soil Resources within 30 days of receiving the payment.

8.20 (c) Upon written notice from the Board of Water and Soil Resources, the commissioner
8.21 must cancel future payment of riparian protection aid to the Board of Water and Soil
8.22 Resources when a county or a watershed district in the county affirms its jurisdiction under
8.23 section 103F.48. A copy of the county board or watershed district resolution affirming
8.24 jurisdiction under section 103F.48 must be included with the written notice. The
8.25 commissioner must pay the amount of the canceled payment to the county on the next
8.26 scheduled payment date under section 477A.015. If the written notice is received by the
8.27 commissioner five or fewer business days before a payment date under section 477A.015,
8.28 the commissioner must make payment to the Board of Water and Soil Resources, which
8.29 must transfer the payment amount to the county within 30 days of receiving the payment.

8.30 (d) To calculate the amount of a future payment to cancel, the commissioner must
8.31 multiply the aid payable by a fraction, the numerator of which is the number of months in
8.32 the payment year remaining after the county or watershed district elects or renounces
8.33 jurisdiction and the denominator of which is 12. If the date of electing or renouncing
8.34 jurisdiction includes a fraction of a month, that month is not included in the numerator.

9.1 Sec. 13. Laws 2019, First Special Session chapter 4, article 1, section 2, subdivision 1, is
 9.2 amended to read:

9.3
 9.4 Subdivision 1. **Total Appropriation** \$ 106,908,000 \$ ~~104,363,000~~
105,089,000

9.5 Appropriations by Fund

	2020	2021
9.6		
9.7		6,524,000
9.8	General 6,815,000	<u>7,250,000</u>
9.9	State Government	
9.10	Special Revenue 75,000	75,000
9.11	Environmental 83,986,000	83,654,000
9.12	Remediation 14,410,000	14,110,000
9.13	Closed Landfill	
9.14	Investment 1,622,000	-0-

9.15 The amounts that may be spent for each
 9.16 purpose are specified in the following
 9.17 subdivisions.

9.18 The commissioner must present the agency's
 9.19 biennial budget for fiscal years 2022 and 2023
 9.20 to the legislature in a transparent way by
 9.21 agency division, including the proposed
 9.22 budget bill and presentations of the budget to
 9.23 committees and divisions with jurisdiction
 9.24 over the agency's budget.

9.25 Sec. 14. Laws 2019, First Special Session chapter 4, article 1, section 2, subdivision 3, is
 9.26 amended to read:

9.27
 9.28 Subd. 3. **Industrial** 15,473,000 ~~15,606,000~~
16,332,000

9.29 Appropriations by Fund

	2020	2021
9.30		
9.31	<u>General</u> -0-	<u>726,000</u>
9.32	Environmental 14,472,000	14,605,000
9.33	Remediation 1,001,000	1,001,000

9.34 (a) \$1,001,000 the first year and \$1,001,000
 9.35 the second year are from the remediation fund

10.1 for the leaking underground storage tank
 10.2 program to investigate, clean up, and prevent
 10.3 future releases from underground petroleum
 10.4 storage tanks and for the petroleum
 10.5 remediation program for vapor assessment
 10.6 and remediation. These same annual amounts
 10.7 are transferred from the petroleum tank fund
 10.8 to the remediation fund.

10.9 (b) \$393,000 the first year and \$393,000 the
 10.10 second year are from the environmental fund
 10.11 to further evaluate the use and reduction of
 10.12 trichloroethylene around Minnesota and
 10.13 identify its potential health effects on
 10.14 communities. Of this amount, up to \$121,000
 10.15 each year may be transferred to the
 10.16 commissioner of health.

10.17 (c) \$726,000 the second year is to further build
 10.18 agency capacity to complete air permitting
 10.19 and compliance and enforcement activities
 10.20 and to focus services primarily on areas of the
 10.21 state with disproportionately impacted
 10.22 communities.

10.23 **Sec. 15. PRIVATE SALE OF SURPLUS STATE LAND; CASS COUNTY.**

10.24 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
 10.25 natural resources may sell by private sale the surplus land that is described in paragraph (c).

10.26 (b) The commissioner may make necessary changes to the legal description to correct
 10.27 errors and ensure accuracy.

10.28 (c) The land to be conveyed is located in Cass County and is described as: the westerly
 10.29 20.00 feet of the West Half of the Northeast Quarter, Section 16, Township 139 North,
 10.30 Range 30 West, Cass County, Minnesota. The Grantor, its employees and agents only,
 10.31 reserves a perpetual easement for ingress and egress over and across the above described
 10.32 land.

11.1 (d) The Department of Natural Resources has determined that the land is not needed for
11.2 natural resource purposes and that the state's land management interests would best be
11.3 served if the land was returned to private ownership.

11.4 Sec. 16. **PRIVATE SALE OF SURPLUS STATE LAND; LAKE OF THE WOODS**
11.5 **COUNTY.**

11.6 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
11.7 natural resources may sell by private sale the surplus land that is described in paragraph (c).

11.8 (b) The commissioner may make necessary changes to the legal description to correct
11.9 errors and ensure accuracy.

11.10 (c) The land to be conveyed is located in Lake of the Woods County and is described
11.11 as: a strip of land lying in Government Lot 3, Section 5, Township 163 North, Range 34
11.12 West of the Fifth Principal Meridian, Lake of the Woods County, Minnesota; said strip of
11.13 land being 33.00 feet in width lying 16.50 feet on each side of the following described
11.14 centerline:

11.15 Commencing at the southeast corner of said Government Lot 3; thence North 00 degrees
11.16 09 minutes 28 seconds West, assumed bearing, along the east line of said Government
11.17 Lot 3, a distance of 690 feet, more or less, to the south line of that particular tract of land
11.18 deeded to the State of Minnesota according to Document No. 75286, on file and of record
11.19 in the Office of the Recorder, Lake of the Woods County, Minnesota; thence South 89
11.20 degrees 50 minutes 32 seconds West, along said south line of that particular tract of
11.21 land, a distance of 200.00 feet; thence South 00 degrees 09 minutes 28 seconds East,
11.22 parallel with the east line of said Government Lot 3, a distance of 40.00 feet; thence
11.23 South 89 degrees 50 minutes 32 seconds West, a distance of 16.50 feet to the point of
11.24 beginning of the centerline to be herein described; thence South 00 degrees 09 minutes
11.25 28 seconds East, parallel with the east line of said Government Lot 3, a distance of 650.5
11.26 feet, more or less, to the south line of said Government Lot 3 and said centerline there
11.27 terminating.

11.28 (d) The Department of Natural Resources has determined that the land is not needed for
11.29 natural resource purposes and that the state's land management interests would best be
11.30 served if the land was returned to private ownership.

12.1 Sec. 17. **PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
12.2 **WATER; WADENA COUNTY.**

12.3 (a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural
12.4 resources may sell by public sale the surplus land bordering public water that is described
12.5 in paragraph (c).

12.6 (b) The commissioner may make necessary changes to the legal description to correct
12.7 errors and ensure accuracy.

12.8 (c) The land that may be sold is located in Wadena County and is described as: the
12.9 Northeast Quarter of the Southwest Quarter of Section 26, Township 136 North, Range 34
12.10 West, Wadena County, Minnesota, except that part described as follows:

12.11 Beginning at the northeast corner of said Northeast Quarter of the Southwest Quarter;
12.12 thence West 10 rods; thence South 8 rods; thence East 10 rods; thence North 8 rods to
12.13 the point of beginning and there terminating.

12.14 (d) The land borders the Redeye River. The Department of Natural Resources has
12.15 determined that the land is not needed for natural resource purposes and that the state's land
12.16 management interests would best be served if the land were returned to private ownership.

12.17 Sec. 18. **RULEMAKING; NONRESIDENT BONUS PERMITS.**

12.18 (a) The commissioner of natural resources must amend Minnesota Rules as follows:

12.19 (1) parts 6232.0200, subpart 5, and 6232.1950, subpart 1, must be amended to provide
12.20 that the cost of a bonus permit is one-half the cost of a regular resident license;

12.21 (2) part 6232.1950, subpart 1, must be amended to allow a person who purchases and
12.22 presents a firearms, archery, or muzzleloader deer license for the current year to purchase
12.23 a bonus permit; and

12.24 (3) part 6232.1950, subpart 2, must be amended to allow bonus permits to be used to
12.25 take antlerless deer during the firearms, archery, and muzzleloader seasons if the person
12.26 has a valid license for that season.

12.27 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
12.28 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
12.29 Statutes, section 14.386, does not apply except as provided under Minnesota Statutes, section
12.30 14.388.