

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

SEVENTY-THIRD DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 3, 1980

The House of Representatives convened at 2:00 p.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Searles
Adams	Eken	Kaley	Niehaus	Sherwood
Ainley	Elioff	Kalis	Norman	Sieben, H.
Albrecht	Ellingson	Kelly	Novak	Sieben, M.
Anderson, B.	Erickson	Kempe	Nysether	Simoneau
Anderson, D.	Esau	Knickerbocker	Olsen	Stadum
Anderson, G.	Evans	Kostohryz	Onnen	Stoa
Anderson, I.	Ewald	Kroening	Osthoff	Stowell
Anderson, R.	Faricy	Kvam	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McDonald	Reding	Weaver
Carlson, L.	Heinitz	McEachern	Rees	Welch
Casserly	Hoberg	Mehrkens	Reif	Welker
Clark	Hokanson	Metzen	Rice	Wenzel
Clawson	Jacobs	Minne	Rodriguez	Wieser
Corbid	Jaros	Moe	Rose	Wigley
Crandall	Jennings	Munger	Rothenberg	Wynia
Dean	Johnson, C.	Murphy	Sarna	Zubay
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

The Chief Clerk proceeded to read the Journal of the preceding day. Kempe moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1656, 1666, 1910, 2012, 184, 1031, 1207, 1286, 1601, 1692, 1695, 1732, 1778, 1779, 1789 and 1956 and S. F. Nos. 1611, 1665, 1729, 1438, 1652, 1722, 1848, 744, 693, 58 and 951 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

February 25, 1980

The Honorable Fred Norton
Speaker of the House
3rd Floor State Office Bldg.
St. Paul, Minnesota 55155

Dear Sir:

The following appointment to the State Ethical Practices Board is hereby respectfully submitted to the House for confirmation as required by law:

Elizabeth Ebbott, 409 Birchwood Avenue, White Bear Lake, Washington County, has been appointed by me effective February 12, 1980, for a term expiring on the first Monday in January, 1984.

Sincerely yours,

ALBERT H. QUIE
Governor

The communication relating to the State Ethical Practices Board was referred to the Committee on General Legislation and Veterans Affairs.

REPORTS OF STANDING COMMITTEES

Faricy from the Committee on Judiciary to which was referred:

H. F. No. 429, A bill for an act relating to courts; providing statewide jurisdiction for conciliation courts; providing state-

wide jurisdiction for the municipal courts of Hennepin and Ramsey counties; providing that venue for an action in conciliation court may lie in the county where the plaintiff resides; amending Minnesota Statutes 1978, Sections 487.30, Subdivision 1; 488A.01, Subdivision 8; 488A.12, Subdivision 3; 488A.18, Subdivisions 4 and 9; 488A.29, Subdivision 3; and 542.09.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 487.30 is amended by adding a subdivision to read:

Subd. 4. Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary, the conciliation court of the county has jurisdiction to determine an action to recover payment for medical care rendered in the county, and the summons in the action may be served anywhere within the state.

Sec. 2. Minnesota Statutes 1978, Section 488A.12, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.

(b) Notwithstanding the provisions of clause (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.

(c) Notwithstanding the provisions of clause (a) or any rule of court to the contrary the conciliation court of Hennepin County has jurisdiction to determine an action to recover payment for medical care rendered in the county, and the summons in the action may be served anywhere in the state.

Sec. 3. Minnesota Statutes 1978, Section 488A.29, Subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] (a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of \$1000. The

territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

(c) *Notwithstanding the provisions of clause (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action to recover payment for medical care rendered in the county, and the summons in the action may be served anywhere in the state.*"

Further, delete the title and insert:

"A bill for an act relating to conciliation court; providing that a conciliation court may hear an action to recover payment for medical care rendered in the county; allowing service in the action anywhere in the state; amending Minnesota Statutes 1978, Sections 487.30, by adding a subdivision; 488A.12, Subdivision 3; and 488A.29, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 593, A bill for an act relating to wild animals; prohibiting possession of firearms while shining wild animals; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 100.29, Subdivision 10, is amended to read:

Subd. 10. It shall be unlawful to throw or cast the rays of a spotlight, headlight, or other artificial light on any highway, or in any field, woodland, or forest, for the purpose of spotting, locating or taking any wild animal, (EXCEPT RACCOONS WHEN TREED WITH THE AID OF DOGS WHILE ON FOOT,) while having in possession or under control, either singly or as one of a group of persons, any firearm, bow or

other implement whereby big game could be killed, unless the firearm is unloaded in both barrels and magazine and completely contained in a gun case expressly made for that purpose which is fully enclosed by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the firearm exposed, and, as so enclosed, the firearm is contained in the trunk of the car with the trunk door closed and in the case of a bow, unless the same is completely encased or unstrung and, as so encased or unstrung, the bow is contained in the trunk of the car with the trunk door closed; provided, however, that if the vehicle has no trunk, the firearm or bow must be placed in the rearmost location in the vehicle. (WHEN ARTIFICIAL LIGHTS ARE USED TO TAKE RACCOON WHEN TREED WITH THE AID OF DOGS WHILE ON FOOT, THE RIFLES USED TO TAKE RACCOON SHALL NOT BE OF A LARGER CALIBER THAN .22 RIM-FIRE, AND SHOTGUNS SO USED SHALL ONLY CONTAIN SHELLS WITH SHOT NO LARGER THAN NO. 4. ARTIFICIAL LIGHTS TO TAKE RACCOON WHEN TREED WITH THE AID OF DOGS WHILE ON FOOT SHALL BE LEGAL.) *Raccoons may be taken between the hours of sunset and sunrise only under the following conditions:*

- (a) *Hunters shall be on foot.*
- (b) *Artificial lights shall not be used to locate a raccoon, or to shine upon a raccoon until after the raccoon has been treed or caught by a dog.*
- (c) *Rifles, when used, shall be no larger than .22 rim-fire, using .22 short, long or long rifle.*
- (d) *Shotguns, when used, shall use shells with shot no larger than No. 4 fine shot."*

Further, delete the title and insert:

"A bill for an act relating to wild animals; clarifying conditions under which raccoons may be taken at night; amending Minnesota Statutes 1978, Section 100.29, Subdivision 10."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1435, A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; amending Minnesota Statutes 1978, Section 147.09.

Reported the same back with the following amendments:

Page 2, after line 2, insert:

"These physicians shall first register with the board of medical examiners and shall complete a form provided by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

Sec. 2. This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1451, A bill for an act relating to natural resources; authorizing additions to and deletions from certain state parks and authorizing land acquisition in relation thereto.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [NATURAL RESOURCES; ADDITIONS TO AND DELETIONS FROM CERTAIN STATE PARKS.] Subdivision 1. The lands described in this section are, as specified in this section, added to or deleted from the boundaries of the state parks designated in this section. The commissioner of administration for the commissioner of natural resources is authorized to acquire by gift, exchange, purchase, or, if authorized by law, by condemnation proceedings the lands as described which are added. Any land which now is or hereafter becomes tax-forfeited land and is located within the described park boundaries is withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing districts. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state for such purposes and transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes. Any lands within the herein described boundaries which may be owned by the United States and managed by any of its agents may be acquired by land exchange, direct transfer, or purchase as federal laws may prescribe. The lands acquired pursuant to this section shall be administered in the same manner as pro-

vided for other state parks and shall be perpetually dedicated for such use.

[85.012] [Subd. 10.] Subd. 2. [CAMDEN STATE PARK.] (a) The following areas are added to Camden State Park: The North Half of the Southeast Quarter and the North Half of the South Half of the Southeast Quarter of Section 7; all in Township 110, North, Range 42 West.

(b) The following areas are deleted from Camden State Park:

The Southwest Quarter of Section 33 lying northeasterly of the township road and northwesterly of Minnesota Highway 23; The East Half of the Southeast Quarter of Section 32 lying easterly of the township road and County State Aid Highway 25; all in Township 111 North, Range 42 West.

The Northwest Quarter of the Northwest Quarter of Section 4 lying northeasterly of the Township road and northwesterly of Minnesota Highway 23; Township 111 North, Range 42 West. The North Half of Section 17 lying southerly of the township road and East of the unimproved road and the unimproved road extended; the Southeast Quarter and the East Half of the Southwest Quarter of Section 17, excepting that portion of the Southeast Quarter of the Southeast Quarter lying easterly of the westerly right-of-way line of Minnesota Highway 23; the North 1500 feet more or less of Section 20 bounded by the easterly line of the Burlington Northern Inc. Railroad right-of-way and the westerly right-of-way line of Minnesota Highway 23; all in Township 110 North, Range 42 West.

[85.012] [Subd. 18.] Subd. 3. [FORT SNELLING STATE PARK.] (a) The following areas are added to Fort Snelling State Park and, to the extent any of such lands were previously included in the Minnesota Valley Trail pursuant to Laws 1971, Chapter 859, Section 7, and acts amendatory thereof, they are withdrawn from the Minnesota Valley Trail: All that part of Section 7 lying easterly of the original Minnesota River; All that part of Section 8 lying easterly of the Minnesota River and northwesterly of the Chicago and Northwestern Railroad; All that part of Section 9 lying northwesterly of the Chicago and Northwestern Railroad; All that part of Section 17 lying northwesterly of the Chicago and Northwestern Railroad; All that part of Section 18 lying easterly of the original channel of the Minnesota River, northwesterly of the Chicago and Northwestern Railroad and northeasterly of Cedar Avenue; All in Township 27 North, Range 23 West. All that part of Section 13 lying easterly of the Minnesota River and northerly of Cedar Avenue; Township 27 North, Range 24 West, Dakota County. Commencing at the southwest corner of Section 17, Township 28 North, Range 24 West of the fourth principal meridian, said

corner being MCM 107 of the City of Minneapolis and State of Minnesota coordinate grid systems; thence South 39 degrees 54 minutes 57 seconds East a distance of 4015.45 feet to monument number 2 located on a western extension of the south line of the U.S. Bureau of Mines reservation heretofore established; thence east for a distance of 1192 feet more or less, along the south boundary and fence line of the Bureau of Mines to STA. H.H., the said station being a 1-inch diameter steel rod firmly imbedded in concrete, the center point of which being the point of beginning of the land to be described; thence continuing east for an indefinite distance to the center of the main channel of the Mississippi River, the boundary between Hennepin and Ramsey Counties; thence northwesterly and northeasterly along the center of the channel for a distance of 1950 feet, more or less; thence west for an indefinite distance to STA. A.A. the station being a 2-inch pipe cap, the exact point being a center punch mark; thence continuing west for a distance of 100 feet, more or less, to the westerly right-of-way of the former Chicago, Milwaukee, St. Paul, and Pacific Railroad; thence southerly along said westerly right-of-way line to the south line of the U.S. Bureau of Mines reservation; thence east for a distance of 290 feet, more or less, along the said south boundary of STA. H.H., and the point of beginning.

(b) The following areas are deleted from Fort Snelling State Park:

All that part of Section 22, Township 28 North, Range 23 West, lying southeasterly of the southeasterly right-of-way of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, northwesterly of Minnesota Highway 13 and northeasterly of the following described line: Commencing at the intersection of the center line of Minnesota Highway No. 13 and the east line of Section 22, Township 28 North, Range 23 west, said point being 1855.0 feet North of the southeast corner of said Section 22; thence sight South along said section line and turn 64 degrees 37 minutes to the right 31.27 feet along the center line of Minnesota Highway No. 13 to the beginning of an 08 degrees 00 minutes curve to the left; thence along said curve 191.7 feet; thence on a tangent to said curve 559.23 feet; thence continuing along the last described line 267.84 feet to the beginning of a 04 degrees 00 minutes curve to the left; thence along said curve 227.9 feet; thence on a tangent to said curve 30.0 feet; thence northwesterly at right angle to the last described line 45.0 feet to a judicial land mark; thence southeasterly along the last described line a distance of 3.55 feet to the northwesterly right-of-way line of Minnesota Highway No. 13, said northwesterly right-of-way line being the northwesterly line of First Street in Beaudet's Addition; thence northeasterly 258.50 feet along the southeasterly line of Lots 67, 68, 69, and 70 of Beaudet's Addition to the most easterly corner of Lot 70 of Beaudet's Addition, said line being the northwesterly line of First Street and right-of-way line of Minnesota Highway No. 13; thence

northeasterly along the northwesterly right-of-way line of Minnesota Highway No. 13 to the most southerly corner of Lot 71 of Beaudet's Addition; thence continuing northeasterly along the southeasterly line of Lots 71, 72, and 73 of Beaudet's Addition, said lot lines being the northwesterly line of First Street and right-of-way of Minnesota Highway No. 13 a distance of 155.17 feet to the point of beginning of line; thence deflecting to the left 98 degrees 42 minutes a distance of 80.0 feet to a Department of Natural Resources monument; thence continuing along the last described line to the southerly right-of-way line of the Chicago, Milwaukee, St. Paul, and Pacific Railroad, said railroad right-of-way line being 50 feet southerly and parallel with the center line of the tracks in place and there terminating.

All that part of Sections 29 and 32, Township 28 North, Range 23 West, bounded by the following described lines: Commencing at the northwest corner of said Section 29; thence South 00 degrees 16 minutes 33 seconds East, 771.38 feet along the west line of said Section 29; thence South 60 degrees 34 minutes 28 seconds East, 2326.03 feet; thence South 46 degrees 14 minutes 26 seconds East, 166.37 feet; thence North 37 degrees 44 minutes 49 seconds East, 229.13 feet to an iron pipe; thence South 60 degrees 34 minutes 28 seconds East, to the southeasterly right-of-way old Minnesota Highway 5 and 100 and the point of beginning; thence southwesterly along the said southeasterly right-of-way of old Minnesota Highway 5 and 100 to a line which was the former common boundary between the Veteran's Administration and the Metropolitan Airports Commission property; thence southeasterly along the said former common boundary between the Veteran's Administration and the Metropolitan Airports Commission to the northerly right-of-way of Minnesota Highway 5; thence southwesterly along the northerly right-of-way of Minnesota Highway 5 and Interstate Highway 494 to the west line of Section 32; thence southerly along the said west line of Section 32 to the southerly right-of-way of Minnesota Highway 5 and Interstate Highway 494; thence northeasterly along the said southerly right-of-way of Minnesota Highway 5 and Interstate Highway 494 to a point which bears South 60 degrees 34 minutes 28 seconds East from the point of beginning; thence North 60 degrees 34 minutes 28 seconds West to the Southeasterly right-of-way of old Minnesota Highway 5 and 100 and the point of beginning.

Lot 1 except the northerly 10 feet, Lots 2 and 3 except the northerly 20 feet, and Lots 4 and 5 except the railroad right-of-way, Block 2; the westerly 56 feet of Lot 6, Block 2; Lot 6 except the westerly 56 feet thereof, and the westerly 20 feet of vacated "E" Street adjacent thereto; Lot 7, Block 2; Lot 8, Block 2; Lot 9, Block 2; Lot 10 except the northerly 80 1/2 feet thereof, Block 2; northerly 80 1/2 feet of Lot 10, Block 2; East 50 feet of Lot 2 and all of Lots 3, 4, and 5, Block 3, including any portion of any street or alley adjacent thereto, vacated or to be vacated, but excepting railroad right-of-way, and subject to Minnesota Highway 13; Lot 1, and all of Lot 2 except the east 50 feet thereof, Block

3, including any portion of any street or alley adjacent thereto, vacated or to be vacated, but excepting railroad right-of-way, and subject to Minnesota Highway 13; All of Block 4 including any portion of any street or alley adjacent thereto, vacated or to be vacated, but excepting railroad right-of-way, subject to Minnesota Highway 13 and lying southerly of the center line of the former railroad running through Block 4 now abandoned; East Half of vacated "E" Street; All being a part of the original town of Mendota in Section 27, Township 28 North, Range 23 West.

[85.012] [Subd. 29.] Subd. 4. [ITASCA STATE PARK.] The following areas are added to Itasca State Park: The South Half of the Northeast Quarter of Section 34, Township 144 North, Range 36 West.

[85.012] [Subd. 30.] Subd. 5. [JAY COOKE STATE PARK.] The following areas are deleted from Jay Cooke State Park:

That part of the Southeast Quarter of Section 3 lying northwesterly of the northwesterly right-of-way line of the Burlington Northern, Inc. Railway; all of Section 25; that part of the Northeast Quarter of the Southeast Quarter and the East Half of the Northeast Quarter of Section 26 lying easterly of the Burlington Northern, Inc. Railway; that part of the Southeast Quarter of the Southeast Quarter of Section 23 lying southeasterly of Minnesota Highway 23 and northeasterly of the Burlington Northern, Inc. Railway; that part of Section 24 lying southeasterly of Minnesota Highway 23; that part of the Northeast Quarter, the Southwest Quarter and the Southeast Quarter of Section 13 lying southeasterly of Minnesota Highway 23; all being in Township 48 North, Range 16 West.

All of Sections 19 and 30; that part of the South Half of the South Half of Section 7 lying southeasterly of Minnesota Highway 23; that part of Section 18 lying southeasterly of Minnesota Highway 23; all in Township 48 North, Range 15 West.

[85.012] [Subd. 37.] Subd. 6. [LAKE MARIA STATE PARK.] The following areas are added to Lake Maria State Park:

The South Half of the Southwest Quarter; that part of the Northwest Quarter lying easterly of the township road; and that part of the North Half of the Southwest Quarter lying easterly of the township road except: Commencing at the West Quarter corner, Section 4, Township 121 North, Range 26 West; thence Southerly along the west side of said Section 4, distant 1039.8 feet; thence deflect left 90 degrees 00 minutes, distant 66.0 feet to the point of beginning; thence continue on last described course, distant 247.4 feet; thence deflect 107 degrees 56 minutes left, distant 323.4 feet; thence deflect 31 degrees 44 minutes left, distant

72.6 feet to the center of Township Road; thence deflect left 103 degrees 55 minutes 30 seconds, being along center line of Township Road, distant 207.4 feet; thence deflect 26 degrees 15 minutes left, distant 169.3 feet, more or less, to the point of beginning; All in Section 4, Township 121 North, Range 26 West.

[85.012] [Subd. 42.] Subd. 7. [MILLE LACS KATHIO STATE PARK.] (a) The following areas are added to Mille Lacs Kathio State Park:

The westerly 200 feet of Government Lot 3 in Section 2 lying southerly of U.S. Highway No. 169; all in Township 42 North, Range 27 West.

(b) The following areas are deleted from Mille Lacs Kathio State Park:

That part of Government Lots 1 and 2 and the Southeast Quarter of the Southeast Quarter in Section 12 lying northerly of the northerly right-of-way line of U.S. Highway No. 169.

That part of Government Lot 4 in Section 12 lying west of northerly extension of the west line of Government Lot 3 of said Section 12.

That part of the Southeast Quarter of the Northeast Quarter and Government Lot 1 in Section 11 lying northerly of the following described lines:

Commencing at the iron monument at the east quarter corner of said Section 11; thence North 0 degrees 44 minutes 43 seconds East, assumed bearing of 1246.00 feet along the east line of said Section 11 to point "A"; thence South 0 degrees 44 minutes 43 seconds West, 600.00 feet along the east line of said Section 11; thence West, 1495.01 feet; thence North 00 degrees 44 minutes 43 seconds East, 799.00 feet to the point of beginning of the line to be described; thence East, 793.34 feet to the westerly line of a 66 foot wide road easement; thence South 6 degrees 26 minutes 55 seconds East, 28.87 feet along the westerly line of said road easement; thence southerly 138.27 feet along a tangential curve concave to the west having a radius of 179.04 feet and a central angle of 44 degrees 14 minutes 52 seconds continuing along the westerly line of said road easement; thence South 52 degrees 12 minutes 03 seconds East, 66 feet radially to said road easement to the east line of said road easement; thence East, 680.12 feet to point "A" on the east line of said Section 11 and there terminating.

That part of Government Lots 1, 2, 3 and 4 and the Northwest Quarter of the Southeast Quarter and the Northeast Quarter of the Southwest Quarter in Section 3 lying northerly of the northerly right-of-way of U.S. Highway No. 169.

That part of Government Lot 1 in Section 4 lying northerly of the northerly right-of-way line of U.S. Highway No. 169 and easterly of the following described line:

Commencing at the intersection of the east line of said Government Lot 1 and the southerly right-of-way line of County State Aid Highway No. 35, formerly U.S. Highway No. 169, which point is 72.6 feet south of the meander corner on said east line; thence in a northwesterly direction along said southerly right-of-way line at an angle measured from said east line of 75 degrees 10 minutes a distance of 267.0 feet to point "A"; thence deflect 90 degrees 05 minutes to the left in a southwesterly direction to intersect the northerly right-of-way of U.S. Highway No. 169 a distance of 144.15 feet, more or less; thence northwesterly along the said right-of-way 98.5 feet to the point of beginning; thence northeasterly a distance of 128.75 feet, more or less, to intersect said southerly right-of-way line of County State Aid Highway No. 35 a distance of 98.5 feet northwesterly of point "A"; thence southeasterly a distance of 31.0 feet along said southerly right-of-way line towards point "A"; thence northeasterly at right angles to the shore line of Mille Lacs Lake and there terminating.

All in Township 42 North, Range 27 West.

All of Government Lots 1 and 2 in Section 33, Township 43 North, Range 27 West.

[85.012] [Subd. 52.] Subd. 8. [SCENIC STATE PARK.]
The following areas are added to Scenic State Park:

The South Half of the Southwest Quarter of Section 28;

The South Half of the Southeast Quarter and the South Half of the Southwest Quarter of Section 29;

The South Half of the Southeast Quarter of Section 30;

The Northeast Quarter and the Southeast Quarter of Section 31;

The Northwest Quarter and the Southwest Quarter of Section 33; All in Township 61 North, Range 25 West.

Governments Lots 1, 2, 7, 8, 9, 10, 15, 16, and 17 of Section 1; All in Township 60 North, Range 26 West. Any land which now is tax-forfeited land and is located within the adjusted boundaries of Scenic State Park is hereby withdrawn from sale and is transferred from the custody, control, and supervision of the county board of the county to the commissioner of natural resources, free from any trust in favor of the interested taxing

districts. The transfer of such tax-forfeited land is effective only after an amount equal to the fair market value of the land is paid by the commissioner to the county. Any money appropriated for state park land acquisition may be expended for this payment related to tax-forfeited land. The county auditor shall apportion this money in the manner provided in Minnesota Statutes, Section 282.08 for the apportionment of proceeds from the sale of tax-forfeited lands. The commissioner shall execute a certificate of acceptance of the lands on behalf of the state and shall transmit the same to the county auditor of the county for record as provided by law in the case of tax-forfeited land transferred to the commissioner by resolution of the county board for conservation purposes.

[85.012] [Subd. 53.] Subd. 9. [SIBLEY STATE PARK.]
The following areas are deleted from Sibley State Park:

The land included in the Plat of Ekeberg Beach in Government Lot 1 and the Northeast Quarter of the Northwest Quarter of Section 12; Township 121 North, Range 35 West. Lot 2 and the East 150 feet of Lot 3 of the Subdivision of Government Lot 7 in Section 3 lying southerly of a line 150 feet southerly of the water's edge of Henschien Lake; Township 121 North, Range 35 West.

All of Blocks 1 and 2 of the Plat of part of Government Lot 5 in Section 3, except Lot 9 and that part of Lot 8 lying westerly of the northerly extension of the west line of Lot 7 in Block 1; That part of Government Lot 5 in Section 3 lying easterly of County State Aid Highway 38 and southerly of the south line of Block 2 of the Plat of part of Government Lot 5; That part of Lot 1 of the Subdivision of Government Lot 4 in Section 3 described as follows:

Beginning at the northeast corner of said Government Lot 4; thence west 11.68 chains along the north line of said Government Lot 4 to the northwest corner of Lot 1 of the Subdivision of Government Lot 4; thence South 2 rods along the west line of said Lot 1; thence East 17 rods 18 links parallel with the south line of said Section 3; thence South 38 rods along the west side of a 2 rod wide alley for driveway west of shorelots; thence East 17 rods to the water's edge of Lake Andrew; thence northerly along the water's edge of Lake Andrew to the northeast corner of Government Lot 4 and the point of beginning; All in Township 121 North, Range 35 West.

Sec. 2. The commissioner of natural resources may convey to the county of Kandiyohi in a form of conveyance to be approved by the attorney general the following described property within the statutory boundaries of Sibley State Park:

That part of Subdivision Lots 1, 2, 15, and 16 of Subdivision of Government Lots 2, 3, and 4 of Section 4, Township 121 North, Range 35 West, described as follows:

Commencing at the northwest corner of said Government Lot 4; thence on an assumed bearing of South, 90.66 feet along the west of said Government Lot 4 to the point of beginning; thence East, 475.00 feet; thence South, 960.00 feet; thence West 365 feet, more or less, to the center line of C.S.A.H. 5; thence northwesterly along said centerline of C.S.A.H. 5 to the west line of said Government Lot 4; thence North along said west line of Government Lot 4 to the point of beginning; containing 10 acres, more or less.

The conveyance shall be made in exchange for the conveyance to the state by Kandiyohi county of the following described property within the statutory boundaries of Sibley State Park:

Lot 5 of Government Lots 1 and 6 and the Northwest Quarter of the Northeast Quarter of Section 3, Township 121 North, Range 35 West, containing 10 acres, more or less.

Sec. 3. In order to correct inadvertent errors of legal description, the commissioner of natural resources in the name of the state, with the approval of the state executive council, may convey, without monetary consideration, by quitclaim deed in such form as the attorney general approves such rights, titles, and interests of the state in state lands for such rights, titles and interests in adjacent lands as are necessary for the purpose of correcting legal descriptions of boundaries. The commissioner's recommendations to the executive council shall include his determination of the value, if any, of the rights, titles, and interests involved. The provisions of this section apply only to ownership interests which have been affected by errors of legal description and do not otherwise replace or supersede laws relating to land exchange or disposal of surplus state property.

Sec. 4. [EFFECTIVE DATE.] This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1653, A bill for an act relating to public welfare; eliminating authorization for Minnesota State Children's Center; repealing Minnesota Statutes 1978, Sections 260.41 to 260.46.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1667, A bill for an act relating to state government; transferring certain powers and duties relating to natural gas pipeline safety from the state fire marshal in the department of public safety to the director of the department of public service.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 299F.56, is amended by adding a subdivision to read:

Subd. 2a. "Department" means the department of public service.

Sec. 2. Minnesota Statutes 1978, Section 299F.56, Subdivision 5, is amended to read:

Subd. 5. "Transportation of gas" means the gathering, transmission, or distribution of gas by pipeline or its storage; except that it shall not include any such transportation of gas which is subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States, or the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area which the (STATE FIRE MARSHAL) *department* may define as a nonrural area.

Sec. 3. Minnesota Statutes 1978, Section 299F.56, Subdivision 6, is amended to read:

Subd. 6. "Pipeline facilities" includes, without limitation, new and existing pipe rights of way and any equipment facility or building used in the transportation of gas or the treatment of gas during the course of transportation, but "rights of way" as used in sections 299F.56 to 299F.64 does not authorize the (STATE FIRE MARSHAL) *department* to prescribe the location or routing of any pipeline facility. "Pipeline facilities" shall not include any facilities subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States.

Sec. 4. Minnesota Statutes 1978, Section 299F.57, is amended to read:

299F.57 [MINIMUM SAFETY STANDARDS.] Subdivision 1. The (STATE FIRE MARSHAL) *department* shall, by order, establish minimum safety standards for the transportation of gas and pipeline facilities. (SUCH) Standards may apply to the design, installation, inspection, testing, construction, extension, operation, replacement and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection and initial testing shall not be applicable to pipeline facilities in existence on the date such standards are adopted. (SUCH) Safety standards shall be practicable and designed to meet the need for pipeline safety. In prescribing (SUCH) standards, the (STATE FIRE MARSHAL) *department* shall consider:

- (a) relevant available pipeline safety data;
- (b) whether such standards are appropriate for the particular type of pipeline transportation;
- (c) the reasonableness of any proposed standards;
- (d) the extent to which any such standards will contribute to public safety; and
- (e) the existing standards established by the Secretary of Transportation of the United States pursuant to the Natural Gas Pipeline Safety Act of 1968 of the United States.

Provided, however, that the (STATE FIRE MARSHAL) *department* shall not be empowered to adopt any such standards as to the transportation of gas or to pipeline facilities which are subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act of the United States.

Subd. 2. Any standards prescribed under this section (, AND AMENDMENTS THERETO,) shall become effective 30 days after the date of issuance of such standards unless the (STATE FIRE MARSHAL) *department*, for good cause (RECITED), determines an earlier or later effective date is required as the result of the period reasonably necessary for compliance.

Subd. 3. The rulemaking, contested case and judicial review provisions of chapter 15, shall apply to all orders establishing, amending, revoking, or waiving compliance with, any standard established under sections 299F.56 to 299F.64 or any penalty imposed under sections 299F.56 to 299F.64. The (STATE FIRE MARSHAL) *department* shall afford interested persons an opportunity to participate fully in the establishment of such safety

standards through submission of written data, views or arguments, with opportunity to present oral testimony and argument.

Subd. 4. Whenever the (STATE FIRE MARSHAL) *department* shall find a particular facility to be hazardous to life or property, he shall be empowered to require the person operating such facility to take such steps necessary to remove such hazards.

Subd. 5. Upon application by any person engaged in the transportation of gas or the operation of pipeline facilities, the (STATE FIRE MARSHAL) *department* may, after notice and opportunity for hearing and under such terms and conditions and to such extent as he deems appropriate, waive in whole or in part compliance with any standards established under sections 299F.56 to 299F.64, if he determines that a waiver of compliance with such standard is not inconsistent with gas pipeline safety. The (STATE FIRE MARSHAL) *department* shall state (HIS) *the* reasons for any such waiver.

Sec. 5. Minnesota Statutes 1978, Section 299F.58, is amended to read:

299F.58 [CERTIFICATIONS AND REPORTS.] The (STATE FIRE MARSHAL) *department* is authorized to make such certifications and reports to the United States Secretary of Transportation as may be required from time to time under the Natural Gas Pipeline Safety Act of 1968 of the United States.

Sec. 6. Minnesota Statutes 1978, Section 299F.60, Subdivision 1, is amended to read:

299F.60 [CIVIL PENALTIES.] Subdivision 1. Any person who violates any provision of sections 299F.56 to 299F.64, or any regulation issued thereunder, shall be subject to a civil penalty to be imposed by the (STATE FIRE MARSHAL) *department* not to exceed \$1,000 for each such violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 for any related series of violations.

Sec. 7. Minnesota Statutes 1978, Section 299F.60, Subdivision 2, is amended to read:

Subd. 2. The (STATE FIRE MARSHAL) *department* may negotiate a compromise settlement of a civil penalty. In determining the amount of such penalty, or the amount of the compromise settlement, the (STATE FIRE MARSHAL) *department* shall consider the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation. The contested case and judicial review provisions of chapter 15 shall apply to all orders of the (STATE FIRE MARSHAL) *department* imposing

any penalty under sections 299F.56 to 299F.64 or under any regulation promulgated thereunder. The amount of such penalty, when finally determined, may be deducted from any sums owing by the state of Minnesota to the person charged.

Sec. 8. Minnesota Statutes 1978, Section 299F.61, Subdivision 1, is amended to read:

299F.61 [INJUNCTIVE RELIEF.] Subdivision 1. The district courts of the state of Minnesota shall have jurisdiction, subject to the provisions of the statutes and the rules of practice and procedure of the state of Minnesota relative to civil actions in the district courts, to restrain violations of sections 299F.56 to 299F.64, including the restraint of transportation of gas or the operation of a pipeline facility, or to enforce standards established hereunder upon petition by the attorney general on behalf of the state of Minnesota. Whenever practicable, the (STATE FIRE MARSHAL) *department* shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. However, the failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

Sec. 9. Minnesota Statutes 1978, Section 299F.62, is amended to read:

299F.62 [PLAN FOR INSPECTION AND MAINTENANCE.] Each person who engages in the transportation of gas or who owns or operates pipeline facilities subject to sections 299F.56 to 299F.64 shall file with the (STATE FIRE MARSHAL) *department* a plan for inspection and maintenance of each such pipeline facility owned or operated by such person, and any changes in such plan, in accordance with the regulations prescribed by the (STATE FIRE MARSHAL) *department*. If the (STATE FIRE MARSHAL) *department* finds that such plan is inadequate to achieve safe operation, (HE) *it* shall, after notice and opportunity for a hearing, require such plan to be revised. The plan required by the (STATE FIRE MARSHAL) *department* shall be practicable and designed to meet the need for pipeline safety. In determining the adequacy of any such plan, the (STATE FIRE MARSHAL) *department* shall consider the following:

- (a) relevant available pipeline safety data;
- (b) whether the plan is appropriate for the particular type of pipeline transportation;
- (c) the reasonableness of the plan; and

(d) the extent to which such plan will contribute to public safety.

Sec. 10. Minnesota Statutes 1978, Section 299F.63, is amended to read:

299F.63 [RECORDS AND REPORTS; INSPECTION; COSTS; TRADE SECRETS.] Subdivision 1. Each person who engages in the transportation of gas or who owns or operates pipeline facilities shall establish and maintain (SUCH) records, make (SUCH) reports, and provide such information as the (STATE FIRE MARSHAL) department may reasonably require to enable (HIM) it to determine whether such person has acted or is acting in compliance with sections 299F.56 to 299F.64 and the standards established under sections 299F.56 to 299F.64. Each (SUCH) person shall, upon request of an officer, employee, or agent authorized by the (STATE FIRE MARSHAL) department, permit such officer, employee, or agent to inspect books, papers, records and documents relevant to determining whether such person has acted or is acting in compliance with sections 299F.56 to 299F.64 and the standards established pursuant to sections 299F.56 to 299F.64. For purposes of enforcement of sections 299F.56 to 299F.64, officers, employees, or agents authorized by the (STATE FIRE MARSHAL) department, upon presenting appropriate credentials to the individual in charge, are authorized to enter upon, at reasonable times, pipeline facilities, and to inspect, at reasonable times and within reasonable limits and in a reasonable manner, (SUCH) the facilities. Each (SUCH) inspection shall be commenced and completed with reasonable promptness.

Subd. 1a. The department shall assess and bill the salary and expense costs of the gas pipeline safety inspection program less any offsetting federal grant reimbursements for that program to all the gas systems whether private or municipal subject to inspection in proportion to the number of gas meters in each system. Billing shall be done within 90 days of the close of the state fiscal year. The assessment shall be paid to the state treasury within 30 days after the bill has been mailed to the gas systems which mailed bill shall constitute notice of assessment and demand for payment thereof.

Subd. 2. In the course of the exercise of his duties and responsibilities under sections 299F.56 to 299F.64, the (STATE FIRE MARSHAL) department shall wherever practicable employ a practice of spot checking and issuance of certificates of compliance, with respect to persons subject to sections 299F.56 to 299F.64, to limit costs of enforcement of the safety standards established pursuant to sections 299F.56 to 299F.64.

Subd. 3. All information reported to or otherwise obtained by the (STATE FIRE MARSHAL OR HIS) department or its

representative, which contains or relates to a trade secret, as referred to in section 1905 of title 18 of the United States Code, or otherwise constitutes a trade secret under law, shall be considered confidential for the purpose of such laws, except that such information may be disclosed to other officers or employees concerned with carrying out sections 299F.56 to 299F.64 or when relevant in any proceeding under sections 299F.56 to 299F.64.

Sec. 11. Minnesota Statutes 1978, Section 299F.64, is amended to read:

299F.64 [FEDERAL MONEYS.] The (STATE FIRE MARSHAL) *department* may accept any and all moneys provided for or made available to this state by the United States of America or any department or agency thereof with respect to prescribing, setting, and enforcing rules, regulations, and safety standards for the transportation of natural and other gas by pipelines in accordance with the provisions of federal law and any rules or regulations promulgated thereunder and the (STATE FIRE MARSHAL) *department* is further authorized to do any and all things, not contrary to the laws of this state, required of this state by such federal law and the rules and regulations promulgated thereunder in order to obtain such federal moneys.

Sec. 12. [TRANSFER OF FUNCTIONS; RULES; PENDING ACTIONS.] *Subdivision 1. All powers, duties and functions previously vested in the division of fire marshal of the department of public safety by Minnesota Statutes 1978, Sections 299F.56 to 299F.64 are transferred to, vested in and imposed upon the department of public service, effective July 1, 1980.*

Subd. 2. Regulations and standards for gas and pipeline safety as incorporated in Title 49, Code of Federal Regulations 192, and amendments thereto published in the Federal Register through September 5, 1978, as modified by Fire Mar Rules 4, 14 and 23, are incorporated by reference and made a part of the Minnesota rules and standards for gas and pipeline safety, along with existing Fire Mar Rules 1 to 29. Administration of these rules, regulations and standards is transferred from the division of fire marshal of the department of public safety to the department of public service, effective July 1, 1980. Rules, regulations and standards adopted or transferred to the department of public service by this subdivision shall continue in effect until repealed, modified or suspended by subsequent rule of the department of public service. Discrepancies or inconsistencies between any provision of Fire Mar Rules 1 to 29 and the Code of Federal Regulations shall be resolved in favor of the Code of Federal Regulations.

Subd. 3. Any proceeding, legal action, prosecution or other business or matter undertaken or commenced prior to July 1,

1980 by the fire marshal division of the department of public safety in the exercise of a power, duty or function transferred by this section may be continued to completion by the department of public service in the same manner, under the same terms and conditions and with the same effect as though undertaken or commenced by the department of public service in the first instance.

Sec. 13. [TRANSFER OF FUNDS, POSITIONS, EQUIPMENT.] *Subdivision 1. All unexpended funds appropriated to the department of public safety for the gas pipeline safety program by the Laws 1979, Chapter 333, Section 41, are cancelled and shall revert to the general fund.*

Subd. 2. One full-time position in the classified service in the department of public safety used to support any of the functions, powers and duties transferred to the department of public service is transferred to the department of public service. The commissioner of finance and commissioner of personnel shall determine the position to be transferred along with any accrued benefits pertaining thereto to the department of public service.

Subd. 3. All equipment, furnishings, supplies and any appropriate contractual agreements related to the gas pipeline safety program are transferred to the department of public service.

Subd. 4. The authorized complement of the department of public service is increased by six positions and the authorized complement of the department of public safety is reduced by one position.

Sec. 14. *There is appropriated to the department of public service from the general fund \$259,280 for the biennium ending June 30, 1981. The department of public service is authorized to make application for, receive and deposit into the general fund any and all gas pipeline safety program funds available from the federal government in support of this program.*

Sec. 15. *This act is effective July 1, 1980."*

Amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to natural gas pipeline safety; transferring powers and duties in the administration of pipeline safety laws from the fire marshal division of the department of public safety to the department of public service; transferring personnel and records; appropriating funds; amending Minnesota Statutes 1978, Sections 299F.56, Subdivisions 5 and 6, and by adding a subdivision; 299F.57; 299F.58; 299F.60, Subdivisions 1 and 2; 299F.61, Subdivision 1; 299F.62; 299F.63; and 299F.64."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1675, A bill for an act relating to financial institutions; authorizing certain additional facilities for banks; amending Minnesota Statutes 1978, Section 47.52.

Reported the same back with the following amendments:

Page 2, line 15, delete "*provided*" and insert "*if the commissioner determines*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1680, A bill for an act relating to the City of Minneapolis; authorizing the establishment of a detached banking facility.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Brinkman from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1700, A bill for an act relating to financial institutions; permitting industrial loan and thrift companies to take liens on real estate; authorizing charges incurred in taking liens on real estate; amending Minnesota Statutes 1978, Section 53.04, Subdivisions 1, 3, and by adding a subdivision.

Reported the same back with the following amendments:

Page 4, line 5, delete "*other provision*" and insert "*provisions*"

Page 4, delete lines 10 to 24 and insert "*charges for appraisal, abstracting, title search and real estate recording fees, provided*

the charges are paid entirely to a third party not the employee of the industrial loan and thrift company, and do not exceed \$100 in the aggregate.

An industrial loan and thrift company may not establish any escrow for taxes or insurance in connection with a loan secured by real estate."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

H. F. No. 1764, A resolution memorializing the United States Congress to enact legislation to extend the deadline for states to comply with recent amendments to the National Health Planning and Resources Development Act.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1799, A bill for an act relating to agriculture; clarifying definition of warehouseman; requiring denaturing and labeling of certain foods; adopting certain federal food regulations; changing certain procedures; amending Minnesota Statutes 1978, Sections 28A.15, Subdivision 4; 31.02; and 218.041, Subdivisions 3 and 4; and Minnesota Statutes, 1979 Supplement, Section 31.101, Subdivision 8; and 231.01, Subdivision 5.

Reported the same back with the following amendments:

Page 1, delete lines 13 through 20

Page 7, lines 28 and 29, delete the underscored language

Page 8, line 5, after "equipment" insert "*or facilities in which the party storing goods rents and occupies space as a tenant and the entire risk of loss is with the tenant pursuant to written contract between the landlord and tenant*"

ReNUMBER the sections in sequence

Further, amend the title as follows:

Page 1, line 6, delete "28A.15"

Page 1, line 7, delete "Subdivision 4;"

Page 1, line 9, delete "Section" and insert "Sections"

With the recommendation that when so amended the bill pass.

The report was adopted.

Mann from the Committee on Agriculture to which was referred:

H. F. No. 1814, A bill for an act relating to agriculture; clarifying certain requirements for authorized farm corporations; amending Minnesota Statutes 1978, Section 500.24, Subdivision 2.

Reported the same back with the following amendments:

Page 2, line 24, after "*holding*" insert "*and controlling*"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, I., from the Committee on General Legislation and Veterans Affairs to which was referred:

H. F. No. 1858, A bill for an act relating to veterans; creating an outreach program for Vietnam era disabled veterans in the department of economic security's employment service; amending Minnesota Statutes 1978, Section 268.14, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 2, delete "*July 27, 1973*" and insert "*May 7, 1975*"

Page 2, line 12, before the period, insert "*, and shall expire on January 30, 1981*"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Casserly from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2023, A bill for an act relating to waste management; establishing a waste management board and a legislative commission; providing for a state government resource recovery program; providing for solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding a subdivision; 116.081, Subdivision 1; 116.101; 116.11; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.802; 473.803; 473.811; 473.812, Subdivision 3; 473.813; 473.823, by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.01 to 116F.05; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; and 473.823, Subdivisions 1, 2, and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“ARTICLE I

CITATION, PURPOSE, AND DEFINITIONS

“Section 1. [CITATION.] *Articles I to VIII shall be known as the waste management act of 1980.*

Sec. 2. [LEGISLATIVE DECLARATION OF POLICY; PURPOSES.] *It is the goal of articles I to VIII to improve waste management in the state to serve the following purposes:*

- (a) *Reduction in waste generated;*
- (b) *Separation and recovery of materials and energy from waste;*
- (c) *Reduction in indiscriminate dependence on disposal of waste;*
- (d) *Coordination of solid waste management among political subdivisions;*
- (e) *Orderly and deliberate development and financial security of waste facilities including disposal facilities.*

Sec. 3. [DEFINITIONS.] *Subdivision 1. For the purposes of articles I to VIII, the terms defined in this section have the meanings given them, unless the context requires otherwise.*

Subd. 2. "Agency" means the pollution control agency.

Subd. 3. "Board" means the waste management board established in article II, section 1.

Subd. 4. "Cities" means statutory and home rule charter cities and towns authorized to plan under sections 462.351 to 462.364.

Subd. 5. "Collection" means the aggregation of waste from the place at which it is generated and includes all activities up to the time the waste is delivered to a waste facility.

Subd. 6. "Commercial waste facility" means a waste facility established and permitted to sell waste processing or disposal services to generators other than the owner and operator of the facility.

Subd. 7. "Degree of intrinsic hazard" of a waste means the relative propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the relative significance of the harm or damage likely to result from exposure of natural resources or the public to the waste, as a result of such inherent or induced attributes of the waste as its chemical and physical stability, solubility, bioconcentratability, toxicity, flammability, and corrosivity.

Subd. 8. "Development region" means a region designated pursuant to sections 462.381 to 462.397.

Subd. 9. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

Subd. 10. "Disposal facility" means a waste facility permitted by the agency that is designated or operated for the purpose of disposing of waste on or in the land.

Subd. 11. "Generation" means the act or process of producing waste.

Subd. 12. "Generator" means any person who generates waste.

Subd. 13. "Hazardous waste" has the meaning given it in section 116.06, subdivision 13.

Subd. 14. "Intrinsic suitability" of a land area or site means that, because of the inherent and natural attributes, physical features, and location of the land area or site, the waste facility proposed to be located in the area or site would not be likely to result in material harm to the public health and safety and natural resources and that therefore the proposed facility can reasonably be expected to be permittable in accordance with agency rules.

Subd. 15. "Legislative commission on waste management" or "legislative commission" means the commission established in article II, section 11.

Subd. 16. "Local government unit" means cities, towns, and counties.

Subd. 17. "Metropolitan area" has the meaning given it in section 473.121.

Subd. 18. "Metropolitan council" means the council established in Chapter 473.

Subd. 19. "Metropolitan waste control commission" or "waste control commission" means the waste control commission established in Chapter 473.

Subd. 20. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, demolition and construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.

Subd. 21. "Natural resources" has the meaning given it in Chapter 116B.

Subd. 22. "Person" means a natural person, a public or private corporation, firm, partnership, association, trust, or organization of any nature, and any public agency, department, political subdivision, governmental unit, or instrumentality thereof.

Subd. 23. "Political subdivision" means any municipal corporation, governmental subdivision of the state, local government unit, special district, or local or regional board, commission, or authority authorized by law to plan or provide for waste management.

Subd. 24. "Processing" means the treatment of waste after collection and before disposal. Processing includes but is not limited to reduction, storage, separation, exchange, resource recovery, physical, chemical, or biological modification, and transfer from one waste facility to another.

Subd. 25. "Regional development commission" means a commission established pursuant to sections 462.381 to 462.397.

Subd. 26. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subd. 27. "Resource recovery facility" means a waste facility established and used primarily for resource recovery.

Subd. 28. "Sewage sludge" means the solids and associated liquids in municipal wastewater which are encountered and concentrated by a municipal wastewater treatment plant for disposal at a sewage sludge disposal facility. Sewage sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.

Subd. 29. "Sewage sludge disposal facility" means property owned by a political subdivision and used for interim or final disposal or land spreading of sewage sludge.

Subd. 30. "Solid waste" has the meaning given it in section 116.06, subdivision 10.

Subd. 31. "Solid waste management district" or "waste district" means a geographical area extending into two or more counties in which the management of solid waste is vested in a special district established pursuant to article VIII, section 2.

Subd. 32. "Transfer station" means an intermediate waste facility in which waste collected from any source is temporarily deposited to await transportation to another waste facility.

Subd. 33. "Waste" means solid waste, sewage sludge, and hazardous waste.

Subd. 34. "Waste facility" means all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the processing or disposal of waste, except property for the collection of the waste and property used primarily for the manufacture of scrap metal or paper. Waste facility includes but is not limited to transfer stations, processing facilities, and disposal sites and facilities.

Subd. 35. "Waste management" means activities which are intended to affect or control the generation of waste and activ-

ities which provide for or control the collection, processing and disposal of waste.

ARTICLE II

WASTE MANAGEMENT BOARD; LEGISLATIVE COMMISSION ON WASTE MANAGEMENT; STATE GOVERNMENT RESOURCE RECOVERY PROGRAM

Section. 1. [WASTE MANAGEMENT BOARD; CREATION.] *There is created in the executive branch a waste management board.*

Sec. 2. [BOARD MEMBERSHIP.] Subdivision 1. [GENERAL.] *The board shall be composed of eight permanent members. Temporary members shall be added pursuant to subdivision 3.*

Subd. 2. [PERMANENT MEMBERS.] *The permanent voting members of the board are: (1) the commissioner of health; (2) the commissioner of natural resources; (3) the commissioner of agriculture; (4) the director of the energy agency; (5) the director of the planning agency; and (6) the commissioner of economic development; or their permanent designees in the unclassified service. The chairperson and seventh permanent voting member of the board shall be appointed by the governor with the advice and consent of the senate to serve at the pleasure of the governor. The chairperson shall not be a representative of a state agency. The chairperson shall not hold other elected or appointed public office or employment. The director of the pollution control agency, or the director's permanent designee in the unclassified service, shall serve, ex officio, as the eighth permanent member of the board.*

Subd. 3. [TEMPORARY MEMBERS.] *For the purposes of each project review conducted by the board under article III and article IV, and for the purpose of preparing and adopting the hazardous waste facilities development and disposal abatement plan under section 8 and making decisions on the elements of the certification of need for disposal required under article III, six local representatives shall be added to the board as temporary voting members, as provided in article III, section 6, subdivision 4, and article IV, section 2, subdivision 3, and section 3, subdivision 3.*

Sec. 3. [POWERS OF THE BOARD.] Subdivision 1. [GENERAL.] *The board shall have such powers and duties as are prescribed by articles I to VIII and all powers necessary or convenient to discharge its duties.*

Subd. 2. [RULES.] *The board may promulgate rules necessary or required to govern its activities and implement articles*

I to VIII. The rules shall be promulgated in accordance with chapter 15.

Subd. 3. [ACTIONS.] The board may sue and be sued.

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commissioner of administration to acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real property, including positive and negative easements and water, air, and development rights, for sites and buffer and impact areas surrounding sites for hazardous waste facilities approved by the board pursuant to articles III and IV. Money for the acquisition of any real property and interest in real property pursuant to this subdivision shall come from the issuance of state waste management bonds in accordance with article VII. The property shall be leased to the owner and operator of the hazardous waste facility located thereon at a rate sufficient to pay debt service on the bonds and the public costs of evaluating the eligibility of the property for inclusion in the inventory under section 7 or candidacy under article III. Any local government unit and the commissioners of transportation, natural resources, and administration may convey or allow the use of any property for such sites and areas, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. Land owned by the state may be exchanged for land not owned by the state for the purpose of providing a site and buffer area for a commercial hazardous waste facility, in accordance with the provisions of section 94.341 and other law. The commissioner of administration may hold the property for the purposes for which it was acquired, and may lease, rent, or dispose of the property so far as not needed for such purposes, upon the terms and in the manner the commissioner deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with chapter 117. The commissioner of administration may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation. The value of any property for uses other than the highest and best use permitted by law prior to the identification of the property as a preferred or candidate site for a facility shall not be considered in establishing the value of the property in the condemnation proceeding.

Subd. 5. [RIGHT OF ACCESS.] Whenever the board deems it necessary to the accomplishment of its purposes, the board or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours

and provided that compensation is made for any damages to the property caused by the entrance and activity.

Subd. 6. [GIFTS AND GRANTS.] *The board or the commissioner of administration may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of the purposes of the board, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.*

Subd. 7. [PROPERTY EXEMPT FROM TAXATION.] *Any real or personal property owned, leased, controlled, used, or occupied by the board or the commissioner of administration for any purpose referred to in articles I to VIII is declared to be acquired, owned, leased, controlled, used, and occupied for public and governmental purposes, and shall be exempt from taxation by the state or any political subdivision of or other governmental unit of or within the state, provided that those properties shall be subject to special assessments levied for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for hazardous waste management at the time shall be considered in determining the special benefit received by the properties.*

Subd. 8. [CONTRACTS.] *The board may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.*

Subd. 9. [JOINT POWERS.] *The board may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action.*

Subd. 10. [RESEARCH.] *The board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.*

Subd. 11. [EMPLOYEES; CONTRACTS FOR SERVICES.] *The board may employ persons and contract for services to perform research, engineering, legal, or other services necessary to carry out its functions.*

Subd. 12. [INSURANCE.] *The board may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Stat-*

utes, Chapter 466, and against risks of damage to or destruction of any of its property as it deems necessary.

Sec. 4. [DUTIES OF THE BOARD; GENERAL.] Subdivision 1. [INTERAGENCY COORDINATION.] The board shall inform the state planning agency of its activities in accordance with section 4.191. The board shall keep the pollution control agency informed of its activities, solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency. The rules of the board shall provide for such communication and coordination.

Subd. 2. [BIENNIAL REPORT.] Before November 15 of each even-numbered year the board shall prepare and submit to the legislative commission a report of its operations and activities pursuant to articles I to VIII and any recommendations which it wishes to make for legislative action. The report shall include a proposed work plan for the following biennium.

Sec. 5. [DUTIES OF THE BOARD; SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] The board shall be the state agency responsible for providing technical and financial assistance to political subdivisions of the state for solid waste management planning.

Sec. 6. [DUTIES OF THE BOARD; HAZARDOUS WASTE MANAGEMENT REPORTS.] Subdivision 1. [REPORT ON LIABILITY AND LONG-TERM CARE.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on the management and financing of liability and post-closure monitoring and care for hazardous waste facilities in the state. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 2. [REPORT ON PRIVATE INVESTMENT IN HAZARDOUS WASTE MANAGEMENT.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on alternative state strategies to promote and secure private investment in hazardous waste management services, technologies, and facilities. The report at least shall evaluate: (a) strategies to promote and secure investments by generators in waste reduction, separation, pretreatment, and recovery; (b) strategies to secure generator assistance in the establishment and financing of hazardous waste facilities either directly through joint investment or indirectly through taxation; (c) strategies to protect the public against business failure by owners and operators of hazardous waste facilities; (d) strategies to promote and secure investment by the private waste management industry in hazardous waste facilities in the state. The

report shall recommend priorities, objectives, and appropriate legislation for promoting and securing private investment in hazardous waste management.

Subd. 3. [REPORT ON INTERSTATE COOPERATION.] By January 1, 1981, the board shall report and make recommendations to the legislative commission on actions to develop interstate cooperation in hazardous waste planning and management. The board shall make recommendations on uniformity of state laws, regulations, and enforcement and on coordination of decisions on facility development and use. The director of the state planning agency shall conduct background research and shall report to the board by July 1, 1980, on the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 4. [REPORT ON HAZARDOUS WASTE MANAGEMENT STRATEGIES.] By January 1, 1982, the board shall report to the legislative commission on hazardous waste management strategies. The report shall include at least the following elements:

(a) an estimate of the types and volumes of waste for which disposal facilities are and will be needed through the year 2000, based on existing and projected hazardous waste generation rates without regard to potential waste reduction, separation, pretreatment, processing, and resource recovery activity except that provided by services and facilities in operation or under construction;

(b) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications;

(c) an analysis of prospects, strategies, and methods for developing commercial hazardous waste disposal facilities of various types, sizes, and functions;

(d) an analysis and evaluation of all feasible and prudent alternatives to disposal, including waste reduction, separation, pretreatment, processing, and resource recovery, and the potential of such alternatives to reduce the need for and practice of disposal;

(e) a description of specific and quantifiable alternative disposal abatement objectives and degrees of abatement, along with hazardous waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The commissioner of economic development shall conduct background research and shall report to the board by July 1, 1980, on the

subject of the report required by this subdivision and on additional research needed to complete the report and recommendations.

Subd. 5. [REPORT ON MITIGATION OF LOCAL EFFECTS OF HAZARDOUS WASTE FACILITIES.] *By January 1, 1982, the board shall report and make recommendations to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of various types of hazardous waste facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall include but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference in reviews of applications for federal funds conducted by the metropolitan council and regional development commissions; payment of all costs to service the facilities including the cost of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvement; local control over buffer zone design; a guarantee against any and all liability that may occur.*

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] *By January 1, 1981, the board shall submit a proposed scope of work and work program for the hazardous waste reports required by subdivisions 4 and 5 to the legislative commission for review. During the preparation of the proposed scope of work and work plan and the reports, the board shall encourage public debate and discussion of the issues relating to the reports. The board shall meet with local officials and sponsor at least one public meeting in areas of the state affected by the inventory of preferred processing facility sites prepared pursuant to section 7. The board shall follow the procedures set out in article III, section 6, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. The board shall request recommendations from the private waste management industry, the advisory committee, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The board shall summarize in its reports the comments received and the board's response to the comments.*

Subd. 7. [GRANTS.] *To assist it in preparing the reports required by subdivision 4, the board may make grants to institutions of higher learning for research, feasibility studies, and public education and participation programs relating to the subjects required to be considered in the reports. To assist it in preparing the reports required by subdivisions 4 and 5, the board shall make grants to each local project review committee established for a candidate site for disposal identified under article III, section 5. The grants may be used by the committee to em-*

ploy staff, pay administrative expenses, or contract with affected units of government or qualified consultants.

Sec. 7. [DUTIES OF THE BOARD; INVENTORY OF PREFERRED SITES FOR HAZARDOUS WASTE PROCESSING FACILITIES.] *Subdivision 1. [BOARD RESPONSIBILITY.]* By October 1, 1981, the board shall prepare and adopt an inventory of preferred sites for commercial hazardous waste processing facilities. In each county containing all or part of a city of the first or second class and in each county within a standard metropolitan statistical area, the inventory shall identify at least one site for: (a) a commercial chemical processing facility for hazardous waste, (b) a commercial incineration facility for hazardous waste, and (c) a commercial transfer and storage facility for hazardous waste.

Subd. 2. [INVENTORY PREPARATION PROCEDURES.] By January 1, 1981, each county referred to in subdivision 1 shall submit to the board, and the city or town within which a proposed site is located, proposals on the site or sites within the county to be included in the inventory. The board shall request the appropriate regional development commission or the metropolitan council to review and comment on the county proposals. If a county fails to submit the proposal in the time permitted, the board shall identify and propose the site or sites within the county it deems appropriate after a public meeting in the county. The board shall evaluate the sites proposed by counties in consultation with the advisory committee, the affected counties and regions, generators of hazardous waste, and prospective facility developers. In its evaluation the board shall consider at least the consistency of the proposed sites with state and federal regulations, local land use and land use controls, existing and future development patterns, transportation and other services appropriate to the hazardous waste facilities, the quality of other potential sites, and the location of hazardous waste generators. No site shall be included in the inventory unless the agency certifies its apparent suitability for the use intended, based on preliminary environmental analysis and contingent on any further environmental review that may be required for permits. If the board has substantial reason to believe that another site within the county would be more suitable than one proposed, the board may request the county to justify its selection. The county shall have 60 days to respond, and thereafter the board shall determine whether to approve the county selection or substitute another site for the one proposed by the county.

Subd. 3. [ADOPTION; EFFECT.] The inventory of sites shall be proposed by the board by July 1, 1981, and adopted by October 1, 1981. The inventory shall not exclude other locations in the state from consideration as sites, but appearance in the inventory shall signify that a site is available for facility development and shall qualify it for supplementary review under article IV. When any site in the inventory becomes unavailable

as a hazardous waste facility site, the inventory shall be amended, in the manner of its original adoption, to add a new site within the county provided, however, that during the period when the inventory is being amended any other site in the inventory may be reviewed and approved under article IV.

Subd. 4. [GRANTS; TECHNICAL ASSISTANCE.] To assist counties participating in the inventory required by this section, the board shall make grants to the counties to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the counties of technical information and assistance by appropriate state agencies.

Sec. 8. [DUTIES OF THE BOARD; HAZARDOUS WASTE FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] Subdivision 1. [PREFERENCE FOR PRIVATE ENTERPRISE.] The board shall encourage the development and operation of hazardous waste facilities by private enterprise to the extent practicable and consistent with the purposes of articles I to VIII and the board's facilities development and disposal abatement plan. In preparing the reports under section 6 and the inventory of processing facility sites under section 7, in adopting the facilities development and disposal abatement plan under subdivision 2 of this section, and in its actions and decisions under articles III and IV, the board shall solicit the active participation of private waste management firms and shall so conduct its activities as to encourage private permit applications for facilities needed in the state.

Subd. 2. [FACILITIES DEVELOPMENT AND DISPOSAL ABATEMENT PLAN.] By May 1, 1982, the board shall adopt a facilities development and disposal abatement plan. The plan shall include at least the following elements:

(a) a certificate or certificates of need for disposal facilities issued pursuant to and in accordance with article III, section 9;

(b) a strategy, including specific and quantifiable objectives, for developing the alternatives to disposal determined by the board to be feasible and prudent, along with a description of the methods, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the implementation of the disposal abatement strategy and the achievement of the disposal abatement objectives.

Subd. 3. [SELECTING PERMITTEES; STANDARDS AND PROCEDURES.] The board shall promulgate rules for accepting, evaluating, and selecting applications for permits for the construction and operation of facilities at sites preferred or selected by the board pursuant to section 7 or article III. The rules shall include standards and procedures for making determi-

nations on the minimum qualifications, including technical competence and financial capability, of permit applicants. The rules shall include standards and procedures for soliciting and accepting bids or permit applications and for selecting developers and operators of hazardous waste disposal facilities at sites chosen by the board pursuant to article III, which shall include a preference for qualified permit applicants who control a site chosen by the board.

Sec. 9. [BOARD; FEDERAL FUNDS.] *Federal funds received by the state under PL 94-580, the Resource Conservation and Recovery Act of 1976, shall be allocated to the board for its responsibilities in accordance with the applicable provisions and amendments of PL 94-580 and guidelines and regulations promulgated pursuant thereto.*

Sec. 10. [ADVISORY COMMITTEES TO BOARD.] *Subdivision 1. [SOLID WASTE MANAGEMENT.] The board shall establish a solid waste management advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The committee shall contain at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery.*

Subd. 2. [HAZARDOUS WASTE MANAGEMENT PLANNING.] The board shall establish a hazardous waste management planning advisory committee broadly representative of the geographic areas and interests of the state. The committee shall have not less than 15 nor more than 30 members. The membership shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms.

Subd. 3. [ORGANIZATION.] The chairperson of each advisory committee shall be appointed by the board. The board and its constituent agencies shall provide administrative and staff services for the advisory committees.

Subd. 4. [DUTIES AND AUTHORITY.] The advisory committees shall have such duties as are assigned by law or the board. The solid waste management advisory committee shall make recommendations to the board on its solid waste management activities. The hazardous waste management planning advisory committee shall make recommendations to the board on its activities under article II, sections 6, 7, and 8 and article III, sections 3 and 5.

Subd. 5. [COMPENSATION.] Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the board.

Sec. 11. [LEGISLATIVE COMMISSION ON WASTE MANAGEMENT.] Subdivision 1. [CREATION, MEMBERSHIP, VACANCIES.] There is created in the legislative branch a legislative commission on waste management. The commission shall consist of 14 members appointed as follows:

(1) Seven members of the senate to be appointed by the subcommittee on committees and to serve until their successors are appointed;

(2) Seven members of the house to be appointed by the speaker and to serve until their successors are appointed;

(3) Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to carry out the functions thereof, and such vacancies shall be filled in the same manner as the original positions.

Subd. 2. [STAFF.] The commission is authorized, without regard to the civil service laws and regulations, to appoint and fix the compensation of such additional legal and other personnel and consultants as may be necessary to enable it to carry out its functions, or to contract for services to supply necessary data, except that any state employees subject to the civil service laws and regulations who may be assigned to the commission shall retain civil service status without interruption or loss of status or privilege.

Subd. 3. [DATA FROM STATE AGENCIES; AVAILABILITY.] The commission may request information from any state officer or agency in order to assist it in carrying out its duties and such officer or agency is authorized and directed to promptly furnish any data required.

Subd. 4. [POWERS AND DUTIES.] The commission shall review and approve the biennial report of the board. The commission shall oversee the activities of the board and direct such changes or additions in the work plan of the board as it deems fit. The commission may conduct public hearings and otherwise secure data and expressions of opinion. The commission shall make such recommendations as it deems proper to assist the legislature in formulating legislation. Any data or information compiled by the commission shall be made available to any standing or interim committee of the legislature upon request of the chairperson of the respective committee.

Sec. 12. [STATE GOVERNMENT RESOURCE RECOVERY.] Subdivision 1. [ESTABLISHMENT OF PROGRAM.]

There is established within state government a resource recovery program to promote the reduction of waste generated by state agencies, the separation and recovery of recyclable and reusable commodities, the procurement of recyclable commodities and commodities containing recycled materials, and the uniform disposition of recovered materials and surplus property. The program shall be administered by the commissioner of administration.

Subd. 2. [DUTIES OF COMMISSIONER.] The commissioner of administration shall develop policies to reduce the volume of waste generated by state agencies. The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an on going basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications. To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The commissioner shall investigate opportunities for the inclusion of local governments and regional agencies in administrative programs to reduce, separate, and recover waste materials. The commissioner shall investigate opportunities for the inclusion of local governments and regional agencies in the resource recovery program.

Subd. 3. [POWERS OF COMMISSIONER.] The commissioner of administration shall have such powers as are necessary to implement and operate the program. All state agencies shall comply with the policies, guidelines, and procedures established by the commissioner pursuant to this section. The commissioner shall have the power to issue orders to compel such compliance.

Subd. 4. [STAFF.] The commissioner of administration shall employ an administrator to manage the resource recovery program and such other staff and consultants as are necessary to carry out the program.

Subd. 5. [REPORTS.] By January 1, 1981, and each odd-numbered year thereafter, the commissioner of administration shall submit a report to the governor and to the legislative commission summarizing past activities and proposed goals of the program for the following biennium. By July 1, 1980, and thereafter within three months following the commissioner's report to the legislative commission, the directors of the energy agency and the pollution control agency shall submit recommen-

datations to the commissioner regarding the operation of the program.

Subd. 6. [RESOURCE RECOVERY REVOLVING ACCOUNT.] *Upon the certification of the commissioner of administration, the commissioner of finance shall establish an account in the general services revolving fund, effective June 30, 1980, for the operation of the state government resource recovery program. The revolving account shall consist of all funds appropriated by the state for the program and all revenues resulting from the sale of used commodities made available for sale as a result of the resource recovery program. The account may be used for all activities associated with the program including payment of administrative and operating costs.*

ARTICLE III

COMMERCIAL HAZARDOUS WASTE DISPOSAL FACILITIES

Section 1. [LEGISLATIVE FINDINGS; PURPOSE.] *The legislature finds that commercial hazardous waste disposal facilities are needed in the state to manage properly the hazardous waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens, that this need cannot be met solely by the activities of private persons and political subdivisions acting alone or jointly, and that therefore it is necessary to provide a procedure for making final determinations on the locations, sizes, types, and functions of such facilities.*

Sec. 2. [PROCEDURE NOT EXCLUSIVE.] *The procedure established by this article for the permitting of hazardous waste disposal facilities is not exclusive and shall not preclude the issuance of other permits by the agency pursuant to section 116.07.*

Sec. 3. [SITE EVALUATION FACTORS.] *In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:*

(a) economic feasibility and viability, proximity to concentrations of generators of the types of hazardous wastes likely to be proposed and permitted for disposal;

(b) willingness of qualified private waste management firms to establish a facility at the site, as indicated by facility proposals and permit applications;

(c) intrinsic suitability of the sites;

(d) federal and state pollution control and environmental protection rules;

(e) the risk and effect for local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to a facility or at a facility, water, air, and land pollution, and fire or explosion;

(f) the consistency of a facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(g) the adverse effects of a facility at the site on the natural environment, resources, and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by stipulations, conditions, and requirements respecting the design and operation of a disposal facility at the proposed site.

Sec. 4. [RULES NOT REQUIRED.] The board shall not be required to promulgate rules pursuant to chapter 15 governing its activities under this article.

Sec. 5. [CANDIDATE SITES.] Subdivision 1. [SELECTION.] By July 1, 1981, the board shall select six locations in the state as candidate sites for commercial disposal facilities for hazardous waste. No location shall be selected as a candidate site unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the board or agency. The board shall consult with the agency and the private waste management industry in selecting candidate sites. Any sites proposed in applications for permits for disposal facilities being reviewed by the agency on July 1, 1981, may be included by the board as candidate sites, provided the agency certifies the apparent intrinsic suitability of the sites.

Subd. 2. [PROCEDURE.] As soon as practicable, the board shall publish a request soliciting proposals and permit applications for hazardous waste disposal facilities from potential developers and operators of such facilities. Notice of the request shall be published in the state register and newspapers of general circulation in the state and shall be transmitted to all regional development commissions, the metropolitan council, and all counties in the state. By January 1, 1981, for the purpose only of informing the selection of candidate sites under this section, the board shall select conceptual design and operating specifications for a variety of hazardous waste disposal facilities in sufficient detail and extent in the judgment of the board to allow the evaluation of sites and the selection of candidate sites. By January 1, 1981, the board shall notify each regional development commission, or the metropolitan council, and each county,

city, and town within whose jurisdiction the board intends to search for candidate sites. The notification shall explain the selection of the jurisdiction as a search area; shall summarize the conceptual specifications and the evaluation factors, criteria, standards, and procedures the board intends to use in selecting candidate sites; and shall describe the relationship of the candidate site selection process to the other review procedures under this article and the hazardous waste reports and plans required under article II. The notification shall request recommendations and suggestions from each such commission, the metropolitan council, and county, city, and town on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board shall make a written response to any recommendations, explaining its disposition of the recommendations.

Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on all development, except hazardous waste facilities, within each candidate site identified pursuant to this section and in a buffer area identified by the board surrounding and at least equal in area to the site. The moratorium shall extend until six months following final action of the board pursuant to this article. No such development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Sec. 6. [PARTICIPATION BY AFFECTED LOCALITIES.]
Subdivision 1. [GENERAL.] In order systematically to involve those who would be affected most directly by disposal facilities in all decisions leading to their establishment, the board's decisions on the preliminary specifications under section 7, the reports referred to in section 8 and the certification of need required under section 9 shall not be made until after the establishment of local project review committees for each candidate site, with representation on the board, pursuant to this section.

Subd. 2. [ESTABLISHMENT OF LOCAL PROJECT REVIEW COMMITTEES.] A local project review committee shall be established for each location selected as a candidate site. The local committee shall exist, and its members shall serve, so long as the location for which the committee was formed is a candidate site or, for the site or sites finally chosen, until the commencement of the operation of the facility at that site.

Subd. 3. [MEMBERSHIP ON LOCAL COMMITTEES.] By August 1, 1981, the governor shall appoint the chairperson and members of each local project review committee, ensuring a balanced representation of all parties with a legitimate and direct interest in the outcome of the project review. The gov-

ernor shall consult particularly with affected local units of government before selecting members. Members may be added to the local committee from time to time by the governor or by the governor upon motion of the committee or the board.

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] By September 1, 1981, each local committee shall select a temporary board member to be added to the board for the purposes of the reports, certifications, and review conducted under this article. Temporary board members may be members of the local project review committee, and they shall be residents of the county where the candidate site is located.

Subd. 5. [DUTIES OF LOCAL COMMITTEES.] During the review, the local project review committee shall: inform affected local communities, government units, and residents of the proposed land containment and disposal facilities and of the planning and environmental review process relating to the proposed facilities; solicit and record local attitudes and concerns respecting the proposed facilities and represent and communicate such attitudes and concerns to the board, the legislative commission, the environmental quality board, the agency, and other units and agencies of government; and act as a forum for the exchange of local attitudes and concerns and the development, where possible, of local consensus.

Subd. 6. [TECHNICAL ASSISTANCE; GRANTS.] To assist local project review committees to participate in the certification of need and the review process, the board shall make grants to the committees to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board shall ensure the delivery to the committees of technical information and assistance by appropriate state agencies.

Sec. 7. [DISPOSAL FACILITIES; PRELIMINARY DESIGN AND OPERATING SPECIFICATIONS.] By January 1, 1982, the board shall select, for further study and consideration, design and operating specifications for a variety of disposal facilities for hazardous waste, in sufficient detail and extent in the judgement of the agency to allow the agency to begin preparing an environmental impact statement on the alternative facilities at each of the candidate sites pursuant to section 10. The preliminary design and operating specifications shall describe the facility alternatives which will be considered at each site but shall not foreclose the subsequent addition by the board or agency of other disposal facility alternatives to be considered.

Sec. 8. [HAZARDOUS WASTE MANAGEMENT REPORTS.] The board shall prepare and submit the hazardous waste management reports required by Article II, section 6, subdivisions 4 and 5, in consultation with the local project review committees. The board shall request recommendations from the local committees and shall consult with the committees on the

board's intended disposition of the recommendations. In its reports, the board shall summarize the recommendations of the committees and the board's response to the recommendations. Before submitting the reports, the board shall hold at least one public meeting in each county in which a candidate site is located. Notice of the public meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facilities, the proposed location, the purpose of the board's report to the legislature, and the subsequent and related activities of the board.

Sec. 9. [CERTIFICATION OF NEED.] By May 1, 1982, as part of its facilities development and disposal abatement plan adopted under article II, section 8, the board shall issue a certificate or certificates of need for disposal facilities for hazardous wastes in the state. The certificate or certificates shall indicate the types and volumes of waste for which disposal facilities are and will be needed through the year 2000 and the number, types, sizes, and general design, operating character, and function or use of the disposal facilities needed in the state. The board shall certify need only to the extent that the board has determined that there are no feasible and prudent alternatives including waste reduction, separation, pretreatment, processing, and resource recovery which would minimize adverse impact upon natural resources, provided that the board shall require the establishment of at least one commercial disposal facility in the state. Economic considerations alone shall not justify certification nor the rejection of alternatives. The certification shall be the final determination required on the matters decided by the certificate or certificates of need. The board and the permitting agencies, in reviewing and selecting sites, completing environmental impact statements, and issuing approvals and permits for waste disposal facilities described in the certificate or certificates of need, shall not reconsider matters determined in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of facilities having the waste management capabilities described in the certification. The board and the permitting agencies shall be required to make a final decision approving the establishment of at least one commercial disposal facility for hazardous waste in the state.

Sec. 10. [AGENCY; ENVIRONMENTAL REVIEW PROCEDURES.] **Subdivision 1. [ENVIRONMENTAL IMPACT STATEMENT.]** An environmental impact statement meeting the requirements of chapter 116D shall be completed by the agency. The parts of the statement required by the board to prepare the reports required by article II, section 6, subdivisions 4 and 5, the plan required by article II, section 8, and the certification of need required by section 9 of this article shall be finally accepted or rejected at least 90 days before the report, plan, or certification is required. The parts of the statement required to

make decisions pursuant to sections 11 and 12 on disposal facilities at each candidate site shall be finally accepted or rejected within 120 days following the issuance of a certificate or certificates of need under section 9.

Subd. 2. [PUBLIC DISCLOSURE.] Before commencing preparation of the environmental impact statement, the agency shall issue a document summarizing and making full disclosure of the intended objectives and contents of the environmental impact statement and the environmental review. Announcement of the disclosure shall be published in the state register. The disclosure shall:

- (a) identify the candidate sites;*
- (b) summarize preliminary design and operating specifications and indicate where and when the specifications are available for inspection;*
- (c) describe as fully as possible the object of the review, including the significant actions, issues, alternatives, types of impacts, and compensation and mitigation measures expected to be addressed in the statement; the depth of the analysis expected; and subjects which the statement will not address in depth because they have been disposed of previously or because they are believed to be insignificant or remote and speculative;*
- (d) identify, by reference and brief summary, any related planning activities and environmental reviews which have been, are being, or will be conducted, and the substantive, chronological, and procedural relationship between the proposed review and the other activities and reviews;*
- (e) identify the membership and address of the local project review committees and the names of the local representatives on the board;*
- (f) summarize the comments and suggestions received from the public pursuant to subdivision 3 and the agency's response.*

Subd. 3. [PUBLIC PARTICIPATION PROCEDURES.] The public disclosure document shall be issued following diligent effort to involve the public in determining the objective and contents of the environmental impact statement. At least one public meeting shall be held in each county with a candidate site. The advice of the board, facility developers, state agencies, the local project review committees, and local units of government shall be actively solicited. The agency may engage the state hearing examiner to conduct meetings and make recommendations concerning the review. Each local project review committee shall present to the agency a written report summarizing local concerns and attitudes about the proposed action and the specific

issues which the local communities and residents wish to see addressed in the environmental review.

Sec. 11. [AGENCIES; PERMIT CONDITIONS.] *Within 60 days following the acceptance of the final environmental impact statement, and after consulting with the board, facility developers, affected local government units, and the local project review committees, the permitting state agency or agencies shall finally indicate the conditions and terms of agency approval for all permits needed at each candidate site for construction of the facilities described in the board's certification of need. The agency decisions shall be consistent with the establishment of facilities in accordance with the certification of need.*

Sec. 12. [FINAL ACTION.] Subdivision 1. [DECISION OF BOARD.] *Within 60 days following the agency decisions on permit conditions, and after consulting with private facility developers, the agency, affected local government units, and the local project review committees, the board shall finally select the site or sites for the facilities and shall submit or cause to be submitted final permit applications. The final permit applications shall contain the provisions required by the permitting agencies, plus other stipulations, conditions, and requirements of the board relating to the facility as may be consistent with the certification of need and the agency rules and permit conditions. The board's decision shall finally resolve any conflicts among state agency permit terms and conditions. The board's decision and the permit applications shall provide for the establishment of facilities having the waste management capabilities described in the board's certification of need.*

Subd. 2. [BOARD'S DECISION PARAMOUNT.] *To assure the paramount and controlling effect of the review process conducted under this article, the board's decision pursuant to subdivision 1 shall be final and shall supercede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agencies shall issue permits within 30 days in accordance with the board's final decision and the final permit applications. All construction and operating permits shall conform to the terms of the decision and applications. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of a facility in accordance with the final decision of the board.*

Sec. 13. [RECONCILIATION AND INTERVENTION PROCEDURES.] Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.] *At least 30 days before making final decisions on final site selection and permit application under section 12, the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assis-*

tance. The report shall not raise issues previously decided by the board's certification of need. In any such report the board may request the commission to intervene in the review.

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which were not decided by the certification of need and which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] Following the report of the intervenor, the legislative commission may suspend the review process for an additional period not to exceed 90 days for an intervention proceeding. The intervention proceeding shall not consider issues previously decided by the board's certification of need. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairperson of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.

Sec. 14. [JUDICIAL REVIEW.] Any civil action maintained by or against the agency or board under this article shall be brought in the county where the site is located and shall take precedence over all other matters of a civil nature and be expedited to the maximum extent possible. Any person aggrieved by a final decision of the board authorizing facilities under this Article may appeal therefrom within 30 days as provided in chapter 15. No civil action shall be maintained pursuant to section 116B.03 with respect to conduct taken by a person pursuant to any environmental quality standard, limitation, regulation, rule, order, license, stipulation agreement or permit issued by the board under this article. Notwithstanding any provision of chapter 116B to the contrary, in any action brought under that chapter with respect to any decision or conduct undertaken by any person or the board or agency pursuant to this article after the period for appeal under this section has lapsed, the plaintiff shall have the burden of proving that the evidence required under section 116B.10 was not reasonably available within the time provided for appeal. The trial court shall, upon motion of any prevailing non-governmental party, award costs, disbursements, reasonable attorney's fees, and reasonable expert witness fees, if the court finds the action hereunder was commenced or defended in bad faith or was frivolous.

ARTICLE IV

WASTE FACILITIES: SUPPLEMENTARY REVIEW BY BOARD

Section 1. [RULES.] The board shall promulgate rules pursuant to chapter 15 governing its activities under article IV.

Sec. 2. [SOLID WASTE AND SEWAGE SLUDGE FACILITIES.] Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of sewage sludge within the state which has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; and (b) a political subdivision which has been issued permits by the agency for a solid waste facility which is no larger than 250 acres and located outside the metropolitan area.

Subd. 2. [REQUEST FOR REVIEW.] An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency, and that a political subdivision has refused to approve the establishment or operation of the facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a sewage sludge disposal facility. The board shall not accept a request for review under subdivision 1, clause (a), from the metropolitan waste control commission for a solid waste facility

with a proposed permitted life of longer than four years. For requests for review under subdivision 1, clause (b), the board may require completion of a plan conforming to the requirements of article V, section 5, before granting review.

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

Subd. 4. [REVIEW PROCEDURE.] The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairman shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within 90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.

Subd. 5. [SCOPE AND CONTENT OF REVIEW.] In its review and final decision on the proposed facility, the board shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety,

and welfare, and the degree to which the risk or effect may be alleviated;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, the availability of alternative sites, and opportunities to mitigate or eliminate need by additional and alternative solid waste management strategies or actions of a significantly different nature;

(f) whether, in the case of resource recovery facilities, the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional solid waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative solid waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 3. [HAZARDOUS WASTE FACILITIES.] *Subdivision 1. [ELIGIBILITY.] The following persons shall be eligible to request supplementary review by the board pursuant to this section: (a) a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator exclusively for managing the hazardous wastes produced by the generator; (b) a generator of hazardous waste within the state, or an entity composed of or under contract to such generators, which has been issued permits by the agency for an interim storage facility for hazardous waste pursuant to article XI, section 9; and (c) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to article II, section 7.*

Subd. 2. [REQUEST FOR REVIEW.] An eligible person may request a supplementary review by the board. The request shall show that the required permits for the facility have been issued by the agency and that another state agency or political subdivision has refused to approve the establishment or operation of the facility.

Subd. 3. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] Within 45 days of the submission of a request determined by the board to satisfy the requirements for review under this section, temporary board members shall be added to the board for the purpose of the supplementary review. Three members shall be selected by the governing body of the city or town in which the waste management board determines the facility would be principally located, and three members shall be selected by the governing body of the county in which the waste management board determines the proposed facility would be principally located. Temporary members shall be residents of the county or counties in which the proposed facility would be located and shall be selected to represent broadly the local interests that would be directly affected by the proposed facility. At least one member appointed by the city or town shall live within one mile of the proposed facility, and at least one member appointed by the county shall be a resident of a city or town in which the proposed facility would be located. Temporary board members shall serve for terms lasting until the board has taken final action on the project.

Subd. 4. [REVIEW PROCEDURE.] The board shall meet to commence the supplementary review within 90 days of the submission of a request determined by the board to satisfy the requirements for review under this section. At the meeting commencing the review the chairperson shall recommend and the board establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the board to make a final decision on the proposed facility within

90 days following the commencement of review. The procedure shall require the board to conduct at least one public meeting in the county within which the proposed facility would be located. Notice of the meeting shall be published in a newspaper or newspapers of general circulation in the area for two successive weeks ending at least 15 days before the date of the meeting. The notice shall describe the proposed facility, its location, the proposed permits, and the board's scope and procedure for review. The notice shall identify a location or locations within the city or town and county where the permit applications, the agency notice of intent, and the board's scope and procedure for review are available for review and where copies may be obtained.

Subd. 5. [SCOPE AND CONTENT OF REVIEW.] In its review and final decision on the proposed facility, the board shall consider at least the following matters:

(a) the risk and effect of the proposed facility on local residents, units of government, and the local public health, safety, and welfare, including such dangers as an accidental release of wastes during transportation to the facility or at the facility, water, air, and land pollution, and fire or explosion;

(b) the consistency of the proposed facility with, and its effect on, existing and planned local land use and development; local laws, ordinances, and permits; and local public facilities and services;

(c) opportunities to apply local regulations and requirements to the proposed facility at the proposed site;

(d) the adverse effects of the facility on the natural environment and ecology and scenic, cultural, historic, aesthetic, and recreational values, and opportunities to mitigate or eliminate such adverse effects by additional stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the proposed site; and

(e) the need for the proposed facility, especially its contribution to abating disposal, and opportunities to mitigate or eliminate need by additional and alternative waste management strategies or actions of a significantly different nature.

Subd. 6. [DECISION OF BOARD.] In its final decision in the review, the board may:

(a) disapprove the facility;

(b) approve the facility and the agency permits; or

(c) approve the facility but add more stringent stipulations, conditions, and requirements respecting the design and operation of the proposed facility at the site proposed.

The board shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The board shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The board shall not stipulate or establish conditions or requirements for additional waste management capabilities at the facility of a different nature than those permitted in the agency permits. The board shall not stipulate or establish conditions or requirements relating to alternative waste management strategies, actions, or facilities not proposed by the applicant or addressed in the agency permits.

Sec. 4. [BOARD'S DECISION PARAMOUNT.] To assure the paramount and controlling effect of the reviews conducted under this article, the board's decisions under sections 2 and 3, shall supersede and preempt conflicting requirements of state agencies and political subdivisions. The permitting agency or agencies shall withdraw, modify, or issue the permits for the facility in accordance with the decision of the board following a supplementary review under article IV. All permits issued by the agency or agencies shall conform to the terms of the board's decision. No charter provision, ordinance, regulation, permit, or other requirement of any state agency or political subdivision shall prevent or restrict the establishment and operation of the facility in accordance with the board's final decision.

Sec. 5. [RECONCILIATION AND INTERVENTION PROCEDURES.] **Subdivision 1. [REPORTS TO LEGISLATIVE COMMISSION.]** At least 30 days before making a final decision under section 3 the board may report to the legislative commission describing permit conditions or requirements being considered which are not within the existing authority of the agency or the board or which would require legislation or public financial assistance. In any such report the board may request the commission to intervene in the review.

Subd. 2. [PRE-INTERVENTION ASSESSMENT.] If the legislative commission determines that intervention might be warranted under the terms of subdivision 1, the commission may suspend the review process for up to 60 days to allow a pre-intervention assessment. The pre-intervention assessment shall be conducted by an independent, impartial, and qualified public intervenor appointed by the commission with the advice and consent of the parties to the dispute. The intervenor shall report to the commission. The report shall include:

(a) an assessment of whether the dispute is ripe for mediation and whether the parties are willing to mediate;

(b) an assessment of whether, within the terms of subdivision 1, substantive issues exist which cannot be resolved effectively through normal administrative and judicial procedures;

(c) a preliminary definition of the facts and issues in dispute and actions and decisions being considered;

(d) a description of the diverse parties having a legitimate and direct interest in the outcome of the dispute.

Subd. 3. [SUSPENSION OF REVIEW PROCESS; INTERVENTION PROCEEDING.] *Following the report of the intervenor, the legislative commission may suspend the review process of an additional period not to exceed 90 days for an intervention proceeding. The intervenor shall be in charge of the intervention proceeding and may call for such participation and establish such procedures as he deems necessary and appropriate to facilitate agreement. The intervenor shall keep the chairman of the legislative commission informed on the progress of the intervention proceeding, particularly with respect to agreements or proposed agreements which may require action or decisions not within the authority of the agency or board, legislative action, or public financial assistance. The intervenor shall make recommendations to the commission respecting any such agreements or proposed agreements. The commission may make recommendations to the intervenor respecting any such agreement or proposed agreement. If the commission approves of an agreement, or a decision based upon an agreement, which requires action or decisions not within the authority of the agency or board, legislative action, or public financial assistance, the commission shall cause the matter and recommendations to be submitted to the legislature for consideration.*

Sec. 6. [JUDICIAL REVIEW.] *Judicial review with respect to conduct or decisions in reviews brought pursuant to section 3 of this article shall be as provided in article III, section 14.*

ARTICLE V

SOLID WASTE MANAGEMENT PLANNING ASSISTANCE PROGRAM

Section 1. [ESTABLISHMENT AND ADMINISTRATION.] *There is established a planning assistance program to provide technical and financial assistance to political subdivisions of the state for the purpose of encouraging and improving regional and local solid waste management planning activities and efforts. The program shall be administered by the board, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The board shall promulgate rules pursuant to chapter 15 for its administration of the program outside the metropolitan area. The board and the metropolitan council shall ensure conformance with agency rules and federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.*

Sec. 2. [ELIGIBLE RECIPIENTS.] *Political subdivisions shall be eligible for assistance under the program.*

Sec. 3. [FINANCIAL ASSISTANCE.] *Eligible recipients may receive grants for up to 50 percent of the cost of the planning activity, except that planning by a regional development commission and joint planning by two or more contiguous counties or contiguous political subdivisions located within two or more counties may receive grants for up to 100 percent of the cost of the planning activity. Financial assistance provided under the program may be used to employ staff, contract with other units of government or qualified consultants, and pay such other planning expenses as the board or metropolitan council may allow.*

Sec. 4. [TECHNICAL ASSISTANCE.] *The board and metropolitan council shall provide for technical assistance for eligible recipients. The board and metropolitan council shall provide model plans for regional and local solid waste management. The board and metropolitan council may contract for the delivery of technical assistance by a regional development commission, any state or federal agency, or private consultants. The board shall prepare and publish an inventory of sources of technical assistance for solid waste planning, including studies, publications, agencies, and persons available.*

Sec. 5. [CONTENTS.] *Plans prepared by local units of government in the metropolitan area shall conform to the requirements of chapter 473. Plans prepared by political subdivisions outside the metropolitan area with assistance from the program shall conform to the requirements of this section. The plans shall describe existing collection, processing, and disposal systems, including schedules of rates and charges, financing methods, environmental acceptability, and opportunities for improvements in the systems. The plans shall include an estimate of the land disposal capacity in acre-feet which will be needed through the year 2000, on the basis of current and projected waste generation practices. The plans shall contain an assessment of opportunities to reduce the need for land disposal through waste reduction and resource recovery, the alternative degrees of reduction achievable, and a comparison of the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The plans shall establish a siting procedure and development program to assure the orderly location, development, and financing of new or expanded solid waste facilities and services sufficient for a prospective ten-year period, including estimated costs and implementation schedules, proposed procedures for operation and maintenance, estimated annual costs and gross revenues, and proposals for the use of facilities after they are no longer needed or usable. The plans shall describe existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste management and shall describe existing and proposed regulation and enforcement procedures. Plans for location, establishment, operation, main-*

tenance, and post-closure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. The plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. The plans shall address the establishment of joint powers management programs or waste districts where appropriate. The plans shall address such other matters as the rules of the board may require consistent with the purposes of article V.

ARTICLE VI

SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM

Section 1. [DEMONSTRATION PROGRAM; ESTABLISHMENT; ADMINISTRATION.] *There is established a solid waste management demonstration program to encourage and assist cities, counties, and solid waste management districts in the development and implementation of solid waste management projects of potential state wide application or significance and to transfer the knowledge and experience gained from such projects to other communities in the state. The program shall be administered so as to demonstrate the application of all feasible and prudent waste processing methods, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program shall be administered by the board in accordance with the requirements of article VI and rules promulgated by the board pursuant to chapter 15.*

Sec. 2. [TECHNICAL ASSISTANCE FOR DEMONSTRATION PROJECTS.] *The board shall ensure the delivery of the technical assistance necessary to proper implementation of each demonstration project funded under the program. The board may contract for the delivery of technical assistance by any state or federal agency, a regional development commission, the metropolitan council, or private consultants and may use program funds to reimburse the agency, commission, council, or consultants. The board shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The board shall ensure state wide benefit from projects assisted under the demonstration program by developing exchange and training programs for local officials and employees and by using the experience gained in demonstration projects to provide technical assistance and education for other solid waste management projects in the state. With at least one contract for financial assistance under the demonstration program, the board shall provide a locally-based agent, approved by the recipient of the assistance, who shall be the chief project officer responsible to the recipient for technical assistance and implementation of the project.*

Sec. 3. [ELIGIBLE PROJECTS; PRIORITIES.] *The program shall be limited to projects which are determined by the*

board to serve one of the following objectives: (a) the reduction of dependence on land disposal of solid waste; (b) the development of resource recovery facilities; (c) the development of systems for the separation of materials from solid waste for reuse or recycling; (d) the reduction of waste generation. In administering the program, the board shall give priority to: (a) areas where natural geologic and soil conditions are unsuitable for land disposal of solid waste; (b) areas where the capacity of existing solid waste disposal facilities is determined by the board to be less than five years; (c) projects demonstrating, in order of preference, waste reduction, waste separation, and waste processing. In administering the program, the board shall allocate at least 15 percent of program funds, excluding those available under sections 6 to 8, to projects in each of the following categories: waste reduction; waste separation; and alternative methods of waste processing.

Sec. 4. [ELIGIBLE RECIPIENTS AND ACTIVITIES.]

Eligible recipients for assistance under the program shall be limited to cities, counties, and solid waste management districts established pursuant to article VIII. Eligible recipients may apply for assistance for other persons. Activities eligible for assistance under the program include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the implementation of a demonstration project. Preliminary planning and development, feasibility study, and conceptual design costs shall also be eligible activities, but no more than 20 percent of the money appropriated for the demonstration program shall be used to fund such activities. Acquisition and construction costs for resource recovery facilities are eligible for capital assistance under sections 6 to 8.

Sec. 5. [APPLICATION REQUIREMENTS.] Applications for assistance under the program shall demonstrate: (a) that the project is conceptually and technically feasible; (b) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project; (c) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; (d) that the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators. The board may require completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5 before accepting an application.

Sec. 6. [RESOURCE RECOVERY FACILITY DEMONSTRATION PROGRAM.] As part of the demonstration pro-

gram established under article VI, the board shall provide assistance pursuant to sections 6 to 8 to eligible recipients for the acquisition and betterment of demonstration resource recovery facilities or systems.

Sec. 7. [PURPOSES; PUBLIC INTEREST; DECLARATION OF POLICY.] *The legislature finds that the establishment of resource recovery facilities and systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that opportunities to establish such facilities and systems are not being fully realized by individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to provide capital assistance for demonstration resource recovery facilities and systems to stimulate and encourage the acquisition and betterment of such facilities and systems.*

Sec. 8. [FINANCIAL ASSISTANCE.] Subdivision 1. [GRANTS AND LOANS.] *Of revenues derived from the issuance of bonds authorized by article VII, section 2, for the purposes of the demonstration program, at least 70 percent shall be distributed as loans, and the remainder shall be distributed as grants. An individual project may receive assistance totaling up to 100 percent of the capital cost of the project and grants up to 50 percent of the capital cost of the project.*

Subd. 2. [CAPITAL COSTS; ASSURANCE OF FUNDS.] *No grant or loan shall be disbursed to any recipient until the board has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, 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, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.*

Subd. 3. [OBLIGATIONS OF RECIPIENT.] *No grant or loan for any project shall be disbursed until the governing body of the recipient has made an irrevocable undertaking, by resolution, to use all funds made available exclusively for the capital cost of the project and to pay any additional amount by which the cost of the project exceeds the estimate by appropriation to the construction fund of additional funds or proceeds of additional bonds of the recipient. The resolution shall also indicate that any subsequent withdrawal of allocated or additional funds of the recipient will impair the obligation of contract between the state of Minnesota, the recipient, and the bondholders. The resolution shall pledge payment to the debt service account of all revenues of the project to the extent that they exceed costs and shall also obligate the recipient to levy a tax sufficient to make timely payments under the loan agreement, if a deficiency occurs in the amount of user charges, taxes, special assessments,*

or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the board. The interest on the loan shall be calculated on the declining balance at a rate not less than the average annual interest rate on the state bonds of the issue from which proceeds of the loan were made. The resolution shall obligate the recipient to provide money for the repayment from user charges, taxes, special assessments or any other funds available to it.

ARTICLE VII

STATE WASTE MANAGEMENT BONDS

Section 1. [WASTE MANAGEMENT FUND.] *Subdivision 1. [CREATION; RECEIPTS.] The commissioner of finance shall maintain a Minnesota state waste management fund. The fund shall receive the proceeds of state bonds and other money appropriated to the fund and disburse money for the acquisition of real property and interests in real property for hazardous waste facility sites and surrounding buffer and impact areas, as authorized by article II, section 3, subdivision 4 and money to be granted or loaned to political subdivisions pursuant to the capital assistance program created by article VI, sections 6 to 8. The commissioner of finance and state treasurer shall deposit in the fund as received (a) all proceeds of Minnesota state waste management bonds, except accrued interest and premiums received upon the sale of the bonds; (b) all other money appropriated by law for purposes stated in article VII, and (c) all money granted to the state for those purposes by the federal government or any agency thereof. All the receipts are annually appropriated for the purposes of the fund, and shall remain available until expended.*

Subd. 2. [DISBURSEMENTS.] Disbursements from the fund shall be made at the times and in the amounts authorized by the board in accordance with applicable state laws and the board's rules.

Sec. 2. [MINNESOTA STATE WASTE MANAGEMENT BONDS.] *Subdivision 1. [AUTHORITY TO ISSUE BONDS.] The commissioner of finance shall sell bonds of the state of Minnesota for the prompt and full payment of which, together with interest, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be sold only upon request of the board and in the amount as may otherwise be authorized by this or a subsequently enacted law which authorizes the sale of additional bonds and the deposit of the proceeds in the state waste management fund. Any authorized amount of bonds in this law or any subsequently enacted law authorizing the issuance of*

bonds for the purposes of the state waste management fund, together with this section, constitute complete authority for the issue. The bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. [ISSUANCE OF BONDS.] Upon request by the board 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 (without option of prepayment or subject to prepayment upon the notice and at the times and prices), payable at the bank or banks within or outside the state (with 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 any further provisions as the commissioner of finance shall determine. The sale is subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any interest coupons and their seals 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 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.

Subd. 3. [EXPENSES.] All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for these purposes, and any expenses of litigation relating to the validity of the bonds, shall be paid from the waste management fund, and the amounts necessary are appropriated from that fund.

Subd. 4. [DEBT SERVICE ACCOUNT IN THE STATE WASTE MANAGEMENT FUND.] The commissioner of finance shall maintain in the Minnesota state waste management fund a separate account to be called the state waste management debt service account. It shall record receipts of premium and accrued interest, loan repayments, project revenue or other money transferred to the fund and income from the investment of the money and record any disbursements to pay the principal and interest on waste management bonds. Income from investment shall be credited to the account in each fiscal year. The amount credited shall be equal to the average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. [APPROPRIATIONS TO DEBT SERVICE ACCOUNT; APPROPRIATION FROM ACCOUNT TO PAY DEBT SERVICE.] *The premium and accrued interest received on each issue of Minnesota waste management bonds, and all payments received in repayment of loans and other revenue received are appropriated to the debt service account. All income from the investment of the Minnesota state waste management fund is appropriated to the debt service account. In order to reduce the amount of taxes otherwise required to be levied, there is also appropriated to the debt service account from any funds available in the general fund on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand, to pay all principal and interest on Minnesota waste management bonds due and to become due before July 1 in the second ensuing year. So much of the debt service account of the state waste management fund as is necessary to pay principal and interest on waste management bonds is annually appropriated from the debt service account for the payment of principal and interest of the waste management bonds. All funds appropriated by this subdivision shall be available in the debt service account prior to any levy of the tax in any year required by the Minnesota Constitution, Article XI, Section 7.*

Subd. 6. [SECURITY.] *On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money currently credited to the debt service account, to pay the entire amount of principal and interest currently due and the principal and interest to become due before July 1 in the second year thereafter on Minnesota waste management bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of Minnesota Statutes, Section 273.13, Subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all the bonds and interest thereon are fully paid. The proceeds of this tax are appropriated to the debt service account. The principal of and interest on the bonds are payable from the proceeds of this tax.*

Sec. 3. [BOND AUTHORIZATION AND APPROPRIATION OF PROCEEDS.] *The commissioner of finance is authorized, upon request of the board, to sell Minnesota state waste management bonds in the amount of up to \$100,000,000 in the manner and upon the conditions prescribed in article VII, section 2, and in the Minnesota Constitution, Article XI, Sections 4 to 7. Of this amount, up to five percent may be issued for the purpose of acquiring real property and interests in real property for hazardous waste facility sites as authorized by article II, section 3, subdivision 4 and the remainder may be issued for the purposes of the capital assistance program established pursuant to article VI, sections 6 to 8. The proceeds of the bonds, except as provided in section 2, subdivision 5, are appropriated to the Minnesota state waste management fund. The amount of bonds*

issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the waste management fund equal to the aggregate amount of the loans and grants then approved and not previously disbursed, plus the amount of the loans and grants to be approved in the current and the following fiscal year, as estimated by the board.

ARTICLE VIII

SOLID WASTE MANAGEMENT DISTRICTS

Section 1. [PURPOSE; PUBLIC INTEREST; DECLARATION OF POLICY.] *The legislature finds that the development of integrated and coordinated solid waste management systems is needed to manage properly the solid waste generated in the state and to conserve and protect the natural resources in the state and the health, safety, and welfare of its citizens; that this need cannot always be met solely by the activities of individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to establish a procedure for the creation of solid waste management districts having the powers and performing the functions prescribed in article VIII.*

Sec. 2. [SOLID WASTE MANAGEMENT DISTRICTS.]
Subdivision 1. [LEGAL STATUS.] *Solid waste management districts established pursuant to article VIII shall be public corporations and political subdivisions of the state.*

Subd. 2. [ESTABLISHMENT BY BOARD.] *The board may establish waste districts as public corporations and political subdivisions of the state, define the powers of such districts in accordance with article VIII, define and alter the boundaries of such districts as provided in section 3, and terminate districts as provided in section 5. The board shall promulgate rules pursuant to chapter 15 governing the establishment, alteration, and termination of districts.*

Subd. 3. [RESTRICTIONS.] *No waste district shall be established within the boundaries of the western lake superior sanitary district established by Laws 1971, Chapter 478, as amended. No waste district shall be established wholly within one county. The board shall not establish a waste district within or extending into the metropolitan area, nor define or alter the powers or boundaries of such a district, without the approval of the metropolitan council. The council shall not approve such a district unless the articles of incorporation of the district require that the district will have the same procedural and substantive responsibilities, duties, and relationship to the metropolitan agencies as a metropolitan county. The board shall not establish a district unless it determines that the petitioners would be unable to fulfill the purposes of the district through joint action under Minnesota Statutes, section 471.59. The board*

may require the completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5, by petitioners seeking to establish a district.

Sec. 3. [PROCEDURE FOR ESTABLISHMENT AND ALTERATION.] Subdivision 1. [LOCAL PETITION.] Waste districts shall be established and their powers and boundaries defined or altered by the board only after petition requesting such action jointly submitted by the governing bodies of petitioners comprising at least one-half of the counties partly or wholly within the district. A petition for alteration shall include a resolution by the board of directors of the district approving the alteration.

Subd. 2. [PETITION CONTENTS.] A petition requesting establishment or alteration of a waste district shall contain such information as the board may require, including at least the following:

- (a) the name of the proposed district;
- (b) a description of the territory and political subdivisions within and the boundaries of the proposed district or alteration thereto, along with a map showing the district or alteration;
- (c) resolutions of support for the district, as proposed to the board, from the governing body of each of the petitioning counties;
- (d) a statement of the reason, necessity, and purpose for the district, plus a general description of the solid waste management improvements and facilities contemplated for the district showing how its activities will accomplish the purpose of the district and the purposes for waste resource districts stated in article VIII;
- (e) the location of the registered office of the proposed district;
- (f) articles of incorporation stating the powers of the district consistent with article VIII, including a statement of powers proposed pursuant to sections 9 and 10.

After the petition has been filed, no petitioner may withdraw from it except with the written consent of all other petitioners filed with the board.

Subd. 3. [LOCAL REVIEW AND COMMENT.] At least 60 days before submitting the petition to the board, the petitioners shall publish notice of the petition in newspapers of general circulation in the proposed district and shall cause a

copy of the petition to be served upon the agency and the governing body of each political subdivision which is wholly or partly within the proposed district or is affected by the proposed alteration. Each entity receiving service shall have 60 days within which to comment to the petitioners on the petition and the proposed district or alteration. Proof of service, along with any comments received, shall be attached to the petition when it is submitted to the board.

Subd. 4. [REVIEW PROCEDURES.] Upon receipt of the petition, the chairperson of the board shall determine whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the chairperson shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the chairperson shall request the office of hearing examiners to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided in chapter 15 for contested cases. If the petition conforms to the requirements, the chairperson shall also immediately forward the petition to the director of the agency, who shall prepare and submit to the board a report containing recommendations on the disposition of the petition. The director's report shall contain at least the director's findings and conclusions on whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are appropriately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the agency's regulatory program.

Subd. 5. [CORRECTIONS ALLOWED.] No petition submitted by the requisite number of counties shall be void or dismissed on account of defects exposed in the hearing documents or report. The board shall permit the petition to be amended in form and substance to conform to the facts by correcting any errors in the description of the territory or any other defects.

Subd. 6. [BOARD ORDER.] After considering of the reports of the hearing examiner and the director of the pollution control agency, the board shall make a final decision on the petition. If the board finds and determines that the establishment or alteration of a district as proposed in the petition would not be in the public interest and would not serve the purposes of article VIII, it shall, by its decision, dismiss the proceedings and mail a copy of its decision to the governing body of each affected political subdivision. If the board finds and determines that the establishment or alteration of a district as proposed in the petition would be in the public interest and would serve

the purposes of article VIII, it shall, by order, establish the district, define its boundaries, and give it a corporate name by which, in all proceedings, it shall thereafter be known. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the board with the secretary of state, the district shall become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in article VIII and the order of the board. At the time of filing, a copy of the order shall be mailed by the board to the governing body of each political subdivision wholly or partly within the district or affected by the alteration of the district.

Sec. 4. [PERPETUAL EXISTENCE.] *A waste district created under the provisions of article VIII shall have perpetual existence to the extent necessary to perform all acts necessary and proper for carrying out and exercising the powers and duties expressly given in it. A district shall not be terminated except pursuant to section 5.*

Sec. 5. [TERMINATION.] *Subdivision 1. [PETITION.] Proceedings for the termination of a district shall be initiated by the filing of a petition with the board. The petition shall be submitted by the governing bodies of not less than 50 percent of the counties which are in the district. The petition shall state that the existence of the district is no longer in the public interest. The petitioners shall publish notice of the petition in newspapers of general circulation in the district and shall cause to be served upon each political subdivision wholly or partly within the district a copy of the petition, and proof of service shall be attached to the petition filed with the board.*

Subd. 2. [BOND; PAYMENT OF COSTS.] If the petition is dismissed or denied, the petitioners shall be required to pay all costs and expenses of the proceeding for termination. At the time of filing the petition a bond shall be filed by the petitioners with the board in such sum as the board determines to be necessary to ensure payment of costs.

Subd. 3. [HEARING; DECISION.] If objection is made to the board against the petition for termination, a contested case hearing on the petition shall be held in the waste district pursuant to chapter 15. If the board determines after the hearing that the termination of the district as proposed in the petition would not be in the public interest, the board shall dismiss the petition and all costs of the proceeding shall be assessed against the petitioner. If the board determines that the existence of the district is no longer in the public interest, the board shall by its findings and order terminate the district. Upon the filing of a certified copy of the findings and order with the secretary of state the district shall cease to be a public corporation and a political subdivision of the state.

Subd. 4. [LIMITATION.] The board shall not entertain a petition for termination of a district within five years from the date of the formation of the district nor shall the board entertain a petition for termination of the same district more often than once in five years.

Sec. 6. [ORGANIZATION OF DISTRICT.] The governing body of each county wholly or partly within the district shall appoint two persons to serve on the first board of directors of the district. The first chairperson of the board of directors shall be appointed by the waste management board and shall be a local elected official within the district. The first chairperson shall serve for a term of two years. Thereafter the chairperson shall be elected from outside the board of directors by majority vote of the board of directors. The first meeting of the board of directors shall be held at the call of the chairperson, after notice, for the purpose of proposing the by laws, electing officers and for any other business that comes before the meeting. The by laws of the district, and amendments thereto, shall be adopted by a majority vote of the board of directors unless the certificate of incorporation requires a greater vote. The by laws shall state:

(a) the manner and time of calling regular meetings of the representatives and the board of directors, not less than once annually;

(b) the title, manner of selection, and term of office of officers of the district;

(c) the term of office of members of the board of directors, the manner of their removal, and the manner of filling vacancies on the board of directors;

(d) the powers and duties of the board of directors consistent with the order and articles of incorporation establishing the district;

(e) the definition of a quorum for meetings of the board of directors, which shall be not less than a majority of the members;

(f) the compensation and reimbursement for expenses for members of the board of directors, which shall not exceed that provided for in section 15.0575, subdivision 3;

(g) such other provisions for regulating the affairs of the district as the board of directors shall determine to be necessary.

Sec. 7. [REGISTERED OFFICE.] Every district shall maintain an office in this state to be known as its registered office. When a district desires to change the location of its registered office, it shall file with the secretary of state, the board,

and the director of the agency, a certificate stating the new location by city, town, or other community and effective date of change. When the certificate has been duly filed, the board of directors may make the change without any further action.

Sec. 8. [POWERS.] Subdivision 1. [GENERAL.] A district shall have all powers necessary or convenient to perform its duties, including the powers provided in this section.

Subd. 2. [ACTIONS.] The district may sue and be sued, and shall be a public body within the meaning of chapter 562.

Subd. 3. [ACQUISITION OF PROPERTY.] The district may acquire by purchase, lease, condemnation, gift, or grant, any right, title, and interest in and to real or personal property deemed necessary for the exercise of its powers or the accomplishment of its purposes, including positive and negative easements and water and air rights. Any local government unit and the commissioners of transportation, natural resources, and administration may convey to or permit the use of any property or facilities by the district, subject to the rights of the holders of any bonds issued with respect thereto, with or without compensation and without an election or approval by any other government agency. The district may hold the property for its purposes, and may lease or rent the property so far as not needed for its purposes, upon the terms and in the manner as it deems advisable. The right to acquire lands and property rights by condemnation shall be exercised in accordance with Minnesota Statutes, Chapter 117. The district may take possession of any property for which condemnation proceedings have been commenced at any time after the issuance of a court order appointing commissioners for its condemnation.

Subd. 4. [RIGHT OF ENTRY.] Whenever the district deems it necessary to the accomplishment of its purposes, the district or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. 5. [GIFTS AND GRANTS.] The district may apply for and accept gifts, loans, or other property from the United States, the state, or any person for any of its purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement.

Subd. 6. [PROPERTY EXEMPT FROM TAXATION.] Any real or personal property owned, leased, controlled, used, or occupied by the district for any authorized purpose is declared

to be acquired, owned, leased, controlled, used and occupied for public and governmental purposes, and shall be exempted from taxation by the state or any political subdivision of the state, provided that those properties shall be subject to special assessments levied by a political subdivision for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for solid waste management at the time shall be considered in determining the special benefit received by the properties. All bonds, certificates of indebtedness or other obligations of the district shall be exempted from taxation by the state or any political subdivision of the state. Interest on the obligations of the district shall be exempted from taxation in the same manner provided for interest on obligations qualifying under section 290.08, subdivision 7.

Subd. 7. [FACILITIES AND SERVICES.] The district may construct, equip, develop, enlarge, improve, and operate solid waste facilities and services as it deems necessary and may negotiate contracts for the use of public or private facilities and services. Whenever practicable, the district shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.

Subd. 8. [RATES; CHARGES.] The district may establish and collect rates and charges for the facilities and services provided and may negotiate and collect rates and charges for facilities and services contracted for by the district. The board of directors of the district may agree with the holders of district obligations which are secured by revenues of the district as to the maximum or minimum amounts which the district shall charge and collect for services provided by the district. Before establishing or raising any rates and charges the board of directors shall hold a public hearing regarding the proposed rates and charges. Notice of the hearing shall be published at least once in a legal newspaper of general circulation throughout the area affected by the rates and charges. Publication shall be no more than 45 days and no less than 15 days prior to the date of the hearing.

Subd. 9. [DISPOSITION OF PROPERTY.] The district may sell or otherwise dispose of any real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by Minnesota Statutes, Section 458.196, insofar as practical. The district shall give notice of sale which it deems appropriate. When the district determines that any property which has been acquired from a government unit without compensation is no longer required, the district shall transfer it to the government unit.

Subd. 10. [DISPOSITION OF PRODUCTS AND ENERGY.] The district may use, sell, or otherwise dispose of all of

the products and energy produced by its facilities. The district may, on a competitive basis, enter into short or long term contracts, make spot sales, solicit bids, enter into direct negotiations, deal with brokers, or use such other methods of disposal as it chooses, provided that the dealings of the district shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the district. The district shall give particular consideration to the needs of purchasers in this state and shall actively promote sales to such purchasers so long as this can be done at prices and under conditions that meet constitutional requirements and that are consistent with the district's object of being financially self supporting to the greatest extent possible.

Subd. 11. [CONTRACTS.] The district may enter into any contract necessary or proper for the exercise of its powers or the accomplishment of its purposes.

Subd. 12. [JOINT POWERS.] The district may act under the provisions of Minnesota Statutes, Section 471.59, or any other law providing for joint or cooperative action between government units.

Subd. 13. [RESEARCH.] The district may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and conduct all necessary hearings and investigations in connection with its work and may advise and assist other government units on planning matters within the scope of its powers, duties, and objectives.

Subd. 14. [EMPLOYEES; CONTRACTS FOR SERVICES.] The district may employ persons or firms and contract for services to perform engineering, legal or other services necessary to carry out its functions.

Subd. 15. [INSURANCE.] The district may require any employee to obtain and file with it an individual bond or fidelity insurance policy. It may procure insurance in amounts it deems necessary to insure against liability of the board of directors and employees or both, for personal injury or death and property damage or destruction, with the force and effect stated in Minnesota Statutes, Chapter 466, and against risks of damage to or destruction of any of its facilities, equipment, or other property as it deems necessary.

Subd. 16. [REVIEW OF PROJECTS.] The district may require that persons shall not acquire, construct, alter, reconstruct or operate a solid waste facility within the district without prior consultation with and approval of the district.

Subd. 17. [COLLECTION SERVICES; LIMITATION OF POWER.] A district shall not provide collection service unless it is unable to secure the service from private providers.

Sec. 9. [DESIGNATION OF RESOURCE RECOVERY FACILITIES; REQUIRED USE.] Subdivision 1. [GENERAL.] A district may be authorized by the order and articles of incorporation establishing the district to require that all or any portion of the solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be taken for processing to a resource recovery facility designated by the district.

Subd. 2. [STANDARDS.] In determining whether to designate and require use of resource recovery facilities the district shall consider whether:

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility;

(d) less restrictive methods for ensuring an adequate solid waste supply are available;

(e) the applicant has considered all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of all such alternatives, including capital and operating costs, and the effects of all such alternatives on the cost to generators.

Subd. 3. [EXEMPTION.] The district shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator or by a private person under contract with the generator.

Subd. 4. [PROCEDURE.] The district shall proceed as follows when designating and requiring use of facilities:

(a) The district shall notify those persons whom the district has determined should use the facilities. Notification to political subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the district shall negotiate with the persons within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) *If contracts have not been made at the end of the 90 day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).*

(c) *If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption under subdivision 3, the district may order any person identified in the notice of the district to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.*

Subd. 5. [SERVICE GUARANTEE.] The district shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person or without just cause.

Subd. 6. [TERMINATION.] Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the district that the solid waste generated by the person has value and that arrangements have been made by the person sufficient to justify exemption under subdivision 3, unless the district determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the district facilities.

Sec. 10. [BONDING AND TAXING POWERS.] Subdivision 1. [GENERAL.] A district may exercise any or all of the bonding and taxing powers provided in this section to the extent such powers are authorized by the order of the board establishing the district and by its articles of incorporation.

Subd. 2. [DEBT.] The district's bonds shall be sold, issued, and secured in the manner provided in chapter 475 and the district shall have the same powers and duties as a municipality and its governing body in issuing bonds under that chapter. No election shall be required. The bonds may be sold at any price and at public or private sale as determined by the district and shall not be subject to any limitation as to rate.

Subd. 3. [REVENUE BONDS.] A district may borrow money and incur indebtedness by issuing bonds and obligations which are payable solely:

(a) from revenues, income, receipts, and profits derived by the district from its operation and management of solid waste facilities;

(b) from the proceeds of warrants, notes, revenue bonds, debentures, or other evidences of indebtedness issued and sold by the district which are payable solely from such revenues, income, receipts, and profits;

(c) from federal or state grants, gifts, or other moneys received by the district which are available therefor.

Every issue of revenue bonds by the district shall be payable out of any funds or revenues from any facility of the district, subject only to agreements with the holders of particular bonds or notes pledging particular revenues or funds. If any facility of the district is funded in whole or in part by Minnesota state waste management bonds pursuant to articles VI and VII the state bonds shall take priority. The district may provide for priorities of liens in the revenues between the holders of district obligations issued at different times or under different resolutions. The district may provide for the refunding of any district obligation through the issuance of other district obligations entitled to rights and priorities similar in all respects to those held by the obligations that are refunded.

Subd. 4. [GENERAL OBLIGATION BONDS.] The district may borrow money and incur indebtedness by issuing its bonds and obligations for the payment of which the full faith and credit of the district are pledged. By October 1 of each year the treasurer of the board of directors shall examine the debt service fund of the district and determine whether or not there are sufficient funds to pay all principal and interest of bonds coming due the following year. If the available funds are insufficient, the treasurer shall notify and direct each county or city auditor within the district to levy a tax. If the tax is to be levied solely in proportion to the value of the property in the district, the commissioner of revenue is authorized to adjust the rate of taxation pursuant to section 270.12, subdivision 3. The tax shall be subject to no limitation of rate or amount until the money in the debt service fund becomes sufficient to pay all principal and interest payments coming due. Taxes levied by the district for the payment of its bonds in accordance with section 475.61 shall be included in computing the levy limitations under section 275.11. If the tax required by section 475.61 to be levied for any year of the term of a bond issue upon would, when added to the taxes levied by a political subdivision for all purposes in the year preceding such issue, exceed the limitations prescribed in section 275.11, the bonds shall not be issued without the consent by resolution of the governing body of the political subdivision.

Sec. 11. [AUDIT.] The board of directors, at the close of each year's business, shall cause an audit of the books, records and financial affairs of the district to be made by a certified public accountant or the state auditor. Copies of a written re-

port of the audit, certified to by the auditors, shall be placed and kept on file at the principal place of business of the district and shall be filed with the secretary of state and the board.

ARTICLE IX

NONMETROPOLITAN COUNTIES

Section 1. Minnesota Statutes 1978, Section 400.03, Subdivision 1, is amended to read:

400.03 [DEFINITIONS.] Subdivision 1. For the purposes of sections 400.01 to 400.17 the terms defined in this section have the meaning given them. The terms defined in (MINNESOTA STATUTES 1969,) chapter 116 *and article I, section 3*, also apply to the terms used in sections 400.01 to 400.17.

Sec. 2. Minnesota Statutes 1978, Section 400.04, is amended to read:

400.04 [SOLID WASTE MANAGEMENT PROGRAM.] Subdivision 1. [GENERAL.] Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17.

Subd. 2. [ACQUISITION OF REAL PROPERTY.] A county may acquire by gift, lease, purchase or eminent domain as provided by law any land or interest in land upon such terms and conditions as it shall determine, including the use of contracts for deed, within or outside of the county, which the board deems suitable for these purposes; provided that no such land or interest in land situated in any other county shall be acquired without the approval by resolution of the county board thereof.

Subd. 3. [ACQUISITION, CONSTRUCTION AND OPERATION OF PROPERTY AND FACILITIES.] A county may *acquire*, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all *solid waste facilities and other property and facilities* needed, *used, or useful* for (A) solid waste management (PROGRAM) *purposes*, and may purchase and lease materials, equipment, machinery and such other personal property as is necessary for such purposes upon terms and conditions determined by the board including the use of conditional sales contracts and lease-purchase agreements. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such *property and facilities*. *Whenever practicable, a county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities.*

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] A county may enter into contracts for the construction, installation, maintenance and operation of *property and facilities* on private or public lands and may contract for the furnishing of solid waste management services.

Subd. 5. [PLANS.] The county may provide for surveys and plans to determine locations available, appropriate, and suitable for *property and facilities* needed for the program, and plans for the improvement of (SITES) *property and facilities*.

Subd. 6. [EXPENDITURE OF FUNDS.] A county is authorized to expend funds for the purposes enumerated in this section and for any other activities necessary to an efficient solid waste *management program*.

Sec. 3. Minnesota Statutes 1978, Section 400.06, is amended to read:

400.06 [INSPECTION; COOPERATION WITH AGENCY.] All counties shall provide for the periodic inspection of *mixed municipal solid waste (COLLECTION, STORAGE, TRANSPORTATION AND DISPOSAL) facilities, mixed municipal solid waste management property and facilities, and sewage sludge disposal facilities* located and being operated within their respective boundaries to determine whether (SUCH) *the property and facilities* are being maintained and operated in compliance with applicable county ordinances and rules, regulations, standards, orders, permits, and requirements of the agency. In the event that (SUCH) *the property and facilities* are not so in compliance, the county board shall take (SUCH) actions (AS ARE) necessary to assure future compliance with all applicable ordinances, rules, regulations, standards and requirements according to law, and shall cooperate with the agency in obtaining and maintaining (SUCH) compliance. *All inspectors provided or used by the county under this section shall be certified by the agency in accordance with section 116.41.*

Sec. 4. Minnesota Statutes 1978, Section 400.07, is amended to read:

400.07 [DEVELOPMENT OF RESOURCE RECOVERY SYSTEMS.] All counties shall cooperate with (THE AGENCY) *the waste management board* in the *planning, development and implementation of resource recovery systems (FOR THE RECOVERY AND USE OF MATERIALS AND ENERGY FROM SOLID WASTE)*, and toward that end, shall modify applicable county ordinances consistent with rules (, REGULATIONS) and standards of the agency (CONCERNING THIS SUBJECT).

Sec. 5. Minnesota Statutes 1978, Section 400.13, is amended to read:

400.13 [SOLID WASTE MANAGEMENT FUND.] Any county *owning or operating solid waste management property or facilities pursuant to section 400.04, subdivision 3, and establishing fees for the provision of services by the county pursuant to section 400.08, shall continuously maintain a special account on its official books and records designated as the solid waste management fund, to which it shall credit all receipts from the rates and charges authorized in section 400.08 and from the sale of real or personal property pertaining to (THE) solid waste (DISPOSAL SYSTEM) management purposes, and the proceeds of all gifts, grants, loans, and issues of bonds for (THE) such purposes (OF THE SYSTEM), and to which it shall charge all costs of the acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance, and operation of (THE SYSTEM AND OF ALL FACILITIES INCLUDED THEREIN) property, facilities, and services.* Separate accounts may be established within this fund for the segregation of revenues pledged for the payment of bonds or loans, or money granted or borrowed for use for a specific purpose.

Sec. 6. Minnesota Statutes 1978, Section 400.16, is amended to read:

400.16 [SOLID WASTE AND SEWAGE SLUDGE DISPOSAL REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards for solid waste management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste (MANAGEMENT) facilities by the county and any municipality or other public agency and by private operators; (b) the collection, (TRANSPORTATION, STORAGE) processing, and disposal of solid waste; (c) the amount and type of equipment required in relation to the amount and type of material received at any *solid waste facility*; (d) the control of salvage operations, water or air or land pollution, and rodents *at such facilities*; (e) the termination or abandonment of *such facilities or activities*; and (f) (SUCH) other matters *relating to such facilities* as may be determined necessary for the public health, welfare, and safety. *The county shall adopt such ordinances for mixed municipal solid waste management and for sewage sludge disposal.* The county (MAY ISSUE) *shall make provision for issuing permits or licenses for mixed municipal solid waste (MANAGEMENT) facilities and sewage sludge disposal facilities and (MAY) shall require that such facilities be registered with an appropriate county office. The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any solid waste or sewage sludge disposal facility in accordance with certificates, permits and other approvals by state agencies pursuant to Article IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may im-*

pose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. No permit or license shall be issued for a mixed municipal solid waste facility unless the applicant has demonstrated the availability of sufficient solid waste to provide operating revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances, and rules. The county ordinance (MAY) shall require appropriate procedures for termination or abandonment of any mixed municipal solid waste facilities or sewage sludge disposal facilities or services, which shall include provision for long term monitoring for possible land pollution, and for the payment by the owners or operators thereof, or both, of any costs incurred by the county in completing such procedures. In the event the operators or owners fail to complete such procedures in accordance with the ordinance, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land to be collected as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other appropriate action in the district court. Any ordinance enacted under this section shall embody minimum standards and requirements established by rule of the agency.

Sec. 7. Minnesota Statutes 1978, Section 400.161, is amended to read:

400.161 [HAZARDOUS WASTE REGULATIONS.] The county may by ordinance establish and (FROM TIME TO TIME) revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, transportation processing, disposal, and storage of hazardous waste, (d) (THE ULTIMATE DISPOSAL SITE OF THE HAZARDOUS WASTE, AND (E) SUCH) other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. *The county ordinance shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility.* The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion

of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or regulations promulgated hereunder shall be (,) subject to review, denial, suspension, *modification*, and reversal by the (POLLUTION CONTROL) agency. The (POLLUTION CONTROL) agency shall after written notification have 15 days to review, *deny*, suspend, modify, or reverse the action of the county. After 15 days, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.

Sec. 8. Minnesota Statutes 1978, Chapter 400, is amended by adding a section to read:

[400.162] [COUNTY DESIGNATION OF RESOURCE RECOVERY FACILITY.] *Except within the metropolitan area, the western lake superior sanitary district established by Laws 1971, Chapter 47B, as amended, and any solid waste management district established under article VIII, any county may require that all or any portion of the solid waste that is generated within the boundaries of the county or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the county board, provided that the designation is approved by the board. The board may require the county to complete a comprehensive solid waste management plan conforming to the requirements of article V, section 5. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in article VIII, section 9, subdivisions 2 to 6.*

ARTICLE X

SOLID WASTE AND SEWAGE SLUDGE MANAGEMENT: METROPOLITAN AREA

Section 1. Minnesota Statutes 1978, Section 473.121, is amended by adding a subdivision to read:

Subd. 36. The definitions of terms relating to waste in chapter 116 and article I, section 3, also apply to the same terms relating to waste used in chapter 473.

Sec. 2. Minnesota Statutes 1978, Section 473.149, is amended to read:

473.149 [SOLID WASTE COMPREHENSIVE PLAN-
NING.] Subdivision 1. [POLICY PLAN; GENERAL RE-
QUIREMENTS.] (BY JULY 1, 1978,) The metropolitan council
shall prepare and by resolution adopt as part of its develop-
ment guide a long range policy plan for (THE COLLECTION
AND PROCESSING OF) solid (AND HAZARDOUS) waste
management in the metropolitan area. When adopted, the plan
shall be followed in the metropolitan area. The plan shall sub-
stantially conform to all policy statements, purposes, goals,
standards, maps and plans in development guide sections and
plans adopted by the council. The plan shall include goals and
policies for (THE COLLECTION AND PROCESSING OF)
solid (AND HAZARDOUS) waste *management* in the metro-
politan area and, to the extent appropriate, statements and
information similar to that required under section 473.146,
subdivision 1. The plan shall include criteria and standards for
solid waste facilities and *solid* waste facility sites respecting the
following matters: general location; capacity; operation; pro-
cessing techniques; environmental impact; effect on existing,
planned, or proposed collection services and waste facilities;
and economic viability. For *solid* waste facilities owned or oper-
ated by public agencies or supported primarily by public funds
or obligations, the plan shall include additional criteria and
standards (RESPECTING FINANCIAL SELF-SUFFICIENCY
BASED UPON COMPETITIVE RATES AND CHARGES) *to*
ensure that the facilities are operated on a competitive basis
so as not to create an unfair or unreasonable advantage or re-
straint of trade in relation to comparable private facilities exist-
ing in the area. In developing the plan the council shall consider
the orderly and economic development, public and private, of
the metropolitan area; the preservation and best and most
economical use of land and water resources in the metropolitan
area; the protection and enhancement of environmental quality;
the conservation and reuse of resources and energy; the preser-
vation and promotion of conditions conducive to efficient, (LOW
COST,) competitive, and adaptable systems of waste (COLLEC-
TION AND PROCESSING) *management*; and the orderly res-
olution of questions concerning changes in systems of waste
(COLLECTION AND PROCESSING) *management*. Criteria
and standards for solid (AND HAZARDOUS) waste facilities
shall be consistent with regulations adopted by the pollution
control agency pursuant to chapter 116 and (SECTION 473.823.
THE HAZARDOUS WASTE PORTION OF THE POLICY
PLAN SHALL BE APPROVED BY THE POLLUTION CON-
TROL AGENCY IN ACCORDANCE WITH ITS STANDARDS
AND REGULATIONS PRIOR TO ADOPTION BY THE
COUNCIL) *shall be at least as stringent as the guidelines, regu-*
lations, and standards of the federal environmental protection
agency.

Subd. 2. [DISPOSAL CAPACITY ESTIMATE.] *By July 1,*
1980, the council shall adopt by resolution an estimate of the
added solid waste disposal capacity needed in appropriate sectors

of the metropolitan area in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The council's estimate shall be based upon existing and projected solid waste generation rates without regard to potential waste reduction, separation, and recovery activity except that provided by services and facilities in operation or under construction.

Subd. 3. [DISPOSAL ABATEMENT REPORT.] By January 1, 1981, the council shall prepare and submit a report to metropolitan counties on potentials for abating the need for and practice of land disposal of mixed municipal solid waste in the metropolitan area, for use by the counties in developing land disposal abatement plans pursuant to section 473.803, subdivision 3. The report shall contain an analysis of abatement achievable through waste reduction, waste separation, waste processing, and resource recovery. The report shall contain specific and quantifiable alternative abatement objectives and degrees of abatement, along with solid waste management methods and technologies, private and government actions, facilities and services, development schedules, revenue-raising measures, and levels of public and private expenditure and effort necessary to the achievement of those alternative objectives and degrees of abatement. The report shall recommend priorities and objectives for abating, immediately and over specified time periods, the disposal of mixed municipal solid waste in the metropolitan area. During the preparation of the report, the council shall encourage public debate and discussion of the issues relating to land disposal abatement and shall hold a public meeting on the issues in each metropolitan county.

Subd. 4. [INVENTORY OF SOLID WASTE DISPOSAL SITES.] By October 1, 1981, the council shall adopt by resolution an inventory of eligible solid waste disposal sites and buffer areas within the metropolitan area. The council's inventory shall be composed of the sites and buffer areas proposed by the counties and reviewed and approved by the council pursuant to section 473.803, subdivision 2. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following such investigations by the council and such public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 2, for sites and buffer areas proposed by counties. For sites and buffer areas included in the council's inventory, the moratorium imposed under section 473.803, subdivision 2, shall extend until October 1, 1983.

Subd. 5. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES.] By January 1, 1982, the council shall report to the legislative commission on methods of mitigating and compensating for the local risks, costs, and other adverse effects of solid waste disposal facilities and on methods of financing mitigation and compensation measures. The methods of mitigating and compensating to be considered shall in-

clude but not be limited to the following: payment outside of levy limitations in lieu of taxes for all property taken off the tax rolls; preference for the city or town containing a facility in federal A-95 reviews conducted by the council; payment of all costs to service the facilities including the costs of roads, monitoring, inspection, enforcement, police and fire, and litter clean up costs; payment for buffer zone amenities and improvements; city or town control over buffer zone design; elimination of the tipping charge for solid waste collected in the city or town; a guarantee against any and all liability that may occur; payment for reclamation of closed sites to local design specifications.

Subd. 6. [LAND DISPOSAL ABATEMENT PLAN; REPORT TO LEGISLATURE.] By January 1, 1983, after considering county land disposal abatement proposals submitted pursuant to section 473.803, subdivision 3, the council shall amend its policy plan to include specific and quantifiable objectives for abating the land disposal of mixed municipal solid waste. The plan shall include a reduced estimate, based on the council's abatement objectives, of the added solid waste disposal capacity needed in appropriate sectors of the metropolitan area, stated in annual increments through the year 1990 and thereafter in five year increments through the year 2000. The objectives in the plan shall be based upon standards for county resource recovery and waste reduction and separation programs and activities. The plan shall include standards and procedures to be used by the council in determining that metropolitan counties have not implemented the council's land disposal abatement plan and have not met the standards for county abatement programs and activities. The council shall report to the legislative commission on its abatement plan and on legislation that may be required to implement the plan.

Subd. 7. [SOLID WASTE DISPOSAL FACILITIES DEVELOPMENT SCHEDULE.] By January 1, 1983, after requesting and considering recommendations from the counties, cities, and towns, the council as part of its policy plan shall determine the number of sites to be acquired within each metropolitan county for solid waste disposal facilities in accordance with section 15. The council shall adopt a schedule for development of disposal facilities by each such county through the year 2000. The schedule shall be based upon the council's reduced estimate of the disposal capacity needed because of the council's land disposal abatement plan. The schedule may include standards, criteria, and procedures to be used by counties in selecting sites for acquisition pursuant to section 15. The schedule shall include standards and procedures for council certification of need pursuant to section 473.823. The schedule shall include a facility closure schedule and plans for post-closure management and disposition, for the use of property after acquisition and before facility development, and for the disposition of property and development rights no longer needed for disposal facilities.

Subd. (3) 8. [PREPARATION AND ADOPTION.] The solid waste policy plan shall be prepared, adopted, and amended

in accordance with section 473.146, subdivision 2, provided that the procedural duties and responsibilities established therein for the affected metropolitan commission shall extend to the metropolitan counties and the pollution control agency. In addition to the requirements of section 473.146, subdivision 2, the council shall send notice of any hearing to the pollution control agency and the governing body of each metropolitan county and each local governmental unit, as defined in section 473.801, wherein a *solid* waste facility is or may be located in accordance with the plan. Any comprehensive (SOLID AND HAZARDOUS WASTE) plan adopted by the council (PRIOR TO THE EFFECTIVE DATE OF THIS ACT) shall remain in force and effect (UNTIL A POLICY PLAN IS) *while new or amended plans are being prepared* (IN ACCORDANCE WITH SUBDIVISION 1) and adopted by the council. By October 1, 1976, the council shall adopt either interim policies or amendments to the existing comprehensive plan establishing standards and criteria for the review under section 473.823 of permit applications for *solid* waste facilities used primarily for resource recovery. For permit applications received by the council prior to October 1, 1976, the council may extend the time period provided for review under section 473.823 until 60 days after the adoption of the interim policies or amendments. No metropolitan county, local government unit, commission, or person shall acquire, construct, improve or operate any *solid* waste facility in the metropolitan area except in accordance with the council's plan and section 473.823, provided that no *solid* waste facility in use when a plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such facilities.

Subd. (4) 9. [ADVISORY COMMITTEE.] The council shall establish an advisory committee to aid in the preparation of the policy plan (AND,) *the performance of the council's responsibilities under subdivisions 2 to 7, the review of county master plans and reports and applications for permits for waste facilities, under sections 473.151 and 473.801 to 473.823 and sections 13 to 15, and other duties determined by the council.* The committee shall consist of one-third citizen representatives, one-third representatives from metropolitan counties and municipalities, and one-third representatives from private waste management firms. *From October 1, 1981 to January 1, 1983, for the purpose only of participating in the preparation of the legislative report required by subdivision 5 and the land disposal abatement plan required by subdivision 6, additional members shall be included on the advisory committee sufficient to assure that at least one-third of the members of the committee are residents of cities or towns containing eligible solid waste disposal sites included in the councils' disposal site inventory.* A representative from the pollution control agency, one from the waste management board established under article II, section 1, and one from the Minnesota health department shall serve as ex officio members of the committee.

Sec. 3. Minnesota Statutes 1978, Chapter 473 is amended by adding a section to read:

[473.153] [COMPREHENSIVE DISPOSAL FACILITIES PLAN FOR SEWAGE SLUDGE AND SOLID WASTE FROM SEWAGE TREATMENT.] *Subdivision 1. [FACILITIES REQUIRED.] Except as provided in subdivision 7 and article IV, section 2, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish at least one facility for sewage sludge disposal and at least one facility for solid waste disposal.*

Subd. 2. [CANDIDATE SITE SELECTION.] By July 1, 1981, the council shall select three candidate sites for the disposal of the commission's sewage sludge and three candidate sites for the disposal of the commission's solid waste, together with appropriate surrounding buffer areas. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its apparent intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the agency.

Subd. 3. [MORATORIUM.] A moratorium is hereby imposed on development within the area of each proposed site and buffer area selected by the council. The moratorium shall extend until six months following the council's decision under subdivision 6. No development shall be allowed to occur within the area of a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Subd. 4. [ADVISORY COMMITTEE.] For the purposes only of advising the council on decisions under this section, additional members shall be added to the advisory committee established by section 473.149, subdivision 9, sufficient to assure that each city and town containing a candidate site has at least one representative on the committee.

Subd. 5. [ENVIRONMENTAL AND PERMIT REVIEW.] An environmental impact statement meeting the requirements of chapter 116D shall be completed on each candidate site, pro-

vided that the statement shall be finally accepted or rejected within 280 days of the selection of candidate sites. Within 90 days following the acceptance of the statement, the agency shall indicate the conditions and terms of approval of all permits needed at each candidate site.

Subd. 6. [COUNCIL SITE SELECTION.] Within 90 days following the agency's decision on permit conditions and terms, the council shall select at least one of the candidate sites for acquisition and development by the commission as a sewage sludge disposal facility and at least one of the candidate sites for acquisition and development by the commission as a solid waste disposal facility. Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns.

Subd. 7. [EXISTING FACILITIES EXEMPTED.] Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities.

Sec. 4. Minnesota Statutes 1978, Section 473.502, is amended to read:

473.502 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that in the metropolitan area there are serious problems of water pollution and processing and disposal of sewage and waste resulting from sewage treatment, which cannot be effectively or economically dealt with by existing local government units in the area under existing laws. The legislature therefore declares that for the protection of the public health, safety, and welfare of the area, for the preservation and best use of waters and other natural resources of the state in the area, for the prevention, control and abatement of water pollution in the area, and for the efficient and economic collection, treatment and disposal of sewage and waste resulting from sewage treatment it is necessary to assign to the metropolitan council the responsibility of carrying on a continuous, long-range program of planning with respect thereto and to establish a waste control commission, which, together with the council, can take over, acquire, construct, operate, and maintain all interceptors and treatment works and waste facilities necessary for the collection, treatment and disposal of sewage and waste resulting from sewage treatment in the metropolitan area, and can take over, acquire, construct, operate, and maintain waste facilities in the metropolitan area.

Sec. 5. Minnesota Statutes 1978, Section 473.516, is amended to read:

473.516 [WASTE FACILITIES; SEWAGE SLUDGE DISPOSAL.] *Subdivision 1. [ACQUISITION AND OPERATION.] Without limiting the grant or enumeration of any of the powers conferred on the council or commission under sections*

473.501 to 473.549, the commission shall have the specific power to acquire by purchase, lease, condemnation, gift or grant any real or personal property including *development rights*, positive and negative easements and water and air rights, and it may construct, enlarge, improve, replace, repair, maintain and operate (HAZARDOUS) waste facilities in the metropolitan area deemed to be necessary or convenient in connection with the processing or disposal of (HAZARDOUS) waste *resulting from sewage treatment*, and the commission may contract for the maintenance and operation of such waste facilities, subject to the bidding requirements of section 473.523. The commission may accept for processing (HAZARDOUS) waste derived from outside the metropolitan area in the state, as well as (HAZARDOUS) waste derived from within the metropolitan area, and may fix and collect fees and charges for the acceptance of (HAZARDOUS) waste as the commission determines to be reasonable.

Subd. 2. [GENERAL REQUIREMENTS.] With respect to its activities under this section, the commission shall be subject to and comply with the applicable provisions of this chapter. Property acquired by the commission under this section shall be subject to the provisions of section 473.545. Any site or facility owned or operated for or by the commission shall conform to the policy plan adopted by the council under section 473.149 and shall be authorized in accordance with the commission's development program and capital budget approved by the council. *Whenever possible, the commission shall contract with private persons for the construction, maintenance, and operation of waste facilities, subject to the bidding requirements of section 473.523.*

Subd. 3. [LOCAL RESTRICTIONS.] Counties and local units of government may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a waste facility of the commission and conditions respecting the sale, gift, delivery, storage, use, and disposal of sewage sludge of the commission on private property as a soil conditioner or amendment, but only in the manner and only to the extent authorized and approved by the council and the agency as being consistent with the establishment and use of the commission's waste facilities and the disposal of the commission's sewage sludge on private property in accordance with the council's plan, adopted under section 3, and agency permits and rules. Counties may exercise the enforcement powers granted under section 473.811, subdivision 10, in the manner and to the extent authorized and approved in accordance with this subdivision.

Subd. 4. [TECHNICAL MONITORING; SEWAGE SLUDGE DISPOSAL.] Each sewage sludge disposal facility of the waste control commission, or site used for the disposal of sewage sludge of the commission, shall be required to have an agency permit issued pursuant to agency rules for permitting sewage sludge disposal facilities sites. Each such permit shall

require a regular monitoring, inspection, and testing program to be carried out by the agency, or the state department of health or county under contract to the agency, to prevent impairment or threat of impairment of ground and surface water. The commission shall reimburse the agency quarterly for the cost of the program.

Sec. 6. Minnesota Statutes 1978, Section 473.801, Subdivision 1, is amended to read:

473.801 [DEFINITIONS.] Subdivision 1. For the purposes of sections 473.801 to 473.823 *and sections 13 to 16* the terms defined in this section have the meanings given them.

Sec. 7. Minnesota Statutes 1978, Section 473.802, is amended to read:

473.802 [LEGISLATIVE PURPOSE AND POLICY.] The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic (COLLECTION AND PROCESSING) *management* of solid (AND HAZARDOUS) waste in the metropolitan area, it is necessary to (AUTHORIZE THE AGENCY TO REGULATE THE HANDLING OF HAZARDOUS WASTE AND THE LOCATION AND OPERATION OF WASTE FACILITIES IN THE AREA; TO) authorize the metropolitan council to carry on a continuous, long range program of planning with respect to solid (AND HAZARDOUS) waste (COLLECTION AND PROCESSING) *management*, (AND) to establish criteria and standards and approve permits for *solid waste facilities* in the area, *and to provide funds for the acquisition of property for solid waste disposal purposes*; and to authorize the metropolitan counties if necessary to acquire, construct, operate and maintain solid waste facilities, to plan for and regulate *solid waste collection services and facilities*, to collect data on solid and hazardous waste (COLLECTION AND PROCESSING) *management* systems and procedures, and to *assist state agencies* to regulate the (HANDLING) *management* of hazardous waste. The legislature declares that a public purpose is served by the recovery and utilization of resources from solid (WASTE AND HAZARDOUS) waste where economically viable and compatible with source reduction. The plans, criteria, standards and regulations of the agency, council and metropolitan counties shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry.

Sec. 8. Minnesota Statutes 1978, Section 473.803, is amended to read:

473.803 [METROPOLITAN COUNTY PLANNING.] Subdivision 1. [COUNTY MASTER PLANS; GENERAL REQUIREMENTS.] Each metropolitan county, following adoption or revision of the council's solid (AND HAZARDOUS) waste policy plan and in accordance with the dates specified therein, and after consultation with all affected (MUNICIPALITIES) *local government units*, shall prepare and submit to the council for its approval, a county solid (AND HAZARDOUS) waste master plan to implement the policy plan. *The master plan shall be revised and resubmitted at such times as the council's policy plan may require.* The master plan shall describe county solid (AND HAZARDOUS) waste activities, functions, and facilities; the existing system of solid (AND HAZARDOUS) waste generation, collection, and processing, *and disposal* within the county; existing and proposed county and municipal ordinances and license and permit requirements relating to *solid* waste facilities and (HAZARDOUS AND) solid waste generation, collection, and processing, *and disposal*; existing or proposed municipal, county, or private *solid* waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; and any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; an estimate of the annual cost of operation and maintenance of each facility; an estimate of the annual gross revenues which will be received from the operation of each facility; and a proposal for the use of each facility after it is no longer needed or usable as a waste facility. The master plan shall, to the extent practicable, encourage ownership and operation of solid waste facilities by private industry. For *solid* waste facilities owned or operated by public agencies or supported primarily by public funds or obligations, the master plan shall contain policies to ensure (FINANCIAL SELF-SUFFICIENCY BASED UPON COMPETITIVE RATES AND CHARGES) *that the facilities are operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

Subd. 2. [PROPOSED INVENTORY OF DISPOSAL SITES.] *By June 1, 1981, each county shall adopt, by resolution of its governing body, an inventory of three proposed sites in the county suitable for mixed municipal solid waste disposal facilities and one proposed site in the county suitable for the disposal of demolition debris and shall submit the inventory to the council for approval or disapproval. The council shall evaluate and approve or disapprove each proposed site in accordance with the standards set out in this subdivision. Each proposed site shall contain no less than 80 acres and no more than 250 acres. The inventory shall include, for each proposed site, a buffer*

area surrounding and at least equal to the area of the site. Each proposed site shall satisfy the standards and criteria in the council's policy plan and state and federal regulations. No site shall be proposed by the county or approved by the council unless the agency certifies its apparent intrinsic suitability for the use intended, based on preliminary environmental analysis and on site surveys and investigations conducted by the county or agency. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any federal or state agency or political subdivision, no public land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable. The council shall evaluate each proposed site with respect to local land use and land use controls, existing and future development patterns, transportation facilities and other services and facilities appropriate to land disposal facilities, the quality of other potential sites, and patterns of generation of solid waste. The council shall notify a county of any site proposed by the county which the council disapproves and shall allow the county 60 days to propose an alternative site. If the county fails to propose an alternative acceptable to the council in the time allowed, the council shall propose a site acceptable to it for inclusion in the inventory of proposed sites in that county. If in the council's judgment a county does not contain the requisite number of satisfactory sites, the council may reduce the number of proposed sites required of that county. A moratorium is hereby imposed on development within the area of each proposed site and buffer area pending the council's adoption of an inventory pursuant to section 473.149, subdivision 4. For sites and buffer areas included in the council's inventory, the moratorium shall extend until October 1, 1983. No development shall be allowed to occur within the area of a proposed site or buffer area during the period of the moratorium. No county, city, or town land use control shall permit such development, nor shall any county, city, or town sanction or approve any subdivision, permit, license, or other authorization which would allow such development to occur.

Subd. 3. [LAND DISPOSAL ABATEMENT.] By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 3, each county shall submit to the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal shall include programs for waste reduction and separation and resource recovery. The proposal shall include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal shall describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and shall describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal shall include alternatives which could be used to achieve the objectives if the proposed functions and activities are not es-

tablished. By June 1, 1983, each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 6, and shall submit the revised plan to the council for review under subdivision 4. The proposal and master plan revision required by this subdivision shall be prepared in consultation with cities and towns within the county, particularly the cities and towns in which a solid waste disposal facility is or may be located pursuant to the county master plan.

Subd. (2) 4. [COUNCIL REVIEW.] The council shall review each master plan or revision thereof to determine whether it is consistent with the council's policy plan. If it is not consistent, the council shall *disapprove* and return the plan with its comments to the county for revision and resubmittal. *The county shall have 90 days to revise and resubmit the plan for council approval.* Any county solid (OR HAZARDOUS) waste plan or report approved by the council prior to April 9, 1976, shall remain in effect until a new master plan is submitted to and approved by the council in accordance with this section.

Subd. (3) 5. [ANNUAL REPORT.] Each metropolitan county shall prepare and submit annually to the council *for its approval* a report containing information, as the council may prescribe in its policy plan, concerning solid (AND HAZARDOUS) waste generation (, COLLECTION, AND PROCESSING) and management within the county. *The report shall include a statement of progress in achieving the land disposal abatement objectives of the council's policy plan and county master plan.* The report shall include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

Sec. 9. Minnesota Statutes 1978, Section 473.811, is amended to read:

473.811 [COUNTIES AND LOCAL UNITS OF GOVERNMENT: WASTE MANAGEMENT.] Subdivision 1. [COUNTY ACQUISITION OF FACILITIES.] To accomplish the purpose specified in section 473.803, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, including contracts for deed and conditional sales contracts, solid waste facilities or properties *or easements or development rights* for solid waste facilities which are in accordance with regulations adopted by the agency, the policy plan adopted by the council and the county master plan as approved by the council, and may improve or construct improvements on any property or facility so acquired. No metropolitan city, county or town shall own or operate a hazardous waste facility. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste facilities. If (SUCH) a tax is levied in anticipation of need, the

purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. (A) *Except as provided in subdivision 9, metropolitan county may acquire property for and operate a solid waste disposal facility within the boundaries of any (CITY) other county or (TOWN IN THE METROPOLITAN AREA,) local unit of government without complying with the provisions of any (ZONING) ordinance (ADOPTED AFTER APRIL 15, 1969) of the other county or local unit, if the action is approved by the council as being in conformance with its policy plan. For facilities outside the metropolitan area, approval of the board shall also be required, following review pursuant to article IV.*

Subd. 2. [RIGHT OF ACCESS.] Whenever the county deems it necessary to the evaluation of a waste facility for enforcement purposes or to the evaluation of a site or buffer area for inclusion in the inventory of disposal sites pursuant to section 473.149, subdivision 4, and section 473.803, subdivision 2, or for final acquisition under section 15, the county or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations, provided that the entrance and activity is undertaken after reasonable notice and during normal business hours and provided that compensation is made for any damage to the property caused by the entrance and activity.

Subd. (2) 3. [COUNTY FINANCING OF FACILITIES.] Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of solid waste facilities or property or property rights for a solid waste facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of the bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any facility operated by or for the county, or any combination thereof. Taxes levied for the payment of the bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of the bonds. Except as otherwise provided, the bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. (3) 4. [COUNTY OPERATION OF FACILITIES.] Each metropolitan county may operate and maintain solid waste facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing operation, and may establish and collect reasonable, non-discriminatory rates and charges for the use of the facilities by any local government unit or person, estimated to be sufficient, with any other moneys appropri-

ated for the purpose, to pay all costs of acquisition, operation and maintenance. Each metropolitan county may use itself or sell all or any part of materials or energy recovered from solid waste to private interests or public agencies for consumption or reuse by them. Section 471.345 and Laws 1951, Chapter 556, as amended shall not apply to the sale of the materials or energy provided that the dealings of each county shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the county.

Subd. (4) 5. [COUNTY CONTRACTS.] Each metropolitan county *may contract* for the use of existing public or private *solid waste facilities and may contract* with any person for the operation and maintenance of any solid waste facility owned by the county. The contract shall provide for the operation and maintenance of the facility in accordance with any regulations, criteria, and standards of the agency, the metropolitan council and the county relating thereto.

Subd. 6. [ORDINANCES; GENERAL CONDITIONS; RESTRICTIONS; APPLICATION.] *Ordinances of counties and local government units related to or affecting waste management shall embody plans, policies, rules, standards and requirements adopted by any state agency authorized to manage or plan for or regulate the management of waste and the waste management plans adopted by the council and shall be consistent with county master plans approved by the council.*

Subd. (5) 7. [ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.] Each metropolitan county may adopt ordinances governing the collection of solid waste. (THE ORDINANCES SHALL NOT PREVENT THE HAULING OF SOLID WASTE FROM ONE COUNTY TO ANOTHER.) Each (MUNICIPALITY AND TOWN) *local unit of government* within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted an ordinance, the (MUNICIPALITY OR TOWN) *local unit* shall adopt either the county ordinance by reference or a more strict ordinance. (A HAULER WHO QUALIFIED UNDER THE ORDINANCE OF THE MUNICIPALITY WHERE HE IS MAKING PICKUPS MAY TRANSPORT SOLID WASTE ON STREETS AND HIGHWAYS IN OTHER MUNICIPALITIES WITHIN THE COUNTY WITHOUT CONFORMING TO THEIR ORDINANCES.) *Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 13. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. Upon such a request the ordinance shall be invalid*

unless it is approved by the council as reasonable. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 13. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Subd. 8. [ORDINANCES; SOLID WASTE FACILITIES.] Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office. *Ordinances of counties and local government units shall not prevent or restrain the acquisition, establishment, operation, expansion, continuance, or closure of solid waste disposal facilities and solid waste disposal facility sites pursuant to the council's policy plan and development schedule for such facilities, adopted pursuant to section 473.149, subdivision 7, except that ordinances approved by the council and the agency as being consistent with the establishment and use of facilities in accordance with the council's plan and agency rules and permits may impose conditions respecting the construction, operation, inspection, monitoring, and maintenance of a facility.*

Subd. 9. [ORDINANCES; HAZARDOUS WASTE MANAGEMENT.] Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards (FOR HAZARDOUS WASTE MANAGEMENT) relating to (a) the identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the (HANDLING,) collection, storage, transportation (AND STORAGE), processing, disposal, and land containment of hazardous waste, and (d) (THE ULTIMATE DISPOSAL SITE OF HAZARDOUS WASTE, AND (E)) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, (AND) processing, disposal, and land containment of hazardous waste and shall require registration with a county office. *Ordinances of counties and local government units shall not prevent or restrain the location, establishment, operation, expansion, continuance, or closure of any hazardous waste facility in accordance with certificates, permits, and other approvals by state agencies pursuant to articles III and IV, except that ordinances approved by the agency as being consistent with the establishment and use of facilities in accordance with such certificates, permits, and approvals may impose conditions respecting the construction, inspection, monitoring, and maintenance of a facility. (ANY ORDINANCE ENACTED UNDER THIS SUBDIVISION SHALL EMBODY REGULATIONS, STANDARDS, AND REQUIREMENTS ADOPTED*

BY THE AGENCY AND GOALS, POLICIES, CRITERIA, AND STANDARDS ADOPTED BY THE COUNCIL AND SHALL BE CONSISTENT WITH THE COUNTY MASTER PLAN APPROVED BY THE COUNCIL. COUNTY ORDINANCES ADOPTED PURSUANT TO THIS SUBDIVISION SHALL NOT APPLY TO THE LOCATION OR OPERATION OF ANY HAZARDOUS WASTE FACILITY OWNED OR OPERATED BY THE WASTE CONTROL COMMISSION UNDER SECTION 473.516.) Issuing, denying, *suspending*, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, *modification*, and reversal by the agency. The agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in (SECTION 115.05. ANY ORDINANCE ENACTED SHALL BE PUBLISHED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 375.51) *chapter 15*.

Subd. (5A) 10. [COUNTY ENFORCEMENT.] Each metropolitan county shall be responsible for insuring that waste facilities, solid waste collection operations licensed or regulated by the county and hazardous waste generation (,) and collection (, AND PROCESSING) operations are brought into conformance with, or terminated and abandoned in accordance with, applicable county ordinances; rules, regulations and requirements of the (AGENCY) *state*; and (GOALS, POLICIES, CRITERIA, AND STANDARDS) *the policy plan* of the council. Counties may provide by ordinance that operators or owners or both of such facilities or operations shall be responsible to the county for satisfactorily performing the procedures required. If operators or owners or both fail to perform, the county may recover the costs incurred by the county in completing the procedures in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinances may be enforced by action in district court. The county may prescribe a criminal penalty for the violation of any ordinance enacted under this section not exceeding the maximum which may be specified for a misdemeanor.

Subd. (6) 11. [GRANTS AND LOANS TO COUNTIES.] Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, to accomplish the purposes specified in sections 473.149, 473.151, and 473.801 to 473.823 and *sections 13 to 16*, may enter into any agreement required in connection therewith, and may hold, use, and dispose of the money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. (7) 12. [JOINT ACTION.] Each metropolitan county and local government unit may act *together with any county, city, or town within or without the metropolitan area* under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473.149, 473.151, and 473.801 to 473.823 *and sections 13 to 16*.

Subd. (8) 13. [COUNTY SALE OR LEASE.] Each metropolitan county may sell or lease any facilities or property or property rights previously used or acquired to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823 *and sections 13 to 16*. Such property may be sold in the manner provided by section 458.196. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. (9) 14. [SOLID AND HAZARDOUS WASTE FUND.] All moneys received by any metropolitan county from any source specified in sections 473.149, 473.151, and 473.801 to 473.823 *and sections 13 to 16* shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

Sec. 10. Minnesota Statutes 1978, Section 473.813, is amended to read:

473.813 [CITIES, COUNTIES, TOWNS; SOLID WASTE CONTRACTS.] Subdivision 1. Notwithstanding any contrary provision of law or charter, and in addition to the powers or authority granted by any other law or charter, a city, county, or town in the metropolitan area may directly negotiate and enter into contracts, for a term not to exceed 30 years, for the delivery of solid waste to a waste facility and the processing of solid waste. Contracts made by direct negotiations shall be approved by resolution adopted by the governing body of the city, county, or town.

Subd. 2. Before a city, county, or town (MAY ENTER) enters into any contract pursuant to subdivision 1 (, WHICH CONTRACT IS) for a period of more than five years, the city,

county, or town shall submit the proposed contract and a description of the proposed activities under the contract to the council for review and approval. The council shall approve the proposed contract if it determines that the contract (WILL NOT ADVERSELY AFFECT COLLECTION RATES AND CHARGES DURING THE TERM OF THE CONTRACT AND THAT THE CONTRACT) is consistent with the council's plan, permits issued under section 473.823, and county reports or master plans approved by the council. The council may consolidate its review of contracts submitted under this section with its review of related permit applications submitted under section 473.823 and for this purpose may delay the review required by this section.

Sec. 11. Minnesota Statutes 1978, Section 473.823, Subdivision 3, is amended to read:

Subd. 3. [SOLID WASTE FACILITIES; REVIEW PROCEDURES.] (THE AGENCY MAY PRESCRIBE PERMIT AND PERMIT APPLICATION FORMS, AND MAY REQUEST APPLICANTS TO SUBMIT IN WRITING ALL INFORMATION DEEMED RELEVANT BY THE AGENCY.) The agency shall request applicants *for solid waste facility permits* to submit all information deemed relevant by the council to its review, including without limitation information relating to the geographic areas and population served, the need, the effect on existing facilities and services, the anticipated public cost and benefit, the anticipated rates and charges, the manner of financing, the effect on metropolitan plans and development programs, the supply of waste, anticipated markets for any product, and alternative means of disposal or energy production. (THE AGENCY, OR ANY EMPLOYEE OR AGENT THEREOF, WHEN AUTHORIZED BY IT, MAY EXAMINE ANY BOOKS, PAPERS, RECORDS OR MEMORANDA OF THE APPLICANT PERTAINING TO ITS WASTE FACILITY, AND MAY ENTER ON ANY PROPERTY, PUBLIC OR PRIVATE, FOR THE PURPOSE OF OBTAINING INFORMATION, CONDUCTING SURVEYS OR MAKING INVESTIGATIONS RELATIVE TO THE LOCATION OR OPERATION OF A WASTE FACILITY. THE AGENCY MAY ISSUE PERMITS FOR THE OPERATION OF WASTE FACILITIES BY ANY METROPOLITAN COUNTY OR COMMISSION, LOCAL GOVERNMENT UNIT OR PERSON WHERE THE OPERATION THEREOF IS CONSISTENT WITH APPLICABLE REGULATIONS ADOPTED BY THE AGENCY PURSUANT TO SUBDIVISION 1, PROVIDED THAT) No permit may be issued for the operation of a *solid waste facility* in the metropolitan area which is not in accordance with the metropolitan council's solid (AND HAZARDOUS) waste policy plan. The metropolitan council shall determine whether a permit is in accordance with the (GOALS, POLICIES, STANDARDS, AND CRITERIA IN ITS) policy plan. In making its determination, the council shall consider the area-wide need and benefit of the applicant facility and may consider, without limitation, the effect of the applicant facility on existing and planned *solid waste facilities* described in a waste

control commission development program or county report or master plan. If the council determines that a permit is in accordance with its policy plan, the council shall approve the permit. If the council determines that a permit is not in accordance with its policy plan, it shall disapprove the permit. The council's approval of permits may be subject to conditions necessary to satisfy criteria and standards in its policy plan, including conditions respecting the type, character, and quantities of waste to be processed at a *solid waste facility used primarily for resource recovery and (RESTRICTIONS ON) the geographic territory from which a (WASTE FACILITY USED PRIMARILY FOR) resource recovery facility or transfer station serving such a facility may draw its waste.* For the purpose of this review and approval by the council, the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 60 days after the application and supporting information are received by the council, unless a time extension is authorized by the agency, the council shall issue to the agency in writing its determination whether the permit is disapproved, approved, or approved with conditions. If the council does not issue its determination to the agency within the 60 day period, unless a time extension is authorized by the agency, the permit shall be deemed to be in accordance with the council's policy plan. No permit may be issued in the metropolitan area for a *solid waste facility used primarily for resource recovery, if the facility or site is owned and operated by a public agency or if the acquisition or betterment of the facility or site is secured by public funds or obligations (PLEDGING THE FULL FAITH AND CREDIT OR TAXING POWERS OF A CITY, COUNTY, OR TOWN,)* unless the council finds that adequate markets exist for the products recovered without substantially reducing the supply of solid waste available for existing resource recovery operations and that *(ALL COSTS OF OPERATION, ADMINISTRATION, MAINTENANCE AND DEBT SERVICE WILL BE COVERED BY REASONABLE RATES AND CHARGES FOR THE USE OF THE FACILITY) the facility is operated on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade in relation to comparable private facilities existing in the area.*

Sec. 12. Minnesota Statutes 1978, Section 473.823, is amended by adding a subdivision to read:

Subd. 5. [COUNCIL; CERTIFICATION OF NEED.] No new mixed municipal solid waste disposal facility shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need. The standards and procedures shall be based on the council's disposal abatement plan adopted

pursuant to section 473.149, subdivision 6, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 3. The council shall certify need only if and only to the extent that the county or permit applicant demonstrates that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Economic considerations alone shall not justify the certification of need or the rejection of alternatives.

Sec. 13. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.827] [COUNCIL DESIGNATION OF SOLID WASTE FACILITY; REQUIRED USE.] Subdivision 1. [AUTHORITY.] *The council may require that all or any portion of the solid waste that is generated within the metropolitan area or any service area thereof and is disposed of in the state be delivered to a resource recovery facility designated by the council or a transfer station serving such a facility. The council may designate a facility under this section without the approval of the board except that the approval of the board shall be required if the solid waste required to be delivered is generated outside of the metropolitan area.*

Subd. 2. [STANDARDS.] *In determining whether to designate and require the use of the facility the council shall consider whether:*

(a) the required use will result in the recovery of resources or energy from materials which would otherwise be wasted;

(b) the required use will lessen the demand for and use of land disposal;

(c) the required use is necessary for the financial support of the facility.

(d) less restrictive methods for ensuring an adequate solid waste supply are available.

Subd. 3. [EXEMPTION.] *The council shall not designate and require use of facilities for materials which are separated from solid waste and recovered for reuse or recycling by the generator, by a private person under contract with the generator, or by a licensed solid waste collector.*

Subd. 4. [PROCEDURE.] *The council shall proceed as follows when designating and requiring use of facilities:*

(a) The council shall notify those persons whom the council has determined should use the facilities. Notification to politi-

cal subdivisions shall be in writing. All other persons shall be notified at least by publication in a legal newspaper or newspapers having general circulation in the area. The notification shall specify types and quantities of solid wastes, plans for use of the solid wastes, the point of delivery of the solid wastes, and the fee to be charged. During a period of 90 days following the notification, the council shall negotiate with the persons within the areas to be served in order to develop contractual agreements on the terms of required use of the designated facilities.

(b) If contracts have not been made at the end of the 90-day period, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council shall hold a public hearing to take testimony on the required use of the designated facilities. The hearing shall be preceded by the notice required under clause (a).

(c) If contracts have not been made within 30 days after the public hearing, or if persons subject to the required use have not made arrangements sufficient to justify exemption, the council may order any person identified in the notice of the council to use the designated facilities, starting at a specified date which shall be at least 30 days after the order has been issued.

Subd. 5. [SERVICE GUARANTEE.] The facility designated by the council shall not arbitrarily terminate, suspend, or curtail services provided to any person required pursuant to this section to use designated facilities without the consent of the person, or without just cause.

Subd. 6. [TERMINATION.] Use required under contract or order pursuant to this section may be terminated by a person upon an adequate showing to the council that the solid waste has value and that arrangements have been made sufficient to justify exemption from the designation, unless the council determines that the requirement must be continued to assure delivery of waste necessary to the financial support of the facilities designated by the council.

Sec. 14. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.831] [DEBT OBLIGATIONS; SOLID WASTE DISPOSAL.] Subdivision 1. [GENERAL OBLIGATION BONDS.] Following the adoption of the revisions to its policy plan required by section 473.149, subdivision 7, the council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the acquisition of sites and surrounding buffer areas for development as solid waste disposal facilities pursuant to this section and section 15 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the

council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply.

Subd. 2. [USE OF PROCEEDS.] The proceeds of bonds issued under subdivision 1 shall be used pursuant to section 15, by the council to make grants to metropolitan counties to pay the cost of the acquisition of all property or interests in property for solid waste disposal sites and surrounding buffer areas required to be acquired by the county in the council's policy plan and development schedule adopted pursuant to section 473.149.

Sec. 15. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.833] [SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.] Subdivision 1. [COUNTY SITE SELECTION AUTHORITIES.] Each metropolitan county shall establish a site selection authority. By June 1, 1983, each site selection authority shall select specific sites within the county from the council's disposal site inventory, in accordance with the standards, criteria, and procedures established by the council under section 473.149, subdivision 7, and in a number equal to that required by the council to be acquired by the county. Each site selection authority shall be composed of the county board, plus one member appointed by the governing body of each city or town within the county containing a site in the council's disposal site inventory or the majority of the land contained within such a site. If the number of members on the site selection authority who reside in a city or town containing all or part of a site or buffer area is equal to or greater than the number of members who do not, the chairman of the county board shall appoint to the authority an additional member or members, residing within the county but not within a city or town containing all or part of a site or buffer area, sufficient to assure a majority of one on the authority of members residing in cities and towns not containing all or any part of a site or buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.

Subd. 2. [ACQUISITION AND DISPOSITION.] In order to prevent the development of conflicting land uses at and around future solid waste disposal facility sites, the council shall provide for the acquisition by a metropolitan county of property and rights in property at and around each solid waste disposal site selected pursuant to subdivision 1. Each site scheduled for development as a facility through the year 1990 shall be acquired in fee. Development rights shall be acquired for

each site scheduled for development as a facility after the year 1990 through the year 2000. Development rights shall be acquired in a buffer area surrounding and at least equal to the area of each site scheduled for development as a facility through the year 2000. An increase or decrease in the value of property resulting from its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area shall not be considered in establishing the value of the property in a condemnation proceeding. The county may sell property and development rights, with the permission of the council, when they are no longer needed for a site or surrounding buffer area. The owner of the fee shall have the right of first refusal of any development rights at the price of purchase plus interest at the rate permitted under section 344.01. The proceeds from any sale of property or development rights shall be returned to the council and used to pay debt service on the council's solid waste bonds.

Subd. 3. [ACQUISITION PROCEDURE.] The council shall offer a grant covering the full cost of acquisition to the county or counties in which the property is located. If the acquisition is not made or condemnation proceedings initiated within 60 days following June 1, 1983, the council shall offer the grant to any other county in the metropolitan area.

Subd. 4. [FAILURE OF COUNTIES TO ACQUIRE; REPORT TO LEGISLATURE.] If any county fails to identify property for acquisition or if counties refuse to proceed with acquisition, as required by this section and the council's disposal facility development schedule adopted pursuant to section 473.149, subdivision 7, the council shall prepare and recommend to the legislature, no later than January 1, 1984, legislation to transfer solid waste management authority and responsibility in the metropolitan area from the counties to the waste control commission or a new metropolitan commission established for that purpose.

Sec. 16. Minnesota Statutes 1978, Chapter 473, is amended by adding a section to read:

[473.834] [DEBT SERVICE; SOLID WASTE BONDS.]
Subdivision 1. [CERTAIN CITIES AND TOWNS; EXEMPTION.] Each city or town in which a solid waste disposal facility is operating after January 1, 1980, shall be permanently exempt from the payments required by this section, if the facility is a commercial facility disposing of garbage and mixed municipal refuse under an agency permit.

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under section 15, shall be annually apportioned by the council to each city and town in the metropolitan area, as follows: (a)

one-half in the proportion that the assessed value of all taxable property within such city or town bears the assessed value of the taxable property in all such cities and towns, as last finally equalized before October 1 in the year in which the allocation is made; and (b) one-half in the proportion that the population of each such city or town bears to the total population in all such cities and towns, as estimated by the council.

Subd. 3. [CERTAIN CITIES AND TOWNS; REDUCED PAYMENTS.] When a solid waste reduction, separation, or resource recovery program is implemented or solid waste processing facilities are established in a city or town pursuant to a county land disposal abatement plan approved by the council, the annual payment otherwise required of the city or town pursuant to subdivision 2, shall be reduced by an amount determined by the council to be proportionate to the abatement in the waste going from the city or town into a solid waste disposal facility as a result of the local abatement program or processing facility.

Subd. 4. [PROCEDURES FOR PAYMENT.] By January 1 of each year, the council shall certify to each city and town in the metropolitan area the payment required from it to pay debt service on the council's bonds in the next succeeding calendar year. The amounts so certified shall be due and payable to the council, for deposit in the council's debt service fund, at such time or times during the year as the council determines. The council shall set the dates for payment with reference to the dates on which tax, assessment, and revenue collections become available to the government units required to pay such charges, provided that all payments shall be due in time to allow the council to certify deficiency tax levies pursuant to subdivision 5.

Subd. 5. [DEFICIENCY TAX LEVIES.] If the governing body of any local government unit fails to make payment to the council when due, the council shall certify to the auditor of the county in which the government unit is located the amount required for payment with interest at six percent per annum. The auditor shall levy and extend such amount as a tax upon all taxable property in the government unit for the next calendar year, free from any existing limitations imposed by law or charter. Such tax shall be collected in the same manner as the general taxes of the government unit, and the proceeds thereof, when collected, shall be paid by the county treasurer to the council for deposit in the debt service fund and credited to the government unit for which the tax was levied.

Subd. 6. [SECURITY.] In addition to the power to require payments and tax levies under subdivisions 3 to 5 for the payment of debt service on bonds issued under section 15, the council may levy taxes for the payment of the debt service upon all taxable property within the metropolitan area without limitation of rate or amount and without affecting the amount or rate of

taxes which may be levied by the council for other purposes or by any local government unit in the area.

Sec. 17. Article X applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

ARTICLE XI

POLLUTION CONTROL AGENCY

Section 1. Minnesota Statutes 1978, Section 116.06, Subdivision 9, is amended to read:

Subd. 9. "Land pollution" means the presence in or on the land of any (SOLID) waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Sec. 2. Minnesota Statutes 1978, Section 116.06, is amended by adding subdivisions to read:

Subd. 9a. "Waste" has the meaning given it in article I, section 3.

Subd. 9b. "Waste management" has the meaning given it in article I, section 3.

Subd. 9c. "Collection" of waste has the meaning given it in article I, section 3.

Subd. 9d. "Processing" of waste has the meaning given it in article I, section 3.

Subd. 9e. "Disposal" of waste has the meaning given it in article I, section 3.

Subd. 9f. "Degree of intrinsic hazard" of a waste has the meaning given it in article I, section 3.

Subd. 9g. "Degree of intrinsic suitability" of a land area or site has the meaning given it in article I, section 3.

Subd. 9h. "Sewage sludge" has the meaning given it in article I, section 3.

Sec. 3. Minnesota Statutes 1978, Section 116.06, Subdivision 10, is amended to read:

Subd. 10. "Solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment

facility, and other discarded (SOLID) waste materials and sludges, (INCLUDING SOLID WASTE MATERIALS AND WASTE SLUDGES) in solid, semi-solid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer (,); earthen fill, boulders, rock (, SOLIDS); sewage sludge; solid or dissolved material in domestic sewage or other (SIGNIFICANT) common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the federal water pollution control act, as amended, dissolved materials in irrigation return flows (, OR OTHER COMMON WATER POLLUTANTS); or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Sec. 4. Minnesota Statutes 1978, Section 116.06, Subdivision 13, is amended to read:

Subd. 13. "Hazardous waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. *Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.*

Sec. 5. Minnesota Statutes 1978, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF STANDARDS.] The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper

as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation, storage, *processing*, and disposal of solid waste *and the disposal of sewage sludge* for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of (SOLID WASTE) control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of (SOLID WASTE) control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly accepted practices. No local governing

unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the *management, identification, labeling, classification, storage, collection, transportation, processing, and disposal* of hazardous waste, recognizing that due to variable factors, (NO) a single standard of hazardous waste control (IS) *may not be* applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 6. Minnesota Statutes 1978, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. [RULES AND STANDARDS.] Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such (REGULATION) *rule* or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the equality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, storage, *processing*, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. *The agency shall adopt such rules and standards for the disposal of sewage sludge, addressing the intrinsic suitability of land, the volume and rate*

of application of sewage sludge of various degrees of intrinsic hazard, design of disposal facilities, and operation of disposal facilities and disposal sites. The agency shall promulgate temporary rules for sewage sludge disposal pursuant to section 15.0412, subdivision 5. Any such (REGULATION) rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, (REGULATIONS) rules or standards may relate to collection, transportation, processing, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, processing, and disposal of solid waste and the disposal of sewage sludge, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such (REGULATION) *rule* or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, (REGULATIONS) *rules* or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to this chapter, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind (REGULATIONS) *rules* and standards having the force of law relating to any purpose within the provisions of this chapter for the *management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and location of hazardous waste (DISPOSAL) facilities. A (REGULATION) rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with chapter 221.*

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased

shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

Sec. 7. Minnesota Statutes 1978, Section 116.07, Subdivision 4a, is amended to read:

Subd. 4a. [PERMITS.] The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof, or for the sources or emissions of noise pollution.

The pollution control agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste, or for the installation or operation of any system or facility, or any part thereof, related to the *storage*, collection, transportation, *processing*, or disposal of (SOLID) waste.

The pollution control agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

(THE POLLUTION CONTROL AGENCY MAY ISSUE, CONTINUE IN EFFECT OR DENY PERMITS, UNDER SUCH CONDITIONS AS IT MAY PRESCRIBE FOR THE TREATMENT OR DISPOSAL OR BOTH OF HAZARDOUS WASTE, OR FOR THE INSTALLATION OR OPERATION OF ANY SYSTEM OR FACILITY OR ANY PART THEREOF.)

Sec. 8. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.] *In reviewing applications for hazardous waste facility permits, in addition to the requirements imposed on it under this chapter and chapter 116D, the agency shall act in accordance with articles III and IV. The agency shall provide to the waste management board copies of each preliminary and final permit application for a hazardous waste facility immediately upon its submittal to the agency. The agency shall request recommendations on each permit application from the board and shall consult with the board on the agency's intended disposition of the recommendations. The agency shall respond to a preliminary permit application for a hazardous waste facility within 120*

days following a decision not to prepare environmental documents or following the acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. Except as otherwise provided in article III, within 60 days following the submission of a final permit application for a hazardous waste facility, unless a time extension is agreed to by the applicant, the agency shall issue or deny all permits needed for the construction of the proposed facility.

Sec. 9. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 4c. [PERMITS; INTERIM HAZARDOUS WASTE STORAGE FACILITIES.] A generator of hazardous waste within the state, or an entity composed of or under contract to such generators, may apply to the agency for permits for interim storage facilities for hazardous waste generated within the state. The application shall demonstrate: (a) that no feasible and prudent alternative is available to eliminate the hazardous properties of the waste or the need for a waste facility to handle the waste, and (b) that no waste facility is reasonably available to accept the waste. The agency and the environmental quality board shall give highest priority to and shall expedite consideration of such applications. The agency shall make a determination on environmental documents required on the application within 30 days of submittal of the application. The environmental quality board shall finally accept or reject any environmental impact statement required within 280 days following publication of the impact statement preparation notice. The agency shall finally issue or deny permits within 30 days following a decision not to prepare environmental documents or following acceptance of a negative declaration notice or an environmental impact statement by the environmental quality board. An interim storage permit issued pursuant to this subdivision or pursuant to or in accordance with an order or decision of the board regarding such a permit under article IV shall not affect the responsibility of the generator for removal and final processing or disposal in a permitted hazardous waste facility. A permit shall not be issued under this subdivision for a period longer than three years, but such permits may be renewed by administrative action of the agency without a hearing or other review procedures for up to three additional one year periods.

Sec. 10. Minnesota Statutes 1978, Section 116.07, is amended by adding a subdivision to read:

Subd. 9. [ORDERS; INVESTIGATIONS.] The agency shall have the following powers and duties for the enforcement of any provision of chapter 116, relating to waste:

(a) to adopt, issue, reissue, modify, deny, revoke, enter into or enforce reasonable orders, schedules of compliance and stipulation agreements;

(b) to require by rule the owner or operator of any system or facility related to the storage, collection, transportation, processing, land containment, or disposal of waste to establish and maintain records; to make reports; to install, use, and maintain monitoring equipment or methods; and to make tests, in accordance with methods, at locations, at intervals, and in a manner as the agency shall prescribe; and to provide other information as the agency may reasonably require;

(c) to conduct investigations, issue notices, public and otherwise, and hold hearings as it may deem necessary or advisable for the discharge of its duties under chapter 116, including but not limited to the issuance of permits; and to authorize any member, employee, or agent appointed by it to conduct the investigations and issue the notices.

Sec. 11. Minnesota Statutes 1978, Section 116.081, Subdivision 1, is amended to read:

116.081 [PROHIBITIONS.] Subdivision 1. [OBTAIN PERMIT.] It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation, storage, processing, or disposal of (SOLID) waste, or any part thereof unless otherwise exempted by any agency (REGULATION) rule now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles, abatement and control of air and land pollution during each biennium to the legislature with recommendations for action in furtherance of the air and land pollution and (SOLID) waste programs.

Sec. 12. Minnesota Statutes 1978, Section 116.101, is amended to read:

116.101 [HAZARDOUS WASTE CONTROL AND SPILL CONTINGENCY PLAN.] The pollution control agency shall study and investigate the problems of hazardous waste control and shall develop a statewide hazardous waste (MANAGEMENT) spill contingency plan detailing the location of hazardous waste (DISPOSAL) facilities and storage sites throughout the state and the needs relative to the interstate transportation of hazardous waste.

(ELEMENTS OF) The statewide hazardous waste spill contingency plan (WHICH RELATE TO HAZARDOUS

WASTES,) shall be incorporated into the statewide hazardous waste management (PLAN) *plans of the waste management board established by article II.* The pollution control agency shall develop an informational reporting system of hazardous waste quantities generated, *processed*, and disposed of in the state.

Sec. 13. Minnesota Statutes 1978, Section 116.41, is amended to read:

116.41 [WASTE AND WASTE FACILITIES CLASSIFICATION; TRAINING AND CERTIFICATION.] Subdivision 1. [LAND CONTAINMENT AND DISPOSAL FACILITY CLASSIFICATION.] *By January 1, 1982, the (POLLUTION CONTROL) agency (MAY) shall classify, respectively, facilities for the disposal of solid waste, facilities for the disposal of sewage sludge, and facilities for the disposal of hazardous waste according to the degree of hazard to public health or the environment involved in their operation (, AND ACCORDING TO THE VOLUME OR HAZARDOUS CHARACTER OF SOLID WASTE DISPOSED OF AT THE FACILITY. THE AGENCY MAY DEVELOP STANDARDS OF COMPETENCE FOR PERSONS OPERATING VARIOUS CLASSES OF FACILITIES FOR THE DISPOSAL OF SOLID WASTE).* *The classification of disposal facilities for waste shall be based upon the degree of intrinsic hazard and the volume and rate of application of the waste accepted by a facility, the degree of intrinsic suitability of the location of the facility, the design and operating character of the facility, and other factors deemed relevant by the agency.*

Subd. 1a. [HAZARDOUS WASTE CLASSIFICATION.] *By January 1, 1982, the agency shall prescribe criteria for excluding types and categories of hazardous wastes from disposal criteria for accepting types and categories of wastes as suitable for disposal, and minimum pre-treatment standards required as a condition of acceptance for disposal. The criteria and standards shall be based upon the degree of intrinsic hazard of the waste; the availability of conventional processing technologies for reducing, separating, reusing, recycling, and treating the waste; the feasibility and cost of applying the processing technologies in relation to the benefits to be achieved by such application; the class of facility; and other factors deemed relevant by the agency.*

Subd. 2. [TRAINING AND CERTIFICATION PROGRAMS.] *The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency (MAY) shall conduct training programs for persons operating facilities for the disposal of (SOLID) waste and for inspectors of such facilities, and may charge such fees as are necessary to cover the actual costs of the training programs.*

(SUBD. 3. AFTER JULY 1, 1976, WHEN A FACILITY FOR THE DISPOSAL OF SOLID WASTE, OTHER THAN AN ANIMAL FEEDLOT, IS OPERATING UNDER A PERMIT FROM THE AGENCY.) The agency (MAY) *shall* require (THE OPERATOR) operators and inspectors of (THE FACILITY) such facilities to obtain from the agency a certificate of (HIS) competence (TO OPERATE THE FACILITY). The agency (MAY) *shall* conduct examinations to test the competence of applicants for certification, and (MAY) *shall* require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates.

Subd. 3. [REGULATION AND ENFORCEMENT ASSISTANCE.] The agency shall establish a program to provide technical and financial assistance for regulation and enforcement to counties which have certified operators and inspectors conforming to the requirements of the agency, chapters 400 and 473, and articles I to VIII.

Subd. 4. [RULES.] The agency (MAY) shall adopt, amend, and rescind (SUCH) rules (AND REGULATIONS) as may be necessary to carry out the provisions of this section in accordance with chapter 15.

ARTICLE XII

APPROPRIATIONS

Section 1. [BOARD.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purposes of general administration, management, and staff. Of this amount, \$ shall be for the salary of the chairperson of the board who shall be a full-time employee in the unclassified service.

Sec. 2. [HAZARDOUS WASTE.] Subdivision 1. [BOARD; HAZARDOUS WASTE REPORTS.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purpose of preparing the hazardous waste reports required by article II, section 6. Of this amount, the sum of \$ is available for the purpose of making grants for assistance in the preparation of hazardous waste reports, in accordance with article II, section 6, subdivision 6.

Subd. 2. [GRANTS AND TECHNICAL ASSISTANCE TO COUNTIES AND PROJECT REVIEW COMMITTEES.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purpose of grants and technical assistance to coun-

ties participating in the preparation of the inventory of preferred sites for hazardous waste processing facilities under article II, section 7, and to project review committees participating in the certification of need and review of candidate sites for land containment and disposal facilities under Article III.

Sec. 3. [STATE GOVERNMENT RESOURCE RECOVERY.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the general services revolving fund, resource recovery account, to be used by the commissioner of administration for the implementation and operation of the state government resource recovery program under article II, section 12. The complement of the department of administration is increased by two positions. The positions shall be in the unclassified service. These funds are available until expended.

Sec. 4. [SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the purposes of the planning assistance program established by article V. One-half of this sum shall be reappropriated to the metropolitan council for solid waste management planning in the metropolitan area. Of the amount reappropriated to the metropolitan council, \$ shall be available to the council for administration and the preparation of plans and reports required of the council in article X, and the remainder shall be for assistance to counties required to prepare solid waste management plans under chapter 473 and article X. The appropriation is available until expended.

Sec. 5. [SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the waste management board for the demonstration program established by Article VI. The appropriation is available until expended.

Sec. 6. [RESOURCE RECOVERY FACILITY DEMONSTRATION PROGRAM.] For the fiscal year ending June 30, 1981, the sum of \$100,000,000 is appropriated from the Minnesota state solid waste management fund to the waste management board for the purposes of the resource recovery facility demonstration program established by article VI.

Sec. 7. [POLLUTION CONTROL AGENCY.] For the fiscal year ending June 30, 1981, the sum of \$ is appropriated from the general fund to the pollution control agency for the purpose of certifying and training operators and inspectors of solid waste facilities and providing technical and financial assistance to improve regulation, compliance, and enforcement.

ARTICLE XIII

Section 1. [REPEALER.] Minnesota Statutes 1978, Sections 116F.01; 116F.02; 116F.03; 116F.04; 116F.05; 400.03, Subdivisions 2, 3, 4, 5, 6, and 7; 473.121, Subdivisions 27, 28, 29, 31, 31a, 31b, and 31c; 473.823, Subdivisions 1, 2, and 4, and Laws 1978, Chapter 728, Section 7, are repealed."

Further, delete the title and insert:

"A bill for an act relating to waste management; establishing a waste management board and a legislative commission; establishing a state government resource recovery program; establishing solid waste planning assistance and demonstration programs; providing for the issuance of state waste management bonds; providing for the establishment of solid waste management districts; requiring hazardous waste management planning and development; establishing procedures for the review and approval of permits for waste facilities; authorizing debt; appropriating money; amending Minnesota Statutes 1978, Sections 116.06, Subdivisions 9, 10, 13, and by adding subdivisions; 116.07, Subdivisions 2, 4, 4a, and by adding subdivisions; 116.081, Subdivision 1; 116.101; 116.41; 400.03, Subdivision 1; 400.04; 400.06; 400.07; 400.13; 400.16; 400.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.801, subdivision 1; 473.802; 473.803; 473.811; 473.813; 473.823, subdivision 3, and by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.01 to 116F.05; 400.03, Subdivisions 2 to 7; 473.121, Subdivisions 27 to 31c; 473.823, Subdivisions 1, 2, and 4; and Laws 1978, Chapter 728, Section 7."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources.

The report was adopted.

Nelson from the Committee on Energy and Utilities to which was referred:

H. F. No. 2095, A bill for an act relating to energy; requiring the public service commission to develop rules for conservation expenditures by public utilities; and amending the certificate of need requirements for large energy facilities.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [216B.241] [ENERGY CONSERVATION IMPROVEMENTS.] Subdivision 1. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision shall have the meanings given them:

(a) "Commission" means the public service commission, department of public service;

(b) "Energy conservation improvement" means the purchase or installation of any device, method or material that increases the efficiency in the residential use of electricity or natural gas including, but not limited to:

- (1) insulation and ventilation;
- (2) storm or thermal doors or windows;
- (3) caulking and weatherstripping;
- (4) furnace efficiency modifications;
- (5) thermostat or lighting controls;
- (6) awnings; or

(7) systems to turn off or vary the delivery of energy. The term "energy conservation improvement" does not include any device or method which creates, converts or actively uses energy from renewable sources such as solar, wind and biomass.

(c) "Investments and expenses of a public utility" includes the investments and expenses incurred by a public utility in connection with an energy conservation improvement including, but not limited to:

(1) the differential in interest cost between the market rate and the rate charged on a no interest or below market interest loan made by a public utility to a customer for the purchase or installation of an energy conservation improvement;

(2) the difference between the utility's cost of purchase or installation of energy conservation improvements and any price charged by a public utility to a customer for such improvements.

(d) "Public utility" has the same meaning as given that term in section 216B.02, subdivision 4. For the purposes of this section, "public utility" shall not include cooperative electric associations that become subject to rate regulation after the effective date of this act.

Subd. 2. [PROGRAMS.] Prior to May 1, 1981, the commission, after consultation with the energy agency, shall adopt rules to allow investments and expenses of a public utility in energy conservation improvements. The commission shall order each public utility to make investments and expenditures in energy conservation improvements, explicitly setting forth the interest rates, prices, and terms under which the improvements shall be offered to the customers. The commission shall not order a utility to make any energy conservation improvement investment or expenditure unless it first finds that the improvement will result in energy savings at a total cost to the utility less than the cost to the utility to produce or purchase an equivalent amount of new supply of energy. Investments and expenditures made pursuant to such orders shall be treated for ratemaking purposes in the manner prescribed in section 2 of this act. No utility shall make an energy conservation improvement pursuant to this section to a residential building envelope unless it is the primary supplier of energy used for either space heating or cooling in the building.

Subd. 3. [OWNERSHIP OF RESIDENTIAL ENERGY CONSERVATION IMPROVEMENTS.] Any energy conservation improvement made to or installed in any residential building pursuant to this section shall be the exclusive property of the owner of said building except insofar as it is subjected to a security interest in favor of the utility in case of a loan to the building owner. The utility shall have no liability for loss, damage or injury caused directly or indirectly by any energy conservation improvement except for negligence by the utility in purchase, installation, or modification of the product.

Subd. 4. [FEDERAL LAW PROHIBITIONS.] If investments by public utilities in energy conservation improvements are in any manner prohibited or restricted by federal law and there is a provision under which such prohibition or restriction may be waived, then the commission, the governor, or any other necessary state agency or officer shall take all necessary and appropriate steps to secure such waiver with respect to those public utility investments in energy conservation improvements included in this section.

Sec. 2. Minnesota Statutes 1978, Section 216B.16, is amended by adding a subdivision to read:

Subd. 6b. All investments and expenses of a public utility incurred in connection with energy conservation improvements as defined in section 1, subdivision (1)(c) shall be recognized and included by the commission in the determination of just and reasonable rates as if the investments and expenses were directly made or incurred by the utility in furnishing utility service.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 3, is amended to read:

Subd. 3. No proposed large energy facility shall be certified for construction unless the applicant has justified its need. In assessing need, the director shall evaluate:

(1) The accuracy of the long range energy demand forecasts on which the necessity for the facility is based;

(2) The effect of existing or possible energy conservation programs under sections 116H.01 to 116H.15 or other federal or state legislation on long term energy demand;

(3) The relationship of the proposed facility to overall state energy needs, such as are described in the most recent state energy policy and conservation report prepared pursuant to section 116H.11;

(4) Promotional activities which may have given rise to the demand for this facility;

(5) Socially beneficial uses of the output of this facility including its uses to protect or enhance environmental quality;

(6) The effects of the facility in inducing future development;

(7) Possible alternatives for satisfying the energy demand including but not limited to potential for increased efficiency of existing energy generation facilities;

(8) The policies, rules and regulations of other state and federal agencies and local governments (.); and

(9) *Any feasible combination of energy conservation improvements, required by the public service commission pursuant to section 1, that can (1) replace part or all of the energy to be provided by the proposed facility, and (2) compete with it economically.*

Sec. 4. *This act is effective the day following final enactment."*

Delete the title and insert:

"A bill for an act relating to energy; requiring conservation investments and expenditures by public utilities; changing need certification requirements; amending Minnesota Statutes 1978, Section 216B.16, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Section 116H.13, Subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Swanson from the Committee on Health and Welfare to which was referred:

S. F. No. 888, A bill for an act relating to tuberculosis; closing the Glen Lake State Sanatorium; requiring the treatment of tuberculosis; allocating costs of tuberculosis treatment for persons in the welfare system; amending Minnesota Statutes 1978, Sections 144.422, Subdivisions 6 and 9; 144.424, Subdivisions 8 and 11; 144.425; 197.01; 246.014; 251.043, Subdivision 1; 251.053; and 256.01, Subdivision 2; repealing Minnesota Statutes 1978, Sections 246.014, Subdivision 8; 251.01; 251.011, Subdivisions 2 and 5; 251.02; 251.03; and 251.11.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 144.422, Subdivision 2, is amended to read:

Subd. 2. [REPORTS OF SUSPECTS.] Any health officer who has information that a patient does by his conduct or mode of living, endanger the health and well-being of his family or other persons, may make a report thereof to the county board of the county in which (SUCH) *the* patient resides or is found. The report shall state the name and address of the patient and a summary of the health officer's information. If upon the examination of (SAID) *the* report the county board shall have reasonable cause to believe that the patient is infected with tuberculosis in the infectious stage and does by his conduct or mode of living, endanger the health and well-being of his family or other persons it shall so find, and may by resolution direct that the patient be committed to the (TUBERCULOSIS SANATORIUM OR) public hospital designated in the resolution where (HE) *the patient* shall remain until discharged by the (SUPERINTENDENT OR) chief medical officer of the (INSTITUTION) *hospital*. A copy of (SAID) *the* resolution shall be served upon the patient in the manner of service of a summons in a civil action. If the patient refuses to enter (SUCH INSTITUTION) *the hospital*, a copy of (SAID) *the* resolution with (SUCH) *the* findings and with proof of the service aforesaid, certified to by the county auditor, shall be filed with the clerk of the district court of the county in which (SUCH) *the* proceedings were (HAD) *held*, and upon presentation thereof to a judge of (SAID) *the* court, (SUCH) *the* judge shall order the sheriff or other person to apprehend the patient and deliver him to the (SUPERINTENDANT OR) chief medical officer of the (INSTITUTION) *hospital* designated in the resolution.

Sec. 2. Minnesota Statutes 1978, Section 144.422, Subdivision 6, is amended to read:

Subd. 6. [FINDINGS, COMMITMENT.] If the patient (BE) is found to be afflicted with tuberculosis in the infectious stage and the court (SHALL FIND) *finds* that the patient does by (HIS) conduct or mode of living, endanger the health and well-being of his family or other persons, and finds and determines it to be for the best interests of the patient, his family or the public, the court shall issue to the sheriff a warrant, in duplicate, committing the patient to the custody of the (SUPERINTENDENT OF THE TUBERCULOSIS SANATORIUM OR) *chief medical officer of the public hospital* named in its findings and determination, where the patient shall remain until discharged therefrom by (SAID SUPERINTENDENT OR) *the chief medical officer* when his discharge will not endanger the health of any other person, or by the court upon petition of the patient. The court may, upon consent of the commissioner of public welfare, order the patient confined at (THE TUBERCULOSIS UNIT AT ANOKA STATE HOSPITAL OR AT SUCH OTHER TUBERCULOSIS UNIT AS) *a place* the commissioner may designate until (SUCH TIME AS) the commissioner determines (HE) *the patient* may be safely cared for at the (SANATORIUM OR) hospital named in the court's findings or may be discharged. The commissioner of public welfare may transfer (SUCH) *the patient* to (SUCH SANATORIUM OR) *the hospital*, and at any time prior to (HIS) *the patient's* discharge the commissioner, upon request of (THE SUPERINTENDENT OF SUCH SANATORIUM OR) the officer in charge of (SUCH) *the hospital*, may return the patient to (SUCH UNIT) *the place designated by the commissioner*.

Sec. 3. Minnesota Statutes 1978, Section 144.422, Subdivision 7, is amended to read:

Subd. 7. [HEALTH OFFICER MAY PETITION FOR COMMITMENT.] Any health officer who has the information referred to in subdivision 2, may (, IN THE FIRST INSTANCE,) file in the district court of the county in which the patient resides or is found, a petition for commitment of the patient to a (TUBERCULOSIS SANATORIUM OR) public hospital, setting forth the name and address of the patient and the reasons for the petition. Upon filing (SUCH), *the petition proceedings* shall be (HAD THEREON) *conducted* as provided for in subdivisions 5 and 6. In such cases reference in those subdivisions to "adverse party" shall be understood as referring to the patient, and reference to "appeal" as referring to the petition.

Sec. 4. Minnesota Statutes 1978, Section 144.422, Subdivision 9, is amended to read:

Subd. 9. [EXPENSES AND COST, PAYMENT.] The expense of the proceedings (HAD) under the provisions of subdivisions 1 to 7, and the cost of the care, treatment and maintenance furnished to (SUCH) *the committed person*, is a charge against the county of his residence. If (SUCH) *the person* resided in the state throughout the year preceding (HIS) commitment under

the provisions of (SAID) *those* subdivisions, exclusive of the time spent in a hospital (OR SANATORIUM), but did not reside continuously in any one county during (SAID) *that* time, then the cost of (HIS) *the person's* care, treatment and maintenance shall be paid by the county in which (HE LONGEST RESIDED) *the person resided longest* during the year preceding (HIS) commitment (HEREUNDER). If (SUCH) *the* person did not reside in the state throughout the year preceding (HIS) commitment, exclusive of the time spent in a hospital (OR SANATORIUM), then (HIS) *the person's* care, treatment and maintenance shall be provided (BY THE STATE OF MINNESOTA AT THE GLEN LAKE SANATORIUM OR IF COMMITTED BY THE DISTRICT COURT AT THE TUBERCULOSIS UNIT AT ANOKA STATE HOSPITAL, OR AT SUCH OTHER TUBERCULOSIS UNIT AS) *at a place* the commissioner may designate, and the county of commitment shall pay an amount not to exceed 20 percent of the cost of (SUCH) care. The county in which (SUCH) *the* person is present at the time of commitment shall conduct an investigation of (HIS) *the person's* residence and financial circumstances and shall submit (SUCH) information *from the investigation* to the commissioner of public welfare within one month of the date of commitment. (THE COMMISSIONER OF PUBLIC WELFARE SHALL PAY OUT OF AID TO COUNTY SANATORIA FUNDS, AID IN THE MAINTENANCE OF EACH COMMITTED PATIENT TREATED IN ANY PUBLIC SANATORIUM AT THE EXPENSE OF ANY COUNTY AND AID FOR SURGERY TO EFFECT TREATMENT OF TUBERCULOSIS OF A COMMITTED PATIENT WHO IS A NONRESIDENT OF THE COUNTY OR GROUP OF COUNTIES MAINTAINING THE SANATORIUM, THE AMOUNTS AUTHORIZED BY PROVISIONS OF SECTIONS 376.31 AND 376.33, AS AMENDED. ANY QUESTION ARISING BETWEEN COUNTIES AS TO THE PLACE OF RESIDENCE OF A COMMITTED PERSON SHALL BE DETERMINED IN ACCORD WITH THE PROVISIONS OF SECTION 376.18.)

Sec. 5. Minnesota Statutes 1978, Section 144.424, Subdivision 8, is amended to read:

Subd. 8. Any person entering any (PUBLIC SANATORIUM OR) hospital for tuberculous care and treatment under the provisions of any law of this state, shall observe all regulations of the (SANATORIUM OR) hospital. When any person fails to obey (SUCH) *the* regulations, (HE) *that person* may be placed and confined in quarters apart from the other patients. Any person admitted upon application (TO THE STATE SANATORIUM OR) to any (COUNTY SANATORIUM OR) hospital (UNDER THE PROVISIONS OF MINNESOTA STATUTES 1949, SECTION 251.02 OR SECTIONS 376.33 AND 376.34,) who is afflicted with tuberculosis in the infectious stage and who repeatedly violates (SUCH) regulations or attempts or threatens to leave the (INSTITUTION) *hospital* without the consent of

the (SUPERINTENDENT OR) chief medical officer (THEREOF), may be restrained by reasonable force, if necessary, and (THEREUPON, SAID) *the* (SUPERINTENDENT OR) chief medical officer may institute proceedings to commit (SUCH) *the* person as a public health menace under the provisions of section 144.422, subdivisions 1 to 7. In such cases the (SAID SUPERINTENDENT AND THE SAID) chief medical officer shall have all the powers of sections 144.422, 144.424 and 144.425 vested in health officers.

Sec. 6. Minnesota Statutes 1978, Section 144.424, Subdivision 9, is amended to read:

Subd. 9. Any person who is confined to any sanatorium or hospital for tuberculous care and treatment, whether committed under the provisions of section 144.422, subdivisions 1 to 7, or entering the same voluntarily, and who is refused discharge upon written demand (THEREFOR) to (SUPERINTENDENT OR) *the* chief medical officer (THEREOF), may petition the district court of the county in which (SUCH INSTITUTION) *the* hospital is located for an order directing his release, and if it (SHALL APPEAR) *appears* to the court after a trial on the merits that (SAID) *the* patient is not afflicted with tuberculosis in the infectious stage and has progressed in the cure of the disease (WITH WHICH HE IS AFFLICTED) to a point (WHERE IF HE IS RELEASED HE) *when his release* will not endanger the health and well-being of his family or other persons, the court may direct (HIS) release. Such petition shall not be renewed oftener than once every six months.

Sec. 7. Minnesota Statutes 1978, Section 144.424, Subdivision 11, is amended to read:

Subd. 11. If any person committed under the provisions of section 144.422, subdivisions 1 to 7, wilfully violates any regulation adopted pursuant to subdivision 10 of this section, or leaves a (SANATORIUM OR) hospital without consent of the (SUPERINTENDENT OR) officer in charge (THEREOF), (THE SUPERINTENDENT OF THE SANITORIUM OR) the chief medical officer of the hospital may file an affidavit with the committing court setting forth (SUCH) *these* facts. Upon such notice and hearing as the court may order and upon consent of the commissioner of public welfare, the court may amend its commitment and order (SUCH) *the* person to be confined in (THE TUBERCULOSIS UNIT AT ANOKA STATE HOSPITAL OR AT SUCH OTHER TUBERCULOSIS UNIT AS) *a place* the commissioner (MAY DESIGNATE, AS PROVIDED BY SECTION 144.422, SUBDIVISION 6) *designates*.

Sec. 8. Minnesota Statutes 1978, Section 144.425, is amended to read:

144.425 [PATIENTS; FACILITIES, TRANSFER.] (THE COMMISSIONER OF PUBLIC WELFARE IS HEREBY AU-

THORIZED AND DIRECTED TO PROVIDE ADEQUATE FACILITIES AT ONE OF THE STATE INSTITUTIONS UNDER HIS CONTROL WHERE PROPER CARE CAN BE PROVIDED AND WHERE PROPER PRECAUTIONS CAN BE TAKEN TO DETAIN AND SAFELY KEEP ANY PERSON COMMITTED THERETO UNDER THE PROVISIONS OF SECTIONS 144.422 OR 144.424. WHEN IT IS DEEMED NECESSARY OR DESIRABLE, ANY SUCH PERSON MAY BE TRANSFERRED FROM ANOTHER INSTITUTION TO THE INSTITUTION PROVIDING SUCH FACILITIES WITH THE APPROVAL OF THE COMMISSIONER OF PUBLIC WELFARE. THE COMMISSIONER OF PUBLIC WELFARE SHALL ESTABLISH THE RATES TO BE CHARGED FOR CARE AND TREATMENT AT SUCH FACILITIES. WHERE THE PATIENT IS COMMITTED OR TRANSFERRED TO SUCH FACILITY FROM THE STATE SANATORIUM OR A COUNTY SANATORIUM, THE COST OF HIS TRANSPORTATION TO AND FROM THE FACILITY AND HIS CARE AND TREATMENT THEREIN SHALL BE PAID AS PROVIDED IN SECTION 144.422, SUBDIVISION 9, PROVIDED SUCH COSTS MAY BE PAID FROM THE COUNTY SANATORIUM FUND OF THE COUNTY OF HIS RESIDENCE.)

The commissioner of public welfare shall arrange appropriate medical care for any patient who contracts tuberculosis at a state-operated hospital or nursing home. The cost of the care including transportation costs shall be paid from appropriations to the commissioner for state-operated hospitals and nursing homes.

(WHERE IT IS DEEMED NECESSARY OR DESIRABLE, THE COMMISSIONER OF CORRECTIONS, WITH THE CONSENT OF THE COMMISSIONER OF PUBLIC WELFARE, MAY AUTHORIZE THE TRANSFER OF ANY INMATE AFFLICTED WITH TUBERCULOSIS FROM ANY OF THE STATE PENAL INSTITUTIONS UNDER HIS CONTROL AND MANAGEMENT TO SAID TUBERCULOSIS DETENTION FACILITY TO BE HELD UNTIL HIS DISEASE IS ARRESTED OR HIS SENTENCE EXPIRES WHEREUPON HE SHALL BE RETURNED TO THE INSTITUTION FROM WHICH HE CAME UNLESS HIS SENTENCE TO SUCH INSTITUTION SHALL HAVE EXPIRED. THE STATE HOSPITAL RECEIVING SUCH PATIENTS FROM THE STATE PENAL INSTITUTIONS SHALL MAKE NO CHARGE FOR SUCH CARE.)

Sec. 9. Minnesota Statutes 1978, Section 144.45, is amended to read:

144.45 [TUBERCULOSIS IN SCHOOLS; CERTIFICATE.] No (TEACHER, PUPIL, OR EMPLOYEE ABOUT A SCHOOL BUILDING WHO IS AFFLICTED) *person with active tuberculosis shall remain in or (ABOUT SUCH) near a school building unless (HE) the person has a certificate issued by (THE*

LOCAL BOARD OF HEALTH) *a physician stating that (HE DOES NOT ENDANGER THE HEALTH OF OTHER PERSONS BY HIS) the person's presence in (SUCH) a school building will not endanger the health of other people.*

Sec. 10. Minnesota Statutes 1978, Section 144.471, is amended to read:

144.471 [LOCAL BOARD OF HEALTH; DUTIES.] When any person having tuberculosis is not attended by any physician or when the physician attending any such person fails to perform any duty required of him by any provision of sections (144.42 AND) 144.424 to 144.47, the duties required to be so performed by any such physician shall be performed by the local board of health.

Sec. 11. Minnesota Statutes 1978, Section 144.49, Subdivision 5, is amended to read:

Subd. 5. Any person violating any of the provisions of sections (144.42 AND) 144.424 to 144.47 is guilty of a misdemeanor.

Sec. 12. Minnesota Statutes 1978, Section 144.49, Subdivision 8, is amended to read:

Subd. 8. Any person lawfully engaged in the practice of healing who wilfully makes any false statement in any report required to be made by him pursuant to sections (144.42 AND) 144.424 to 144.47 (OR WHO CERTIFIES FALSELY AS TO ANY PRECAUTIONS TAKEN OR INSTRUCTIONS GIVEN TO SAFEGUARD THE HEALTH AND WELL BEING OF ANY PERSON PURSUANT TO SECTION 144.427) is guilty of a misdemeanor.

Sec. 13. Minnesota Statutes 1978, Section 197.01, is amended to read:

197.01 [FUNDS COLLECTED FROM UNITED STATES.] The commissioner of veterans affairs, the board, (SUPERINTENDENT,) commission, or other administrative body in charge of any state (INSANE) hospital, (MINNESOTA STATE SANATORIUM,) the University of Minnesota hospitals, or any state institution or in charge of any county hospital (OR SANATORIUM FOR CONSUMPTIVES), whether maintained by one county or by a group of counties in which any persons suffering from disability incurred in or connected with service in the military or naval forces of the United States in the world war are inmates or domiciled, for whose care and maintenance provision is made by the United States government, (ARE HEREBY AUTHORIZED AND DIRECTED TO) *shall* collect from the United States veterans' bureau or other agency

of the United States government authorized to pay for the care and support of (SUCH) *these* persons, the maximum amount allowed and that can be collected for the care, maintenance, and treatment of any and all (SUCH) *these* ex-service persons.

Sec. 14. Minnesota Statutes 1978, Section 241.07, is amended to read:

241.07 [TRANSFER OF INMATES TO OTHER STATE INSTITUTIONS.] The commissioner of corrections may transfer an inmate of the state prison, state reformatory for men, or Minnesota correctional institution for women to a state institution for the mentally ill (,) *or the* mentally retarded or epileptic (OR TO THE STATE SANATORIUM) for diagnosis, treatment, or care which is not available at the prison or at a reformatory and shall cause a proper record (THEREOF) to be made at the institutions to which a transfer has been made and at his office. No (SUCH) transfer shall be made by the commissioner of corrections without the approval of the commissioner of public welfare. An inmate of the prison or reformatory so transferred shall be returned to the prison or reformatory by order of the commissioner of corrections upon conclusion of treatment, or, if the inmate becomes eligible for release from custody pursuant to the terms of (HIS) *the* sentence prior to conclusion of treatment, (HE) *the inmate* shall be released unless prior to (SUCH) *this* time, *he the inmate* shall have been committed to (SUCH) *a* medical institution by competent authority as provided by law. The superintendent of any state hospital for the mentally ill or institution for the mentally retarded or epileptic shall at once notify the commissioner of corrections if there is any question as to the propriety of the commitment or detention of any person admitted to (SUCH) *an* institution and the commissioner shall immediately take action thereon.

Sec. 15. Minnesota Statutes 1978, Section 241.15, is amended to read:

241.15 [SCOPE OF PHYSICAL EXAMINATION.] (SUCH) *The* physical examination shall include (AN X-RAY EXAMINATION OF THE LUNGS AND SUCH) *a standard intradermal tuberculin test, a chest X-ray when the test is positive, and any additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in regulations of the state commissioner of health in cooperation with the department of corrections. (SUCH) The* examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by the department of corrections in cooperation with the state commissioner of health showing the presence or absence of tuberculosis infection and disease based upon (SUCH) *the* examination.

Sec. 16. Minnesota Statutes 1978, Section 246.014, is amended to read:

246.014 [SERVICES.] The measure of services established and prescribed by section 246.012, are:

(1) There shall be served in state hospitals a single standard of food for patients and employees alike, which is nutritious and palatable together with special diets as prescribed by the medical staff thereof. There shall be a chief dietitian in the department of public welfare and at least one dietitian at each state hospital. There shall be adequate staff and equipment for processing, preparation, distribution and serving of food.

(2) There shall be a staff of persons, professional and lay, sufficient in number, trained in the diagnosis, care and treatment of the mentally ill, physical illness, and including religious and spiritual counsel through qualified chaplains (who shall be in the unclassified service) adequate to take advantage of and put into practice modern methods of psychiatry, medicine and related field.

(3) There shall be a staff and facilities to provide occupational and recreational therapy, entertainment and other creative activities as are consistent with modern methods of treatment and well being.

(4) There shall be in each state hospital for the care and treatment of the mentally ill facilities for the segregation and treatment of patients who have communicable disease.

(5) The commissioner of public welfare shall provide modern and adequate psychiatric social case work service.

(6) The commissioner of public welfare shall make every effort to improve the accommodations for patients so that the same shall be comfortable and attractive with adequate furnishings, clothing, and supplies.

(7) The commissioner of public welfare shall establish training programs for the training of personnel and may require the participation of personnel in such programs. Within the limits of the appropriations available he may establish professional training programs in the forms of educational stipends for positions for which there is a scarcity of applicants.

((8) THERE SHALL BE A SEPARATE HOSPITAL FOR THE DIAGNOSIS, CARE AND TREATMENT OF THE MENTALLY ILL WHO HAVE TUBERCULOSIS WHICH SHALL CONFORM TO THE STANDARDS ESTABLISHED FOR THE DIAGNOSIS, CARE AND TREATMENT OF PHYSICAL DISEASE. PENDING CONSTRUCTION OF SUCH SEPA-

RATE HOSPITAL, ONE OF THE PRESENT STATE HOSPITALS, OR SO MUCH THEREOF AS MAY BE NECESSARY, SHALL BE SET APART FOR THE DIAGNOSIS, CARE AND TREATMENT OF THE MENTALLY ILL WHO HAVE TUBERCULOSIS AND SHALL BE STAFFED AND EQUIPPED TO MEET THE ACCEPTED REQUIREMENTS OF MODERN MEDICINE FOR THE CARE AND TREATMENT OF PERSONS AFFLICTED WITH TUBERCULOSIS.)

((9)) (8) The standards herein established shall be adapted and applied to the diagnosis, care and treatment of inebriate persons and mentally deficient persons who come within those terms as defined in the laws relating to the hospitalization and commitment of such persons, and of persons who are psychopathic personalities within the definition thereof in Minnesota Statutes 1945, Section 526.09.

((10)) (9) The commissioner of public welfare shall establish a program of detection, diagnosis and treatment of mentally or nervously ill persons and persons described in paragraph ((9)) (8), and within the limits of appropriations may establish clinics and staff the same with persons specially trained in psychiatry and related fields.

((11)) (10) The commissioner of personnel and the personnel board may reclassify employees of the mental institutions from time to time, and assign classifications to such salary brackets as will adequately compensate personnel and reasonably assure a continuity of adequate staff.

((12)) (11) In addition to the chaplaincy services, provided in (2), the commissioner of public welfare shall open said institutions to ministers of the Gospel to the end that religious and spiritual counsel and services are made available to the patients therein, and shall cooperate with all ministers of the Gospel in making said patients available for religious and spiritual counsel, and shall provide such ministers of the Gospel with meals and accommodations.

((13)) (12) Within the limits of the appropriations therefor, the commissioner of public welfare shall establish and provide facilities and equipment for research and study in the field of modern hospital management, the causes of mental and related illness and the treatment, diagnosis and care of the mentally ill and funds provided therefor may be used to make available services, abilities and advice of leaders in these and related field, and may provide them with meals and accommodations and compensate them for traveling expenses and services.

Sec. 17. Minnesota Statutes 1978, Section 246.28, is amended to read:

246.28 [DIAGNOSTIC TESTS AND X-RAY EXAMINATIONS; REPORT.] (SUCH) *The physical examination shall include (AN X-RAY EXAMINATION OF THE LUNGS) a standard intradermal tuberculin test, a chest X-ray when the test is positive* and (SUCH) additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in regulations of the state commissioner of health in cooperation with the commissioner of public welfare. (SUCH) *The examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by the department of public welfare in cooperation with the state commissioner of health showing the presence or absence of tuberculosis infection and disease based upon (SUCH) the examination.*

Sec. 18. Minnesota Statutes 1978, Section 251.043, Subdivision 1, is amended to read:

251.043 [FINDINGS, PAYMENT OF MEDICAL CARE AND COMPENSATION.] Subdivision 1. If upon the evidence mentioned in the preceding section, the workers' compensation division finds that (SUCH) *an employee is suffering from tuberculosis contracted in the institution or department by contact with inmates or patients therein or by contact with tuberculosis contaminated material therein, it shall order the (SUPERINTENDENT OF SUCH INSTITUTION OR HEAD OF SUCH DEPARTMENT TO APPLY FOR THE ADMISSION OF THE) employee to (THE MINNESOTA STATE SANATORIUM OR ANY COUNTY TUBERCULOSIS SANATORIUM) seek the services of a physician or medical care facility.* There shall be paid to the (INSTITUTION) *physician or facility* where (SUCH) *the employee may be received, the same fee for the maintenance and care of (SUCH) the person as is received by (SUCH) the institution for the maintenance and care of a non-resident patient. If the employee worked in a state (TUBERCULOSIS SANATORIUM OR IN A COUNTY TUBERCULOSIS SANATORIUM) hospital or nursing home, payment for (SUCH) the care shall be made by the (DEPARTMENT OF SOCIAL SECURITY OUT OF FUNDS HERETOFORE OR HEREAFTER APPROPRIATED FOR AID TO OR MAINTENANCE OF COUNTY TUBERCULOSIS SANATORIA) commissioner of public welfare. If employed in any other institution or department (SUCH) the payment shall be made from funds allocated or appropriated for the operation of (SUCH) the institution or department (, OR IN SUCH OTHER MANNER AS THE APPROPRIATE COUNTY BOARD OR CITY OR OTHER GOVERNING BODY MAY DETERMINE).* (SUCH EMPLOYEE SHALL RECEIVE FULL HOSPITAL CARE AND MEDICAL CARE, WITHOUT COST, FOR THE DURATION OF HIS ILLNESS, OR ANY RECURRENCE THEREOF OR ANY DISABILITY RESULTING THEREFROM. THE WORKERS' COMPENSATION DIVISION SHALL ORDER PAYMENT TO SUCH EMPLOYEE OF TWO-

THIRDS OF HIS SALARY DURING THE PERIOD OF DISABILITY AND UNTIL THE EMPLOYEE IS ABLE TO RESUME HIS PREVIOUS POSITION OR UNTIL THE MEDICAL BOARD OF THE INSTITUTION WHERE THE EMPLOYEE IS OR HAS BEEN HOSPITALIZED SHALL CERTIFY THAT SUCH EMPLOYEE IS ABLE TO PURSUE, WITHOUT INJURY, SOME OTHER NORMAL WORK OR OCCUPATION. IF SUCH EMPLOYEE DIES LEAVING DEPENDENTS, AS DEFINED BY THE WORKERS' COMPENSATION LAW OF THE STATE, THERE SHALL BE PAID TO SUCH DEPENDENTS THE SUM OF \$7,500, IF TUBERCULOSIS WAS THE AUTHENTIC CAUSE OF DEATH. SUCH COMPENSATION FOR DEATH SHALL BE PAID TO SUCH DEPENDENTS IN INSTALLMENTS OF TWO-THIRDS OF THE EMPLOYEE'S WAGE AT INTERVALS WHEN THE WAGE WAS PAYABLE, AS NEARLY AS MAY BE. THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY SHALL CERTIFY AND SUPERVISE THE PAYMENT OF SUCH COMPENSATION.) *If the employee dies from the effects of the disease of tuberculosis and if the tuberculosis was the primary infection and the authentic cause of death, the workers' compensation division shall order payment to dependents as provided for under the general provisions of the workers' compensation law.*

Sec. 19. Minnesota Statutes 1978, Section 251.053, is amended to read:

251.053 [OFFICERS ADMITTED TO HOSPITAL; PAYMENTS.] If upon the evidence mentioned in section 251.052, the workers' compensation division finds that (SUCH) a police officer is suffering from tuberculosis contracted by contact with persons suffering from tuberculosis while (SAID) the police officer was working within the scope of (HIS) the officer's employment, it shall (ORDER THE HEAD OF THE POLICE DEPARTMENT IN WHICH SAID POLICE OFFICER IS ENGAGED, TO APPLY FOR THE ADMISSION OF THE SAID) require the police officer to (THE MINNESOTA STATE SANATORIUM OR SOME COUNTY TUBERCULOSIS SANATORIUM) seek the services of a physician or a medical care facility. There shall be paid to the (INSTITUTION) physician or facility where (SUCH) the employee may be received the same fee for the maintenance and care of (SUCH PERSONS) the employee as is received by (SUCH INSTITUTION) the facility for the maintenance and care of a nonresident patient, and (SUCH) the fees shall be paid by the state, county or city in whose employment the (SAID) police officer was hired and working at the time (SAID) the police officer contracted the tuberculosis. (SUCH) The police officer shall receive full hospital care and medical care without cost for the duration of the infection of tuberculosis or any recurrence thereof or any disability resulting therefrom. Further, the workers' compensation division shall order payment to (SUCH) the police officer by the state, county or city concerned, of the compen-

sation provided for under the general provisions of the workers' compensation law, including benefits to dependents as defined by the workers' compensation law, if (SAID) *the* police officer dies from the effects of the disease of tuberculosis and if the tuberculosis was the primary infection and the authentic cause of death.

Sec. 20. Minnesota Statutes 1978, Section 251.15, Subdivision 1, is amended to read:

251.15 [HOSPITAL EMPLOYEE CONTRACTING TUBERCULOSIS.] Subdivision 1. [STUDENT NURSE, MEDICAL STUDENT, OR PHYSICIAN IN TRAINING CONTRACTING TUBERCULOSIS TO HAVE CARE AT EXPENSE OF COUNTY.] Any student nurse, medical student, or (MEDICAL INTERNE) *physician in training*, who contracts tuberculosis as a result of direct contact with tuberculosis patients during the course of his or her training, or internship in a public tax supported hospital in this state, may be given care and treatment in a public tax supported (TUBERCULOSIS SANATORIUM) *hospital* operated and controlled by the (SANATORIUM COMMISSION OF THE DISTRICT) *county* in which (SUCH) *the* public tax supported hospital is located, and at the expense of the county in which (SUCH) *the* public hospital is located.

Sec. 21. Minnesota Statutes 1978, Section 256.01, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of section 241.021, subdivision 2, the commissioner of public welfare shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as may from time to time be vested in the commissioner.

(2) Administer and supervise all child welfare activities; promote the enforcement of laws protecting defective, illegitimate, dependent, neglected and delinquent children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(3) Administer and supervise all non-institutional service to handicapped persons, including the blind, the deaf, the tuberculous, the crippled, and otherwise handicapped persons. The authority and power conferred by this subdivision shall include the authority and power to provide and contract for the care and treatment of qualified indigent children in facilities other

than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(4) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, Chapter 431.

(5) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, Chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, Chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(6) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(7) Administer and supervise any additional welfare activities and services as may, from time to time, hereafter be vested by law in the state department.

(8) The commissioner is hereby specifically constituted as guardian of both the estate and the person of all the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as (FEEBLEMINDED) *mentally retarded* or epileptic. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said commissioner, and said commissioner is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.

((9) ALL THE POWERS AND DUTIES VESTED IN OR IMPOSED UPON THE DIRECTOR OF PUBLIC INSTITUTIONS WITH REFERENCE TO THE MINNESOTA STATE SANATORIUM ARE HEREBY TRANSFERRED TO, VESTED IN, AND IMPOSED UPON THE COMMISSIONER OF PUBLIC WELFARE. THE COMMISSIONER OF PUBLIC WELFARE SHALL APPOINT THE SUPERINTENDENT OF THE MINNESOTA STATE SANATORIUM,

BUT SHALL NOT HAVE THE POWER TO FIX HIS SALARY.)

((10)) (9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

((11)) (10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

((12)) (11) Establish county, regional, or state-wide schedules of maximum fees and charges which may be paid by local agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

((13)) (12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of public welfare is authorized to waive the enforcement of existing specific statutory program requirements, regulations, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed two years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The proposed comprehensive plan including estimated project costs and the proposed order establishing the waiver shall be filed with the Secretary of the Senate and Chief Clerk of the House of Representatives at least 60 days prior to its effective date.

(b) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to state-wide uniformity.

(c) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

((14)) (13) In accordance with federal requirements establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

((15)) (14) Promulgate, by rule, standards of administration to be applied by local welfare boards administering state and county financed programs of medical assistance pursuant performance shall be deducted from administrative reimbursement otherwise due the county.

((16) DEVELOP A PLAN AND REPORT TO THE LEGISLATURE DURING ITS 1976 SESSION ON METHODS BY WHICH THE PAYMENT AND ADMINISTRATION OF ALL INCOME MAINTENANCE PROGRAMS COULD BE ASSUMED BY THE STATE DEPARTMENT OF PUBLIC WELFARE.)

Sec. 22. *Minnesota Statutes 1978, Section 144.42; 144.421; 144.424, Subdivision 10; 144.427; 144.428; 144.429; 144.43; 144.46; 144.47; 144.50, Subdivision 4; 145.13; 145.24, Subdivision 4; 246.014, Subdivision 8; 251.01; 251.011, Subdivisions 2 and 5; 251.02; 251.03; 251.08; 251.09; 251.10; 251.11; 251.12; 251.13; 251.14; 251.16; 376.18; 376.19; 376.20; 376.21; 376.22; 376.231; 376.24; 376.25; 376.26; 376.28; 376.29; 376.30 376.31; 376.32; 376.33; 376.34; 376.35; 376.37; 376.38; 376.39; 376.40; 376.41; 376.42; 376.423; 376.424; 376.44; 376.49; 376.50; 376.52; 376.523; and 376.54 are repealed."*

Further amend the title as follows:

Page 1, line 2, after the semicolon insert "eliminating certain obsolete language from tuberculosis statutes; requiring detection and treatment of tuberculosis under certain circumstances;"

Page 1, line 7, delete "6 and 9" and insert "2, 6, 7 and 9"

Page 1, line 8, after "8" insert ", 9"

Page 1, line 8, after "144.425;" insert "144.45; 144.471; 144.49, Subdivisions 5 and 8;"

Page 1, line 8, after "197.01;" insert "241.07; 241.15;" and after "246.014;" insert "246.28;"

Page 1, line 9, after "251.053;" insert "251.15, Subdivision 1;"

Page 1, line 11, after "Sections" insert "144.42; 144.421; 144.424, Subdivision 10; 144.427; 144.428; 144.429; 144.43; 144.46; 144.47; 144.50, Subdivision 4; 145.13; 145.24, Subdivision 4;"

Page 1, line 12, after "251.03;" insert "251.08; 251.09; 251.10;"

Page 1, line 12, delete "and" and before the period insert "; 251.12; 251.13; 251.14; 251.16; and 376.18 to 376.54"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Moe from the Committee on Governmental Operations to which was referred:

S. F. No. 1644, A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; amending Minnesota Statutes 1978, Section 117.042.

Reported the same back with the following amendments:

Page 2, after line 18, insert:

"Sec. 2. Minnesota Statutes 1978, Section 84.033, is amended to read:

84.033 [SCIENTIFIC AND NATURAL AREAS.] The commissioner of natural resources may acquire by gift, lease, easement, or purchase, in the manner prescribed under chapter 117, in the name of the state, lands or any interest in lands suitable and desirable for establishing and maintaining scientific and natural areas. The commissioner shall designate any land so acquired as a scientific and natural area and shall administer any land so acquired and designated as provided by section 86A.05. *The commissioner shall obtain approval from the executive council before instituting condemnation proceedings under this section.*

Sec. 3. Minnesota Statutes 1978, Section 84.154, Subdivision 3, is amended to read:

Subd. 3. [POWERS OF COMMISSIONER.] The commissioner of natural resources may use for any project herein authorized any land of the state under his jurisdiction or control so far as is not inconsistent with the laws governing the same, may acquire by purchase (,) or gift (, OR CONDEMNATION) any additional lands or interests in lands required for such projects, including lands or interests in adjacent states if authorized by the laws thereof, may accept gifts or grants of money or property from the United States or any other source for such projects, may use and apply any money or property so received in accordance with the terms of the gift or grant so far as is not inconsistent with the provisions of this act or other laws, may

act in behalf of the state as sponsor for any such project undertaken or authorized by the United States, may make any sponsor's contributions required for any such project out of moneys appropriated by Laws 1943, Chapter 476, or otherwise made available therefor, and may cooperate with the United States or any adjacent state or any authorized agency of either in constructing, maintaining and operating any such project upon such terms and conditions as he may deem proper not inconsistent with the laws of this state.

Sec. 4. Minnesota Statutes 1978, Section 84A.10, is amended to read:

84A.10 [EMINENT DOMAIN.] The department (IS HEREBY AUTHORIZED AND EMPOWERED TO) *may* acquire (, BY EXERCISE OF THE RIGHT OF EMINENT DOMAIN, WHICH RIGHT IS HEREBY GIVEN IT, TO BE EXERCISED IN THE MANNER PROVIDED IN CHAPTER 117, OR) by *gift or purchase* (,) any lands or interests in lands in this preserve and hunting ground which the department shall deem necessary for state ownership, use, or development for the purposes of sections 84A.01 to 84A.11. No moneys shall be used for the purposes specified in this section until and unless the department shall have determined that such moneys will not be required to meet the requisitions of the counties authorized under section 84A.04, or for payment of certificates of indebtedness and interest thereon.

Sec. 5. Minnesota Statutes 1978, Section 84A.39, is amended to read:

84A.39 [DEPARTMENT SHALL HAVE RIGHT OF EMINENT DOMAIN.] The department (IS HEREBY AUTHORIZED AND EMPOWERED TO) *may* acquire (BY EXERCISE OF THE RIGHT OF EMINENT DOMAIN, WHICH RIGHT IS HEREBY GIVEN IT, TO BE EXERCISED IN THE MANNER PROVIDED IN CHAPTER 117, OR) by *gift or purchase* (,) any privately-owned lands or interests in lands within the boundaries of any such project which it shall deem necessary for state ownership, use, or development for the purposes of sections 84A.31 to 84A.42; provided, that no moneys shall be used for the purposes specified in this section until and unless the department and the commissioner of finance shall have determined that such moneys will not be required to meet the requisitions of the counties authorized under section 84A.33 or for the payment of certificates of indebtedness and interest thereon herein provided for.

Sec. 6. Minnesota Statutes 1978, Section 84A.55, Subdivision 13, is amended to read:

Subd. 13. The commissioner may acquire by *gift or purchase* (OR CONDEMNATION) any land or interest therein or any

public work or project or right therein which may be necessary for any purpose herein authorized.

Sec. 7. Minnesota Statutes 1978, Section 85.015, Subdivision 12, is amended to read:

Subd. 12. Heartland Trail, Hubbard and Cass counties.

(a) The trail shall originate at mile post 90.92 at Park Rapids in Hubbard county and shall extend in an easterly direction along the Burlington Northern Railroad right-of-way to the south line of Oak Avenue in Walker in Cass county. The trail shall then continue from the section line between sections 9 and 16, Township 142 North, Range 31 West, in a northerly direction along the Burlington Northern Railroad right-of-way to mile post 137.78, approximately 2 miles south of Cass Lake in Cass county, and there terminate.

(b) The trail shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Heartland Trail may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the (GOVERNOR) *executive council*. The (GOVERNOR) *executive council* shall consult with the legislative advisory commission before granting (HIS) approval. Recommendations of the legislative advisory commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 8. Minnesota Statutes 1978, Section 85.015, Subdivision 13, is amended to read:

Subd. 13. Arrowhead Region Trails, in Cook, Lake, St. Louis, Koochiching and Itasca counties.

(a) (1) The Taconite Trail shall originate at Ely in St. Louis county and extend southwesterly to Tower in St. Louis county, thence westerly to McCarthy Beach state park in St. Louis county, thence southerly crossing state trunk highway number 169 at O'Brien creek between Keewatin and Nashwauk in Itasca county, thence southwesterly to Blackberry in Itasca county and there terminate;

(2) The Northshore Trail shall originate in Duluth in St. Louis county and extend northeasterly to Two Harbors in Lake county, thence northeasterly to Grand Marais in Cook county, thence northeasterly to the international boundary in the vicinity of the north shore of Lake Superior, and there terminate;

(3) The Grand Marais to International Falls Trail shall originate in Grand Marais in Cook county and extend northwesterly, outside of the Boundary Waters Canoe Area, to Ely in St. Louis county, thence southwesterly along the route of the Tacomite Trail to Tower in St. Louis county, thence northwesterly through the Pelican Lake area in St. Louis county to International Falls in Koochiching county, and there terminate.

(b) The trails shall be developed primarily for riding and hiking.

(c) In addition to the authority granted in subdivision 1, lands and interests in lands for the Arrowhead Region Trails may be acquired by eminent domain. Before acquiring any land or interest in land by eminent domain the commissioner of administration shall obtain the approval of the (GOVERNOR) *executive council*. The (GOVERNOR) *executive council* shall consult with the legislative advisory commission before granting (HIS) approval. Recommendations of the legislative advisory commission shall be advisory only. Failure or refusal of the commission to make a recommendation shall be deemed a negative recommendation.

Sec. 9. Minnesota Statutes 1978, Section 88.09, Subdivision 2, is amended to read:

Subd. 2. [PURCHASE, LEASE, OR CONDEMNATION.] The commissioner may on behalf of the state, where no suitable state lands are available, purchase, lease (OR), acquire easements on or *acquire by condemnation* small tracts or parcels of lands, not exceeding 40 acres in area, or costing more than \$1500 for any single tract, to be used as locations for fire lookout towers, warehouses, or other buildings of any kind, or as locations for fire-breaks, or for any other use which he may deem suitable; also acquire by condemnation any tract of land, not exceeding 40 acres, for these purposes; also acquire, by gift, purchase, or condemnation, any easement or right of way that may be necessary to provide access to any tract of land so acquired. *The commissioner shall obtain approval from the executive council before instituting condemnation proceedings under this section.*

Sec. 10. Minnesota Statutes 1978, Section 89.032, Subdivision 1, is amended to read:

89.032 [ACQUISITION OF LAND.] Subdivision 1. The commissioner may acquire (ADMINISTRATIVE SITES OR) rights of way by eminent domain, in the manner provided by law, or by purchase any lands or interest in lands in the state forests as created by law, which he shall deem necessary for state use, and development. *The commissioner shall obtain approval from the executive council before instituting condemnation proceedings under this section.*

Sec. 11. Minnesota Statutes 1978, Section 105.39, Subdivision 4, is amended to read:

Subd. 4. [POWER TO ACQUIRE PROPERTY; EMINENT DOMAIN.] The commissioner shall have the power to acquire title to any private property for any authorized purpose by purchase or by the exercise of the right of eminent domain; and the use of such property in the furtherance of lawful projects under sections 105.37 to 105.55 is hereby declared to be a public purpose. On request by the commissioner, the attorney general shall proceed to acquire the necessary title to private property for such use under the provisions of Minnesota Statutes 1945, Chapter 117. *The commissioner shall obtain approval from the executive council before instituting condemnation proceedings under this section.*

Sec. 12. Minnesota Statutes 1978, Section 463.03, is amended to read:

463.03 [ALONG PARKS AND PARKWAYS.] Any *elect-*ed board of park commissioners having control of any park or parkway may in like manner acquire building line easements along the same, or any portion thereof.

Sec. 13. [REPEALER.] *Minnesota Statutes 1978, Sections 38.05; 117.31; 123.40, Subdivision 6; 161.29; 222.42; 308.39; and 643.06 are repealed."*

Renumber the remaining section

Page 2, line 19, delete "This act" and insert "Section 1"

Further, amend the title as follows:

Delete the title in its entirety and insert:

"A bill for an act relating to eminent domain; providing for the taking of possession and title by the petitioner under certain circumstances; providing that certain payments deposited with the court shall be paid out under direction of the court; limiting the authority to acquire certain property by condemnation; repealing certain obsolete provisions of law authorizing acquisition by condemnation; amending Minnesota Statutes 1978, Sections 84.033; 84.154, Subdivision 3; 84A.10; 84A.39; 84A.55, Subdivision 13; 85.015, Subdivisions 12 and 13; 88.09, Subdivision 2; 89.032, Subdivision 1; 105.39, Subdivision 4; 117.042; and 463.03; repealing Minnesota Statutes 1978, Sections 38.05; 117.31; 123.40, Subdivision 6; 161.29; 222.42; 308.39; and 643.06."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 429, 593, 1435, 1451, 1653, 1675, 1680, 1700, 1764, 1799, 1814, 1858 and 2095 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 888 and 1644 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Kvam, Begich, Fritz, Luknic and Murphy introduced:

H. F. No. 2219, A bill for an act relating to tax increment financing; providing for approval of a majority of local taxing districts prior to establishment or modification of a tax increment financing district; providing for approval of a majority of local taxing districts prior to deferred property taxation for private redevelopment; amending Minnesota Statutes, 1979 Supplement, Sections 273.74, Subdivisions 2 and 3; and 273.86, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Johnson, C., introduced:

H. F. No. 2220, A bill for an act relating to retirement; allowing accrual of service credit in excess of 40 years in a public retirement plan; repealing Minnesota Statutes, 1979 Supplement, Section 356.60.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Begich, Battaglia, Elioff, Anderson, I., and Minne introduced:

H. F. No. 2221, A bill for an act relating to economic development; requiring that a majority of the members of the iron range resources and rehabilitation board represent legislative districts containing taconite tax relief areas; amending Minnesota Statutes 1978, Section 298.22, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Brinkman, Wenzel, Swanson, Kaley and Heinitz introduced:

H. F. No. 2222, A bill for an act relating to insurance; authorizing business trusts to exchange reciprocal or interinsurance contracts; amending Minnesota Statutes 1978, Section 71A.01, Subdivision 1.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Kroening and Jacobs introduced:

H. F. No. 2223, A bill for an act relating to accounting; providing for the licensing of public accountants and certified public accountants; specifying additional means of satisfying experience requirements; amending Minnesota Statutes 1978, Section 326.19, Subdivision 4.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Fudro; Voss; Sieben, H.; Norton and Moe introduced:

H. F. No. 2224, A bill for an act creating an interim study commission on transportation financing; prescribing its powers and duties; appropriating money.

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

Drew, Heap and Kelly introduced:

H. F. No. 2225, A bill for an act relating to education; encouraging school boards to use school-based management; amending Minnesota Statutes 1978, Section 123.741, by adding a subdivision.

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

Den Ouden and Esau introduced:

H. F. No. 2226, A bill for an act relating to retirement; making members of the Redwood soil and water conservation district members of the public employees retirement association; allowing purchase of prior service credit.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Reif and Valento introduced:

H. F. No. 2227, A bill for an act relating to towns; removing a property tax levy limit on certain towns; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34 and 275.35.

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

Forsythe, Kaley, Swanson, Crandall and Hokanson introduced:

H. F. No. 2228, A bill for an act relating to children; establishing a photographic state adoption exchange; requiring certain children to be listed on the exchange; appropriating money.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Corbid, Ellingson, Wieser and Wigley introduced:

H. F. No. 2229, A bill for an act relating to banks and trust companies; allowing substitution of certain banks and trust companies in fiduciary capacities maintained by affiliated banks.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Reding and Hoberg introduced:

H. F. No. 2230, A bill for an act relating to gambling devices; changing definition of gambling devices; authorizing certain payments for operation of gambling devices; amending Minnesota Statutes 1978, Section 349.26, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 349.26, Subdivision 12.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Luknic and Jacobs introduced:

H. F. No. 2231, A bill for an act relating to highway traffic regulations; providing that the operation of certain motorcycles does not require a two-wheeled vehicle endorsement on the operator's driver's license; amending Minnesota Statutes 1978, Section 169.974, Subdivision 2; and by adding a subdivision.

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

Peterson, B.; Dempsey; Jude and Sieben, M., introduced:

H. F. No. 2232, A bill for an act relating to arrest records; providing for the return of arrest records to unconvicted persons; providing for the sealing of arrest records when convictions are set aside; amending Minnesota Statutes 1978, Sections 299C.11; 609.166; 609.167, Subdivision 3; and 609.168.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Sviggum, Brinkman, Ludeman, Wenzel and Weaver introduced:

H. F. No. 2233, A bill for an act relating to local government; providing for mileage allowances of officers and employees; amending Minnesota Statutes, 1979 Supplement, Section 471.665, Subdivision 1.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Tomlinson, Luknic, Valento, Faricy and Novak introduced:

H. F. No. 2234, A bill for an act relating to the legislature; providing a statutory limit on state appropriations; amending Minnesota Statutes 1978, Section 16A.15, Subdivision 1.

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

Nelsen, B.; Tomlinson; McDonald; Searles and Vanasek introduced:

H. F. No. 2235, A bill for an act relating to public debt; providing a maximum interest rate on certain obligations; amending Minnesota Statutes 1978, Section 475.55, Subdivision 1.

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

Rees, Vanasek, Pleasant, McDonald and Johnson, C., introduced:

H. F. No. 2236, A bill for an act appropriating money for restoration projects and educational programs at Murphy's Landing in Scott County.

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

Murphy, Corbid, Clawson, Heap and Hoberg introduced:

H. F. No. 2237, A bill for an act relating to public employees; clarifying the definition of public employees; amending Minnesota Statutes 1978, Section 179.63, Subdivision 7.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Peterson, B.; Drew; Munger; Faricy and Stowell introduced:

H. F. No. 2238, A bill for an act relating to the environment; altering definitions relating to environmental coordination procedures; eliminating some certification requirements for certain environmental projects; reducing time requirements related to environmental hearings and decisions; amending Minnesota Statutes 1978, Sections 116C.24, Subdivisions 5 and 7; 116C.25; 116C.26, Subdivisions 1, 3 and 5; 116C.27; 116C.28; 116C.31; 116C.32; and 116C.33, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dempsey, Clawson and Piepho introduced:

H. F. No. 2239, A bill for an act relating to local improvements; providing for certain hearings and appeals on special assessments; amending Minnesota Statutes 1978, Sections 429.061, Subdivisions 1 and 2; and 429.081.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dempsey and Piepho introduced:

H. F. No. 2240, A bill for an act relating to workers' compensation insurance; permitting certain local units of government to join the reinsurance association; amending Minnesota Statutes, 1979 Supplement, Section 79.34, Subdivision 1.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Byrne introduced:

H. F. No. 2241, A bill for an act relating to taxation; increasing the amount of value of a 3cc homestead that qualifies for reduced assessment; amending Minnesota Statutes, 1979 Supplement, Sections 273.122 and 273.13, Subdivision 7.

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

Byrne introduced:

H. F. No. 2242, A bill for an act relating to public debt; providing a maximum interest rate on certain obligations; amending Minnesota Statutes 1978, Section 475.55, Subdivision 1.

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

Anderson, R., introduced:

H. F. No. 2243, A bill for an act relating to retirement; teachers retirement association; authorizing the retroactive payment of certain omitted retirement annuity amounts to certain persons.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Mehrkens, Drew, Otis, Stowell and Novak introduced:

H. F. No. 2244, A bill for an act relating to intoxicating liquor; authorizing the production and sale of table or sparkling wines produced by a Minnesota farm winery; providing for the taxation thereof.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Elioff, Battaglia, Begich and Minne introduced:

H. F. No. 2245, A bill for an act relating to taxation; distribution of taconite taxes among school districts; amending Minnesota Statutes 1978, Section 298.28, Subdivision 1.

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

Sarna, McEachern, Osthoff, Sieben, M., and Biersdorf introduced:

H. F. No. 2246, A bill for an act relating to trade regulations; requiring posting and display of certain price information on motor fuel sold at retail; amending Minnesota Statutes 1978, Section 325.77.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Ainley, Eken, Corbid, Anderson, I., and Nysether introduced:

H. F. No. 2247, A bill for an act relating to communications; providing funds for the purchase of studio and production equipment by Northern Minnesota Public Television; appropriating money.

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

Reif, Valento and Jennings introduced:

H. F. No. 2248, A bill for an act relating to health; appropriating money for fellowships and research grants related to certain areas of health and health care.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Corbid and Eken introduced:

H. F. No. 2249, A bill for an act relating to agriculture; providing for inspection and certification of grain moisture measuring devices and their operators.

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

Eken, Johnson, C., and Corbid introduced:

H. F. No. 2250, A bill for an act relating to natural resources; requiring county board approval before department of natural resources purchase of wildlife lands; amending Minnesota Statutes 1978, Section 97.481.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Corbid and Eken introduced:

H. F. No. 2251, A bill for an act relating to taxation; authorizing exemptions from real estate tax for property used for manufacturing or commercial purposes; amending Minnesota Statutes 1978, Section 272.02, by adding a subdivision.

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

Patton, Schreiber, Nelsen, B., and Mann introduced:

H. F. No. 2252, A bill for an act relating to transportation; providing for the financing of certain transportation services; providing for the distribution of the motor vehicle excise tax and providing that certain portions of the proceeds be used by certain political subdivisions for optional transportation purposes; creating a contingent bond retirement account; increasing the excise tax on gasoline and special fuel used in producing power to propel motor vehicles on the public highways; creating a study commission on transportation financing; appropriating money; amending Minnesota Statutes 1978, Sections 168.27, Subdivision 16; 296.02, Subdivision 1; 297B.035, Subdivision 2; and 297B.09.

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

Lehto, Munger, Brinkman, Stowell and Sherwood introduced:

H. F. No. 2253, A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Weaver, McCarron, Simoneau, Jacobs and Clawson introduced:

H. F. No. 2254, A bill for an act relating to state lands; providing for the conveyance to the county of Anoka of a leasehold interest in certain state property.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Sieben, H.; Rodriguez; Byrne; Drew and Nelsen, M., introduced:

H. F. No. 2255, A bill for an act relating to health; requiring health maintenance organizations to provide chiropractic care; amending Minnesota Statutes 1978, Section 62D.02, Subdivision 7.

The bill was read for the first time and referred to the Committee on Health and Welfare.

Ewald, Dean, Friedrich, Carlson, D., and Ludeman introduced:

H. F. No. 2256, A bill for an act relating to taxation; income tax; excluding certain interest income from gross income; amending Minnesota Statutes, 1979 Supplement, Section 290.01, Subdivision 20.

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

Biersdorf, Sarna, Kaley and Patton introduced:

H. F. No. 2257, A bill for an act relating to retirement; extending the option for purchase of prior service credit by certain legislative employees; amending Laws 1975, Chapter 388, Section 1, Subdivision 3, as added and amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Kelly, Battaglia, Greenfield, Drew and Jennings introduced:

H. F. No. 2258, A bill for an act relating to juveniles; establishing a commission to plan a program for the secure diagnosis and treatment of serious juvenile offenders; appropriating money.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Kempe introduced:

H. F. No. 2259, A bill for an act relating to local government; permitting units to contract with each other for police service; amending Minnesota Statutes 1978, Section 436.05.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Wieser, Fjoslien, Prahl, Battaglia and Anderson, R., introduced:

H. F. No. 2260, A bill for an act relating to outdoor advertising; authorizing privately owned directional devices to be erected and maintained in areas adjacent to the right-of-way of interstate and other trunk highways; restricting the purposes for which they may be erected and maintained; providing for their regulation by rule; prescribing a fee; amending Minnesota Statutes 1978, Sections 173.02, Subdivision 6; 173.13, Subdivision 4; and Chapter 173, by adding a section.

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

Wieser, Munger, Redalen, Wigley and Den Ouden introduced:

H. F. No. 2261, A bill for an act relating to state parks; clarifying the law governing state acquisitions and landowners' rights; hunting and fishing within boundaries; amending Minnesota Statutes 1978, Sections 85.0115; and 99.25, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Lehto and Berkelman introduced:

H. F. No. 2262, A bill for an act relating to highway traffic regulations; including a constable within the meaning of the definition of peace officer in the implied consent law; amending Minnesota Statutes 1978, Section 169.123, Subdivision 1.

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

Patton; Peterson, B.; Jaros and Dempsey introduced:

H. F. No. 2263, A bill for an act relating to intoxicating liquor; permitting municipalities to authorize the sale of intoxicating liquor at arenas and sports complexes in certain cases; amending Minnesota Statutes 1978, Section 340.11, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Fjoslien, Kalis, Mann, Reding and Brinkman introduced:

H. F. No. 2264, A bill for an act relating to taxation; motor fuels tax; providing for the payment of tax on ethyl alcohol produced for personal use; amending Minnesota Statutes 1978, Section 296.14, by adding a subdivision.

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

Ellingson introduced:

H. F. No. 2265, A bill for an act relating to Independent School Districts Nos. 279 (Osseo) and 286 (Brooklyn Center); providing for transfers of territory between the districts.

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

Ellingson, Casserly, Sieben, M., and Jude introduced:

H. F. No. 2266, A bill for an act relating to courts; providing for appointment of clerks of court by district administrators; transferring clerks of court to the state judicial system; requiring the state court administrator to establish a judicial position, classification, and compensation system for nonjudicial personnel; requiring the state court administrator to promulgate and administer uniform standards and procedures relating to personnel matters for nonjudicial personnel; amending Minnesota Statutes 1978, Sections 485.01; 485.018, Subdivisions 6 and 7; Chapters 480, by adding a section; and 485, by adding a section; Minnesota Statutes, 1979 Supplement, Section 43.43, Subdivision 2; repealing Minnesota Statutes 1978, Sections 485.018, Subdivisions 1, 2, 2a, and 4; and 485.12.

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

Welch; Luknic; Johnson, C.; Swanson and Nelsen, B., introduced:

H. F. No. 2267, A bill for an act relating to education; appropriating money for the purpose of providing facilities for the education of residents of state hospitals; imposing certain conditions on receipt of the money by a school district; authorizing the sale of bonds.

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

Ellingson introduced:

H. F. No. 2268, A bill for an act relating to financial institutions; authorizing examinations of certain bank holding companies; providing for the institution of cease and desist proceedings and the issuance of temporary orders; amending Minnesota Statutes 1978, Section 46.24; and Minnesota Statutes, 1979 Supplement, Section 46.04.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Peterson, D.; Casserly; Pleasant and Dean introduced:

H. F. No. 2269, A bill for an act appropriating money to the department of transportation for certain transit purposes.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Byrne introduced:

H. F. No. 2270, A bill for an act relating to state agencies; altering certain procedures of the capitol area architectural and planning board; adding members to the board; appropriating money; amending Minnesota Statutes 1978, Section 15.50, Subdivisions 1 and 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rees, Munger, Knickerbocker, Casserly and Anderson, D., introduced:

H. F. No. 2271, A bill for an act relating to natural resources; appropriating money for a demonstration project to utilize sewage sludge in forest management.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Kelly, Tomlinson, Long and Otis introduced:

H. F. No. 2272, A bill for an act relating to education; modifying and providing certain procedures for the termination, discharge and demotion of certain teachers; amending Minnesota Statutes 1978, Section 125.12, Subdivisions 3, 4, 8, 9, 10, 11, and by adding a subdivision; and 125.17, Subdivisions 2, 5, and 10; repealing Minnesota Statutes 1978, Section 125.17, Subdivisions 6, 7, 8 and 9.

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

Albrecht, Ludeman, Sviggum and Redalen introduced:

H. F. No. 2273, A bill for an act relating to cooperative associations; requiring the articles of incorporation or the bylaws of a newly formed association to specifically authorize the election of directors by mail votes; amending Minnesota Statutes 1978, Section 308.071.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Esau; McEachern; Johnson, C.; Thiede and Olsen introduced:

H. F. No. 2274, A bill for an act relating to education; increasing the minimum foundation aid for certain school districts in which agricultural land comprises a large percent of the assessed valuation; amending Minnesota Statutes, 1979 Supplement, Section 124.212, Subdivision 7d.

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

Kaley, Patton, Zubay and Friedrich introduced:

H. F. No. 2275, A bill for an act relating to the city of Rochester; granting investment jurisdiction over funds of the Rochester fire department relief association to the governing board of the association; repealing Laws 1959, Chapter 131, Section 25, as amended.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Esau, Mann, Nysether, Reding and Sherwood introduced:

H. F. No. 2276, A bill for an act relating to children; prescribing certain powers and duties of the American Society for the Prevention of Cruelty to Children; directing government officials to cooperate; giving certain agents authority as peace officers; prescribing certain training and licensing requirements; amending Minnesota Statutes, 1979 Supplement, Sections 626.05, Subdivision 2; and 626.84.

The bill was read for the first time and referred to the Committee on Criminal Justice.

Sieben, M., introduced:

H. F. No. 2277, A bill for an act relating to executions; providing that issuance of an execution may be made without docketing of the judgment in the county where the money or personal property is owed to the judgment debtor by a third party; amending Minnesota Statutes 1978, Section 550.07.

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

Sieben, M., introduced:

H. F. No. 2278, A bill for an act relating to real estate; prohibiting time shared estates in real property; amending Minnesota Statutes 1978, Chapter 500, by adding a section.

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

Sieben, M., introduced:

H. F. No. 2279, A bill for an act relating to state government; removing a limitation on the use of veterans' preference in the civil service; amending Minnesota Statutes 1978, Section 43.30.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Dempsey, Pehler, Schreiber and Casserly introduced:

H. F. No. 2280, A bill for an act relating to taxation; clarifying the limitations on city tax levies; amending Minnesota Statutes 1978, Section 275.11, Subdivision 2.

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

Sieben, M.; Kahn; Nelson; Rees and Heinitz introduced:

H. F. No. 2281, A bill for an act relating to public utilities; deregulating certain business activities of public utilities; amending Minnesota Statutes 1978, Chapter 216B, by adding a section.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Schreiber, Casserly and Pehler introduced:

H. F. No. 2282, A bill for an act relating to municipal development; permitting hearings on commercial and industrial revenue bonds by a committee of the governmental body; providing for ten days published notice; providing for project approval by the commissioner of economic development; providing for local public purpose findings; providing limitations for commercial revenue bonds; amending Minnesota Statutes 1978, Chapter 474, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 474.01, Subdivision 7b.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Schreiber, Casserly, Dempsey, Pehler and Kroening introduced:

H. F. No. 2283, A bill for an act relating to housing; authorizing certain housing and redevelopment authorities to plan, implement, and finance single family housing rehabilitation loan and grant programs; authorizing the planning, implementation and financing of multifamily moderate rehabilitation loan and grant programs; authorizing the planning, implementation and financing of single family housing mortgage programs in conjunction with municipal redevelopment and revitalization; authorizing the planning, implementation and financing of the construction of multifamily rental housing; defining terms; amending Minnesota Statutes 1978, Sections 462.421, Subdivision 14, and by adding subdivisions; and 462.445, by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Section 462.445, Subdivision 9.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Casserly, Schreiber, Dempsey, Tomlinson and Pehler introduced:

H. F. No. 2284, A bill for an act relating to taxation; clarifying provisions of the Minnesota tax increment financing act; amending Minnesota Statutes 1978, Section 472A.02, by adding a subdivision; and Minnesota Statutes, 1979 Supplement, Sections 273.73, Subdivisions 7, 8, 10, 11 and 12; 273.74, Subdivision 3; 273.75, Subdivisions 1, 2, 5 and 6; 273.76, Subdivisions 1, 2 and 3, and by adding a subdivision; 273.77; 273.78; 273.86, Subdivision 4; and 473F.08, Subdivision 6.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Casserly, Schreiber, Dempsey, Pehler and Tomlinson introduced:

H. F. No. 2285, A bill for an act relating to taxation; changing certain provisions of the Minnesota Tax Increment Financing Act; amending Minnesota Statutes, 1979 Supplement, Section 273.76, Subdivision 1, and by adding subdivisions.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Ellingson; Johnson, D.; Heinitz; Corbid and Adams introduced:

H. F. No. 2286, A bill for an act relating to financial institutions; providing that certain agreements taken by a bank and subject to a certain percentage limitation will not constitute a liability against it; providing for a different percentage limitation in certain cases; amending Minnesota Statutes 1978, Section 48.24, Subdivision 3.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Forsythe and Pleasant introduced:

H. F. No. 2287, A bill for an act relating to the city of Edina; authorizing a temporary short term on-sale liquor license for a certain civic or charitable festival.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

Dean and Forsythe introduced:

H. F. No. 2288, A bill for an act relating to Independent School District No. 273 (Edina) and Independent School District No. 280 (Richfield); providing for the transfer of territory from Independent School District No. 280 to Independent School District No. 273.

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

Osthoff; Anderson, G.; Anderson, D.; Anderson, B., and Fudro introduced:

H. F. No. 2289, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

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

Begich; Sieben, H.; Elioff and Battaglia introduced:

H. F. No. 2290, A bill for an act relating to taxation; clarifying the apportionment of income from taconite producers to Minnesota; amending Minnesota Statutes 1978, Section 298.40, by adding a subdivision.

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

Begich; Sieben, H.; Elioff and Battaglia introduced:

H. F. No. 2291, A bill for an act relating to taxation; restricting the use of certain proceeds of the taconite production tax; amending Minnesota Statutes 1978, Sections 298.223 and 298.28, Subdivision 1.

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

Battaglia, Begich and Elioff introduced:

H. F. No. 2292, A bill for an act relating to Cook County and Independent School District No. 166; providing for certain agreements relating to the sale of excess steam from the existing wood fueled steam generating plant of the district; giving certain parties to the agreement certain powers.

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

Patton introduced:

H. F. No. 2293, A bill for an act relating to retirement; providing for periodic increases in the amount of employer contributions to the teachers retirement association and to the teachers retirement fund associations in cities of the first class; amending Minnesota Statutes, 1979 Supplement, Sections 354.42, Subdivision 5; and 354A.12, Subdivision 2.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Munger, Norton, Voss, Dean and Anderson, D., introduced:

H. F. No. 2294, A bill for an act relating to transportation; providing for continuing Amtrak rail passenger service between Duluth and the Twin Cities metropolitan area; appropriating money.

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

Simoneau, Berkelman, Fjoslien, McCarron and Peterson, B., introduced:

H. F. No. 2295, A resolution memorializing the President and Congress to take all actions necessary to effect changes in regulations of the Department of Health, Education, and Welfare so that physician visits to medically stable residents of certain health care facilities are required only quarterly or semi-annually.

The bill was read for the first time and referred to the Committee on Health and Welfare.

McEachern introduced:

H. F. No. 2296, A bill for an act relating to libraries; authorizing a school board to transfer the responsibility for maintaining a library to a city under certain conditions; amending Minnesota Statutes 1978, Section 134.03.

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

Rees, Brinkman, Ewald, Osthoff and Adams introduced:

H. F. No. 2297, A bill for an act relating to commerce; establishing certain time price differentials on retail installment sales of mobile homes; amending Minnesota Statutes 1978, Section 168.72.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

Pehler, Patton, Ainley and Kelly introduced:

H. F. No. 2298, A bill for an act relating to state universities; appropriating funds for faculty salary increases.

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

Berglin introduced:

H. F. No. 2299, A bill for an act relating to human rights; prohibiting certain discrimination; amending Minnesota Statutes 1978, Sections 363.01, by adding a subdivision; and 363.03, Subdivisions 1, 2, 5 and 8.

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

Begich introduced:

H. F. No. 2300, A bill for an act relating to the city of Duluth; providing for review of assessments by the county assessor.

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

Osthoff introduced:

H. F. No. 2301, A bill for an act relating to the city of St. Paul; providing a commission form of government for the city.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Dempsey, Kelly, Ainley, Anderson, G., and Sviggum introduced:

H. F. No. 2302, A bill for an act relating to financial institutions; requiring all checks and drafts drawn on certain accounts to clearly display the month and year the account was opened.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Long, Greenfield, Kahn, Norman and Sarna introduced:

H. F. No. 2303, A bill for an act relating to education; providing aid for free and reduced price lunches rather than full paid lunches in certain school districts; providing certain bonding authority for Special School District No. 1; appropriating money; amending Minnesota Statutes 1978, Section 124.646, Subdivision 2, and by adding a subdivision; Minnesota Statutes, 1979 Supplement, Section 124.646, Subdivision 1; and Laws 1959, Chapter 462, Section 3, Subdivision 7, as amended.

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

Kempe introduced:

H. F. No. 2304, A bill for an act proposing an amendment to the Minnesota Constitution, adding a section to Article VII; providing for a popular initiative.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

Rothenberg, by request, introduced:

H. F. No. 2305, A bill for an act relating to retirement; authorizing purchase of allowable service credit in the public employees police and fire fund by a certain former police officer in the city of St. Louis Park.

The bill was read for the first time and referred to the Committee on Governmental Operations.

Rice and Casserly introduced:

H. F. No. 2306, A bill for an act relating to Hennepin County; providing for redistricting of county commissioner districts.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

HOUSE ADVISORIES

The following House Advisory was introduced:

Den Ouden, Welker, Fjoslien and Mehrkens introduced:

H. A. No. 53, A proposal to study possible state/federal duplication in aeronautics regulation.

The advisory was referred to the Committee on Transportation.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1240, 1584 and 1772.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1764.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1619, 1625 and 1726.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1240, A bill for an act relating to natural resources; setting forth the rights of property owners whose property is purchased for conservation purposes; revising responsibilities of the commissioner of natural resources and the commissioner

of administration in property acquisition; authorizing the commissioner of natural resources, with the approval of the state executive council to convey the interests of the state in lands for the purpose of correcting boundary description errors; amending Minnesota Statutes 1978, Sections 84.0272; 85.012, Subdivision 1; 85.015, Subdivision 1; 85.021, Subdivisions 1 and 2; and 104.-37, Subdivision 1.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1584, A bill for an act relating to transportation; providing for specific information signing for resorts and recreational camping areas along certain highways.

The bill was read for the first time.

Ainley moved that S. F. No. 1584 and H. F. No. 1036, now on the Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1772, A bill for an act relating to highway traffic regulations; authorizing an annual permit for certain oversize vehicles transporting implements of husbandry; prescribing limitations on the use of the vehicles; amending Minnesota Statutes 1978, Section 169.80, Subdivision 1.

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

S. F. No. 1764, A bill for an act relating to taxation; property tax; providing for uncontested hearings for property valuation; information to be included on valuation notices; clarifying the computation of agricultural aid credit; clarifying acreage available for homestead credit; prohibiting increases in valuation of property after appeals of market value; changing date for county board of equalization meeting and transfer of books to treasurer; changing penalty and interest rates; clarifying the role of administrative auditor in fiscal disparities; amending Minnesota Statutes 1978, Sections 270.11, Subdivision 6; 273.121; 273.13, Subdivision 6a; 273.135, Subdivision 1; 274.01, Subdivision 1; 274.13, Subdivision 1; 274.14; 276.01; 279.01; 279.37, Subdivision 2; 282.01, Subdivisions 1 and 4; 282.222, Subdivision 4; 282.261; and 473F.08, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 273.13, Subdivision 6; and 282.15; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34; 275.35; and 473F.08, Subdivisions 7 and 8.

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

S. F. No. 1619, A bill for an act relating to the metropolitan transit area; providing for contracts with socially or economically disadvantaged persons including handicapped persons; amending Minnesota Statutes 1978, Chapter 473, by adding a section.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1625, A bill for an act relating to the town of Greenwood; granting the town the power to specially assess for a bridge improvement.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1726, A bill for an act relating to children; providing for review of foster care of certain developmentally disabled children; amending Minnesota Statutes 1978, Section 257.071, Subdivision 3, and by adding a subdivision.

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

CONSENT CALENDAR

H. F. No. 1207, A bill for an act relating to motor vehicles; excluding owners of certain trailers from the requirement to furnish evidence of security; amending Minnesota Statutes 1978, Section 65B.68, Subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Esau	Jacobs	Levi
Adams	Carlson, D.	Evans	Jaros	Long
Ainley	Carlson, L.	Ewald	Jennings	Ludeman
Albrecht	Cassery	Faricy	Johnson, C.	Luknic
Anderson, B.	Clark	Fjoslien	Johnson, D.	Mann
Anderson, D.	Clawson	Forsythe	Jude	McCarron
Anderson, G.	Corbid	Friedrich	Kahn	McDonald
Anderson, I.	Crandall	Fritz	Kaley	McEachern
Anderson, R.	Dean	Fudro	Kalis	Mehrkens
Battaglia	Dempsey	Greenfield	Kelly	Metzen
Begich	Den Ouden	Halberg	Kempe	Minne
Berglin	Drew	Haukoos	Knickerbocker	Munger
Berkelman	Eken	Heap	Kostohryz	Murphy
Biersdorf	Elioff	Heinitz	Kroening	Nelsen, B.
Blatz	Ellingson	Hoberg	Kvam	Nelsen, M.
Brinkman	Erickson	Hokanson	Lehto	Nelson

Niehaus	Peterson, B.	Sarna	Svigum	Welch
Norman	Peterson, D.	Searle	Swanson	Welker
Novak	Piepho	Searles	Thiede	Wenzel
Nysether	Prahl	Sherwood	Tomlinson	Wieser
Olsen	Redalen	Sieben, H.	Valan	Wigley
Onnen	Reding	Sieben, M.	Valento	Wynia
Osthoff	Rees	Simoneau	Vanasek	Zubay
Otis	Rice	Stadum	Voss	Spkr. Norton
Patton	Rose	Stoa	Waldorf	
Pehler	Rothenberg	Stowell	Weaver	

The bill was passed and its title agreed to.

H. F. No. 1910, A bill for an act relating to courts; second and fourth judicial districts; authorizing juvenile court referees to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Section 484.70, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Jude	Nelsen, M.	Sherwood
Adams	Drew	Kahn	Nelson	Sieben, H.
Ainley	Eken	Kaley	Niehaus	Sieben, M.
Albrecht	Elioff	Kalis	Norman	Simoneau
Anderson, B.	Ellingson	Kelly	Novak	Stadum
Anderson, D.	Erickson	Kempe	Nysether	Stoa
Anderson, G.	Esau	Knickerbocker	Olsen	Stowell
Anderson, I.	Evans	Kostohryz	Onnen	Swanson
Anderson, R.	Faricy	Kroening	Osthoff	Thiede
Battaglia	Fjoslien	Kvam	Otis	Tomlinson
Begich	Forsythe	Lehto	Patton	Valan
Berglin	Friedrich	Levi	Pehler	Valento
Berkelman	Fritz	Long	Peterson, B.	Vanasek
Biersdorf	Fudro	Ludeman	Peterson, D.	Waldorf
Blatz	Greenfield	Luknic	Piepho	Weaver
Brinkman	Halberg	Mann	Prahl	Welch
Byrne	Haukoos	McCarron	Redalen	Welker
Carlson, D.	Heap	McDonald	Reding	Wenzel
Carlson, L.	Heinitz	McEachern	Rees	Wieser
Casserly	Hoberg	Mehrkins	Rice	Wigley
Clark	Hokanson	Metzen	Rodriguez	Wynia
Clawson	Jacobs	Minne	Rose	Zubay
Corbid	Jaros	Moe	Rothenberg	Spkr. Norton
Crandall	Jennings	Munger	Sarna	
Dean	Johnson, C.	Murphy	Searle	
Dempsey	Johnson, D.	Nelsen, B.	Searles	

The bill was passed and its title agreed to.

H. F. No. 2012, A bill for an act relating to motor vehicles; authorizing personalized license plates bearing radio or television station call signals or letters; amending Minnesota Statutes 1978, Section 168.12, Subdivision 2a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, C.	Munger	Searle
Adams	Drew	Johnson, D.	Murphy	Searles
Ainley	Eken	Jude	Nelsen, B.	Sherwood
Albrecht	Elioff	Kahn	Nelsen, M.	Sieben, H.
Anderson, B.	Ellingson	Kaley	Nelson	Sieben, M.
Anderson, D.	Erickson	Kalis	Niehaus	Simoneau
Anderson, G.	Esau	Kelly	Norman	Stadum
Anderson, I.	Evans	Kempe	Novak	Stoa
Anderson, R.	Ewald	Knickerbocker	Nysether	Stowell
Battaglia	Faricy	Kostohryz	Olsen	Sviggunn
Begich	Fjoslien	Kvam	Onnen	Swanson
Berglin	Forsythe	Laidig	Otis	Thiede
Berkelman	Friedrich	Lehto	Patton	Tomlinson
Biersdorf	Fritz	Levi	Pehler	Valan
Blatz	Fudro	Long	Peterson, B.	Valento
Brinkman	Greenfield	Ludeman	Peterson, D.	Vanasek
Byrne	Halberg	Luknic	Piepho	Weaver
Carlson, D.	Haukoos	Mann	Prahl	Welch
Carlson, L.	Heap	McCarron	Redalen	Welker
Cassery	Heinitz	McDonald	Reding	Wenzel
Clark	Hoberg	McEachern	Rees	Wieser
Clawson	Hokanson	Mehrkins	Rodriguez	Wigley
Crandall	Jacobs	Metzen	Rose	Wynia
Dean	Jaros	Minne	Rothenberg	Zubay
Dempsey	Jennings	Moe	Sarna	Spkr. Norton

Those who voted in the negative were:

Corbid	Osthoff	Rice	Voss	Waldorf
Kroening				

The bill was passed and its title agreed to.

CALENDAR

S. F. No. 54, A bill for an act relating to profit and nonprofit corporations; simplifying certain requirements governing formation and management of nonprofit corporations; resolving certain inconsistencies between profit and nonprofit corporations; removing certain ambiguities and deficiencies; amending Minnesota Statutes 1978, Sections 301.30, Subdivision 1; 317.02, Subdivision 5; 317.07; 317.08, Subdivisions 1 and 3; 317.20, Subdivision 1; and 317.21, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Johnson, D.	Murphy	Searles
Adams	Drew	Jude	Nelsen, B.	Sherwood
Ainley	Eken	Kahn	Nelsen, M.	Sieben, H.
Albrecht	Elioff	Kaley	Nelson	Sieben, M.
Anderson, B.	Ellingson	Kalis	Niehaus	Simoneau
Anderson, D.	Erickson	Kelly	Norman	Stadum
Anderson, G.	Esau	Kempe	Novak	Stoa
Anderson, I.	Evans	Knickerbocker	Nysether	Stowell
Anderson, R.	Ewald	Kostohryz	Olsen	Swiggum
Battaglia	Faricy	Kroening	Onnen	Swanson
Begich	Fjoslien	Kvam	Osthoff	Thiede
Berglin	Forsythe	Laidig	Otis	Tomlinson
Berkelman	Friedrich	Lehto	Patton	Valan
Biersdorf	Fritz	Levi	Pehler	Valento
Blatz	Fudro	Long	Peterson, B.	Vanasek
Brinkman	Greenfield	Ludeman	Peterson, D.	Voss
Byrne	Halberg	Luknic	Prahl	Waldorf
Carlson, D.	Haukoos	Mann	Redalen	Weaver
Carlson, L.	Heap	McCarron	Reding	Welch
Casserly	Heinitz	McDonald	Rees	Welker
Clark	Hoberg	McEachern	Rice	Wenzel
Clawson	Hokanson	Mehrkens	Rodriguez	Wieser
Corbid	Jacobs	Metzen	Rothenberg	Wigley
Crandall	Jaros	Minne	Sarna	Wynia
Dean	Jennings	Moe	Schreiber	Zubay
Dempsey	Johnson, C.	Munger	Searle	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 58, A bill for an act relating to no-fault automobile insurance; increasing basic economic loss benefits; clarifying legislative intent concerning stacking of insurance policies; amending Minnesota Statutes 1978, Sections 65B.44, Subdivision 1; 65B.47, by adding a subdivision; and 65B.49, Subdivisions 4 and 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 54 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Adams	Clark	Jude	Munger	Sieben, M.
Anderson, D.	Corbid	Kahn	Murphy	Simoneau
Battaglia	Eken	Kelly	Nelsen, M.	Stoa
Begich	Elioff	Laidig	Nelson	Swanson
Berkelman	Ellingson	Lehto	Novak	Voss
Biersdorf	Evans	Long	Otis	Waldorf
Blatz	Greenfield	Mann	Peterson, D.	Welch
Brinkman	Hokanson	McCarron	Prahl	Wenzel
Byrne	Jacobs	Metzen	Reding	Wynia
Carlson, L.	Jaros	Minne	Reif	Spkr. Norton
Casserly	Johnson, C.	Moe	Rodriguez	

Those who voted in the negative were:

Aasness	Ewald	Kalis	Olsen	Sherwood
Ainley	Faricy	Kempe	Onnen	Sieben, H.
Albrecht	Fjoslien	Kostohryz	Patton	Stadum
Anderson, B.	Forsythe	Kroening	Pehler	Stowell
Anderson, G.	Friedrich	Kvam	Peterson, B.	Sviggum
Berglin	Fritz	Levi	Piepho	Thiede
Carlson, D.	Fudro	Ludeman	Pleasant	Valan
Clawson	Halberg	Luknic	Redalen	Valento
Crandall	Haukoos	McDonald	Rees	Weaver
Dean	Heap	McEachern	Rice	Welker
Dempsey	Heinitz	Mehrkins	Rose	Wieser
Den Ouden	Hoberg	Nelsen, B.	Sarna	Wigley
Drew	Jennings	Niehaus	Schreiber	Zubay
Erickson	Johnson, D.	Norman	Searle	
Esau	Kaley	Nysether	Searles	

The bill was not passed.

S. F. No. 951, A bill for an act relating to small businesses; establishing a uniform definition of small business; amending Minnesota Statutes 1978, Section 161.321, Subdivisions 1 and 3; and Chapter 645, by adding a section; repealing Minnesota Statutes 1978, Section 16.082, Subdivisions 2, 3, 4 and 5.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kelly	Norman	Sieben, H.
Adams	Erickson	Kempe	Novak	Sieben, M.
Anderson, B.	Esau	Knickerbocker	Nysether	Simoneau
Anderson, D.	Evans	Kostohryz	Olsen	Stadum
Anderson, G.	Ewald	Kroening	Onnen	Stoa
Anderson, I.	Faricy	Kvam	Osthoff	Stowell
Battaglia	Fjoslien	Laidig	Otis	Sviggum
Begich	Forsythe	Lehto	Patton	Swanson
Berglin	Friedrich	Levi	Pehler	Tomlinson
Berkelman	Fudro	Long	Peterson, B.	Valan
Biersdorf	Greenfield	Luknic	Peterson, D.	Vanasek
Blatz	Halberg	Mann	Pleasant	Voss
Brinkman	Haukoos	McCarron	Redalen	Waldorf
Byrne	Heap	McDonald	Reding	Weaver
Carlson, D.	Heinitz	McEachern	Rees	Welch
Carlson, L.	Hoberg	Mehrkins	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Johnson, C.	Munger	Rothenberg	Zubay
Dean	Johnson, D.	Murphy	Sarna	Spkr. Norton
Dempsey	Jude	Nelsen, B.	Schreiber	
Drew	Kahn	Nelsen, M.	Searle	
Eken	Kaley	Nelson	Searles	
Elioff	Kalis	Niehaus	Sherwood	

Those who voted in the negative were:

Ainley	Den Ouden	Jennings	Piepho	Valento
Albrecht	Fritz	Ludeman	Thiede	Welker

The bill was passed and its title agreed to.

H. F. No. 1302, A bill for an act relating to financial institutions; permitting banks and trust companies to take junior liens under certain circumstances; amending Minnesota Statutes 1978, Section 48.19, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Kaley	Niehaus	Sieben, H.
Adams	Eken	Kalis	Norman	Sieben, M.
Ainley	Elioff	Kempe	Novak	Simoneau
Albrecht	Ellingson	Knickerbocker	Nysether	Stadum
Anderson, B.	Erickson	Kostohryz	Olsen	Stoa
Anderson, D.	Esau	Kroening	Onnen	Stowell
Anderson, G.	Evans	Kvam	Otis	Sviggum
Anderson, I.	Ewald	Laidig	Patton	Swanson
Battaglia	Faricy	Lehto	Pehler	Thiede
Begich	Fjoslien	Levi	Peterson, B.	Tomlinson
Berglin	Forsythe	Long	Peterson, D.	Valan
Berkelman	Friedrich	Ludeman	Piepho	Valento
Biersdorf	Fudro	Luknic	Prahl	Vanasek
Blatz	Greenfield	Mann	Redalen	Voss
Brinkman	Halberg	McCarron	Reding	Waldorf
Byrne	Haukoos	McDonald	Rees	Weaver
Carlson, D.	Heap	McEachern	Reif	Welch
Carlson, L.	Heinitz	Mehrkens	Rice	Welker
Casserly	Hoberg	Metzen	Rodriguez	Wenzel
Clark	Hokanson	Minne	Rose	Wieser
Clawson	Jacobs	Moe	Rothenberg	Wigley
Corbid	Jaros	Munger	Sarna	Wynia
Crandall	Johnson, C.	Murphy	Schreiber	Zubay
Dean	Johnson, D.	Nelsen, B.	Searle	Spkr. Norton
Dempsey	Jude	Nelsen, M.	Searles	
Den Ouden	Kahn	Nelson	Sherwood	

Those who voted in the negative were:

Fritz	Kelly
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The bill was passed and its title agreed to.

H. F. No. 1427, A bill for an act relating to banks; raising the amount of an employee loan possible without prior board approval; amending Minnesota Statutes 1978, Section 48.08.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kalis	Niehaus	Sherwood
Adams	Elioff	Kelly	Norman	Sieben, H.
Ainley	Ellingson	Kempe	Novak	Sieben, M.
Albrecht	Erickson	Knickerbocker	Nysether	Simoneau
Anderson, B.	Esau	Kostohryz	Olsen	Stadum
Anderson, D.	Evans	Kroening	Onnen	Stoa
Anderson, G.	Ewald	Kvam	Osthoff	Stowell
Anderson, I.	Faricy	Laidig	Otis	Sviggum
Battaglia	Fjoslien	Lehto	Patton	Thiede
Begich	Forsythe	Levi	Pehler	Tomlinson
Berglin	Friedrich	Long	Peterson, B.	Valan
Berkelman	Fudro	Ludeman	Peterson, D.	Valento
Biersdorf	Greenfield	Luknic	Piepho	Vanasek
Blatz	Halberg	Mann	Prahl	Waldorf
Brinkman	Haukoos	McCarron	Redalen	Weaver
Byrne	Heap	McDonald	Reding	Welch
Carlson, D.	Heinitz	McEachern	Rees	Welker
Carlson, L.	Hoberg	Mehrkens	Reif	Wenzel
Casserly	Hokanson	Metzen	Rice	Wieser
Clark	Jacobs	Minne	Rodriguez	Wigley
Clawson	Jaros	Moe	Rose	Wynia
Crandall	Johnson, C.	Munger	Rothenberg	Zubay
Dean	Johnson, D.	Murphy	Sarna	Spkr. Norton
Dempsey	Jude	Nelsen, B.	Schreiber	
Den Ouden	Kahn	Nelsen, M.	Searle	
Drew	Kaley	Nelson	Searles	

Those who voted in the negative were:

Fritz Swanson Voss

The bill was passed and its title agreed to.

S. F. No. 998, A bill for an act relating to insurance; providing for cancellation of life insurance contracts providing benefits on a variable basis; amending Minnesota Statutes 1978, Sections 72A.51, Subdivision 3; and 72A.52.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, D.	Berglin	Byrne	Clawson
Adams	Anderson, G.	Berkelman	Carlson, D.	Corbid
Ainley	Anderson, I.	Biersdorf	Carlson, L.	Crandall
Albrecht	Battaglia	Blatz	Casserly	Dean
Anderson, B.	Begich	Brinkman	Clark	Dempsey

Den Ouden	Hokanson	Mann	Patton	Simoneau
Drew	Jacobs	McCarron	Pehler	Stadum
Eken	Jaros	McDonald	Peterson, B.	Stoa
Elioff	Johnson, C.	McEachern	Peterson, D.	Stowell
Ellingson	Johnson, D.	Mehrkens	Piepho	Sviggum
Erickson	Jude	Metzen	Prahl	Swanson
Esau	Kahn	Minne	Redalen	Thiede
Evans	Kaley	Moe	Reding	Tomlinson
Ewald	Kalis	Munger	Rees	Valan
Faricy	Kelly	Murphy	Reif	Valento
Fjoslien	Kempe	Nelsen, B.	Rice	Vanasek
Forsythe	Knickerbocker	Nelsen, M.	Rodriguez	Waldorf
Friedrich	Kostohryz	Nelson	Rose	Weaver
Fritz	Kroening	Niehaus	Rothenberg	Welch
Fudro	Kvam	Norman	Sarna	Welker
Greenfield	Laidig	Novak	Schreiber	Wenzel
Halberg	Lehto	Nysether	Searle	Wieser
Haukoos	Levi	Olsen	Searles	Wigley
Heap	Long	Onnen	Sherwood	Wynia
Heinitz	Ludeman	Osthoff	Sieben, H.	Zubay
Hoberg	Luknic	Otis	Sieben, M.	Spkr. Norton

The bill was passed and its title agreed to.

S. F. No. 693, A bill for an act relating to insurance; excepting certain policies from readability requirements; limiting the applicability of readability requirement with respect to certain forms of insurance policies; permitting delays in compliance for certain forms of insurance policies; amending Minnesota Statutes 1978, Sections 72C.03; 72C.09; and 72C.11, Subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Dean	Jacobs	McEachern	Prahl
Adams	Dempsey	Jaros	Mehrkens	Redalen
Ainley	Den Ouden	Johnson, C.	Metzen	Reding
Albrecht	Drew	Johnson, D.	Minne	Rees
Anderson, B.	Eken	Jude	Moe	Reif
Anderson, D.	Elioff	Kahn	Munger	Rice
Anderson, G.	Ellingson	Kaley	Murphy	Rodriguez
Anderson, I.	Erickson	Kalis	Nelsen, B.	Rose
Anderson, R.	Esau	Kelly	Nelsen, M.	Rothenberg
Battaglia	Evans	Kempe	Nelson	Sarna
Begich	Ewald	Knickerbocker	Niehaus	Schreiber
Berglin	Faricy	Kostohryz	Norman	Searle
Berkelman	Fjoslien	Kroening	Novak	Searles
Biersdorf	Forsythe	Kvam	Nysether	Sherwood
Blatz	Fritz	Laidig	Olsen	Sieben, H.
Brinkman	Fudro	Lehto	Onnen	Sieben, M.
Byrne	Greenfield	Levi	Osthoff	Simoneau
Carlson, L.	Halberg	Long	Otis	Stadum
Casserly	Haukoos	Ludeman	Patton	Stoa
Clark	Heap	Luknic	Pehler	Stowell
Clawson	Heinitz	Mann	Peterson, B.	Sviggum
Corbid	Hoberg	McCarron	Peterson, D.	Swanson
Crandall	Hokanson	McDonald	Piepho	Thiede

Tomlinson	Vanasek	Welch	Wieser	Zubay
Valan	Waldorf	Welker	Wigley	Spkr. Norton
Valento	Weaver	Wenzel	Wynia	

The bill was passed and its title agreed to.

H. F. No. 1800, A bill for an act relating to health care; regulating benefits made available under certain health care plans; requiring coverage for reconstructive surgery under certain conditions; amending Minnesota Statutes 1978, Section 62E.06, Subdivision 1, as amended, and Chapter 62A, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 3 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Jude	Nelson	Searles
Adams	Eken	Kahn	Niehaus	Sherwood
Ainley	Elioff	Kaley	Norman	Sieben, H.
Albrecht	Ellingson	Kalis	Novak	Sieben, M.
Anderson, B.	Erickson	Kelly	Nysether	Simoneau
Anderson, D.	Esau	Kempe	Olsen	Stadum
Anderson, G.	Evans	Knickerbocker	Onnen	Stoa
Anderson, I.	Ewald	Kostohryz	Osthoff	Stowell
Anderson, R.	Faricy	Kroening	Otis	Sviggum
Battaglia	Fjoslien	Laidig	Patton	Swanson
Begich	Forsythe	Lehto	Pehler	Thiede
Berglin	Friedrich	Levi	Peterson, B.	Tomlinson
Berkelman	Fritz	Long	Peterson, D.	Valan
Biersdorf	Fudro	Ludeman	Piepho	Valento
Blatz	Greenfield	Luknic	Pleasant	Vanasek
Brinkman	Halberg	Mann	Prahl	Voss
Byrne	Haukoos	McCarron	Redalen	Waldorf
Carlson, D.	Heap	McEachern	Reding	Weaver
Carlson, L.	Heinitz	Mehrkens	Rees	Welch
Cassery	Hoberg	Metzen	Reif	Wenzel
Clark	Hokanson	Minne	Rice	Wieser
Corbid	Jacobs	Moe	Rodriguez	Wynia
Crandall	Jaros	Munger	Rose	Zubay
Dean	Jennings	Murphy	Rothenberg	Spkr. Norton
Dempsey	Johnson, C.	Nelsen, B.	Sarna	
Den Ouden	Johnson, D.	Nelsen, M.	Searle	

Those who voted in the negative were:

McDonald	Schreiber	Welker
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The bill was passed and its title agreed to.

H. F. No. 1601, A bill for an act relating to political parties; allowing party officers and delegates and alternate delegates to party conventions to take certain leave time from employment; providing penalties; amending Minnesota Statutes 1978, Chapter 202A, by adding a section.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 101 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Adams	Eken	Kalis	Novak	Stadum
Anderson, B.	Elioff	Kelly	Nysether	Stoa
Anderson, D.	Ellingson	Kempe	Onnen	Sviggum
Anderson, G.	Evans	Kostohryz	Otis	Swanson
Anderson, I.	Ewald	Kroening	Patton	Tomlinson
Battaglia	Faricy	Laidig	Pehler	Valan
Begich	Fjoslien	Lehto	Peterson, D.	Vanasek
Berglin	Friedrich	Long	Pleasant	Voss
Berkelman	Fritz	Luknic	Prahl	Waldorf
Biersdorf	Fudro	Mann	Redalen	Weaver
Blatz	Greenfield	McCarron	Reding	Welch
Brinkman	Heap	McEachern	Rees	Wenzel
Byrne	Hoberg	Mehrkens	Reif	Wieser
Carlson, D.	Hokanson	Metzen	Rice	Wigley
Carlson, L.	Jacobs	Minne	Rodriguez	Wynia
Casserly	Jaros	Moe	Rothenberg	Zubay
Clark	Johnson, C.	Munger	Sarna	Spkr. Norton
Clawson	Johnson, D.	Murphy	Sherwood	
Corbid	Jude	Nelsen, M.	Sieben, H.	
Dempsey	Kahn	Nelson	Sieben, M.	
Drew	Kaley	Norman	Simoneau	

Those who voted in the negative were:

Aasness	Esau	Kvam	Peterson, B.	Thiede
Ainley	Forsythe	Ludeman	Piepho	Valento
Anderson, R.	Halberg	McDonald	Rose	Welker
Crandall	Haukoos	Nelsen, B.	Schreiber	
Dean	Heinitz	Niehaus	Searle	
Den Ouden	Jennings	Olsen	Searles	
Erickson	Knickerbocker	Osthoff	Stowell	

The bill was passed and its title agreed to.

PROGRESS REPORT ON CONFERENCE COMMITTEES

Progress by Conference Committees was reported to the House on the following bills: H. F. No. 455 and S. F. Nos. 572 and 801.

Carlson, D., was excused at 4:25 p.m.

GENERAL ORDERS

Pursuant to rules of the House, the House resolved itself into the Committee of the Whole, with Norton in the Chair, for the consideration of bills pending on General Orders of the Day. After some time spent therein the Committee arose.

REPORT OF COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following proceedings of the Committee as kept by the Chief Clerk were reported to the House:

S. F. Nos. 1215 and 482 which it recommended to pass.

H. F. Nos. 980 and 753 which it recommended progress.

S. F. No. 544 which it recommended progress.

H. F. No. 1049 which it recommended be returned to its author.

H. F. No. 649 and S. F. No. 895 which it recommended progress retaining their place on General Orders.

H. F. No. 1216 which it recommended progress until Thursday, March 6, 1980 retaining its place on General Orders.

H. F. Nos. 326 and 1513 which it recommended progress until Monday, March 10, 1980 retaining their place on General Orders.

S. F. No. 1010 which it recommended to pass with the following amendments:

Offered by Carlson, L.:

Page 18, line 11, delete "1979" and insert "1980"

Offered by Carlson, L.:

Page 2, line 22, after "individual" insert ", not within the definition of candidate of Minnesota Statutes, Section 10A.01, Subdivision 5,"

On the motion of Sieben, H., the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll calls were taken in the Committee of the Whole:

Carlson, L., moved to amend S. F. No. 1010, as follows:

Page 1, line 15, delete "18" and insert "17"

Page 1, line 17, after "city" insert "and school district" and after "cities" insert a comma and delete "and"

Page 1, line 18, after "cities" insert "and school districts"

Page 1, line 19, delete "75,000" and insert "5,000" and after "more" delete the comma

Page 1, line 24, delete "18" and insert "17"

Page 2, line 1, delete "18" and insert "17"

Page 2, line 4, delete "18" and insert "17"

Page 2, line 24, after the first "city" insert "or school district"

Page 2, line 25, delete "or" and insert a comma and after "city" insert "or school district"

Page 2, line 26, delete "75,000" and insert "5,000"

Page 2, line 28, after "city" insert "located"

Page 2, line 29, delete "75,000" and insert "5,000"

Page 3, line 18, after "charter city" delete "or" and insert a comma and before "located" insert "or school district"

Page 3, line 19, delete "75,000" and insert "5,000"

Page 4, delete lines 11 and 12

Page 4, line 13, delete "16" and insert "15"

Page 4, line 15, delete "17" and insert "16"

Page 6, line 16, after the period insert "A political committee or political fund other than a principal campaign committee shall register with the filing officer of each jurisdiction holding an election the outcome of which that committee or fund seeks to influence."

Page 10, line 2, after "expenditures" insert "to influence the outcome of any election"

Page 10, line 15, delete "county or city" and delete "at" and insert "in"

Page 11, line 16, delete "employment" and insert "employment"

Page 11, line 28, after "for" insert "city or school district"

Page 11, line 29, after "city" delete "or" and insert a comma

Page 11, line 30, after "city" insert "or school district"

Page 11, line 31, delete "75,000" and insert "5,000"

Page 12, line 2, after "officials" delete "of"

Page 12, delete lines 3 and 4

Page 12, line 5, delete "a population of 75,000 or more who are"

Page 13, line 19, after "city" delete "clerk" and insert "or school district"

Page 13, line 20, after "city" insert "or school district"

Page 13, line 22, after "or" insert "school district election or" and after "city" insert "or school district"

Page 13, line 23, delete everything after the period

Page 13, delete lines 24 to 26

Page 15, line 29, delete "18" and insert "17"

Page 16, line 11, delete "18" and insert "17"

Page 16, line 24, after "The" insert "county" and after "officer" insert "in Hennepin County"

Page 16, line 26, after "all" insert "other filing" and after "candidates" delete "file affidavits" and after "or" insert "elected officials are required to file reports under sections 6 to 14."

Page 16, delete line 27

Page 16, delete lines 28 to 33 and insert:

"Subd. 3. Every filing officer shall furnish the necessary forms to individuals required to file statements or reports with that filing officer and shall receive, preserve, and make available for public inspection any statement or report filed by those individuals for a period of five years. A filing officer shall mail or deliver a copy of each form required to be filed by a candidate to each candidate who files an affidavit, application or petition of candidacy with that officer or other officer of that jurisdiction, or for whom a write-in vote is cast on the ballot of that jurisdiction. Any filing officer who fails to carry out the duties imposed by this subdivision is guilty of a misdemeanor."

Page 17, delete lines 1 and 2

Page 17, line 14, delete "17" and insert "16"

Page 17, line 16, delete "18" and insert "16"

Page 17, line 22, delete "or" and insert a comma

Page 17, line 23, after "city" insert "or school district" and after "wholly" delete "in" and insert "within" and after "County" insert "and having a population of 5,000 or more"

Page 18, line 1, delete "17" and insert "16"

Page 18, line 4, delete "18" and insert "17"

Page 18, line 5, after "Hennepin" insert "and to home rule charter cities, statutory cities and school districts located wholly within Hennepin County and having a population of 5,000 or more"

Further, amend the title as follows:

Page 1, line 7, after "officials" delete "and" and insert a comma

Page 1, line 7, after "clerks" insert "and school district administrators"

The question was taken on the amendment and the roll was called. There were 58 yeas and 70 nays as follows:

Those who voted in the affirmative were:

Adams	Dean	Kroening	Norman	Sieben, H.
Anderson, G.	Eken	Lehto	Novak	Sieben, M.
Anderson, I.	Elioff	Long	Osthoff	Simoneau
Battaglia	Ellingson	Mann	Otis	Stoa
Begich	Faricy	McCarron	Patton	Swanson
Berglin	Fudro	Metzen	Pehler	Tomlinson
Byrne	Greenfield	Minne	Peterson, D.	Vanasek
Carlson, L.	Jacobs	Moe	Prahl	Waldorf
Casserty	Jaros	Munger	Rice	Wenzel
Clark	Kahn	Murphy	Rodriguez	Wynia
Clawson	Kelly	Nelsen, M.	Rothenberg	
Corbid	Kostohryz	Nelson	Sarna	

Those who voted in the negative were:

Aasness	Biersdorf	Den Ouden	Fjoslien	Heinitz
Ainley	Blatz	Drew	Forsythe	Hoberg
Albrecht	Brinkman	Erickson	Fritz	Hokanson
Anderson, B.	Carlson, D.	Esau	Halberg	Jennings
Anderson, D.	Crandall	Evans	Haukoos	Johnson, D.
Anderson, R.	Dempsey	Ewald	Heap	Jude

Kaley	Luknic	Onnen	Schreiber	Valan
Kalis	McDonald	Peterson, B.	Searle	Valento
Kempe	McEachern	Piepho	Searles	Weaver
Knickerbocker	Mehrrens	Pleasant	Sherwood	Welch
Kvam	Nelsen, B.	Redalen	Stadum	Welker
Laidig	Niehaus	Rees	Stowell	Wieser
Levi	Nysether	Reif	Sviggum	Wigley
Ludeman	Olsen	Rose	Thiede	Zubay

The motion did not prevail and the amendment was not adopted.

Peterson, B., moved to amend S. F. No. 1010, as follows:

Page 1, line 19, delete "75,000" and insert "100,000"

Page 2, line 26, delete "75,000" and insert "100,000"

Page 2, line 29, delete "75,000" and insert "100,000"

Page 3, line 19, delete "75,000" and insert "100,000"

Page 11, line 31, delete "75,000" and insert "100,000"

Page 12, line 5, delete "75,000" and insert "100,000"

The question was taken on the amendment and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Aasness	Erickson	Jennings	Olsen	Searles
Ainley	Esau	Johnson, D.	Onnen	Sherwood
Albrecht	Evans	Kaley	Peterson, B.	Stowell
Anderson, D.	Fjoslien	Knickerbocker	Piepho	Sviggum
Anderson, R.	Forsythe	Kvam	Pleasant	Thiede
Biersdorf	Friedrich	Laidig	Redalen	Valan
Blatz	Fritz	Levi	Rees	Valento
Carlson, D.	Halberg	Ludeman	Reif	Welker
Crandall	Haukoos	McDonald	Rose	Wieser
Dempsey	Heap	Mehrrens	Rothenberg	Wigley
Den Ouden	Heinitz	Nelsen, B.	Schreiber	Zubay
Drew	Hoberg	Niehaus	Searle	

Those who voted in the negative were:

Adams	Clawson	Johnson, C.	McEachern	Patton
Anderson, B.	Corbid	Jude	Metzen	Pehler
Anderson, G.	Dean	Kahn	Minne	Peterson, D.
Anderson, I.	Eken	Kalis	Moe	Prahl
Battaglia	Elioff	Kelly	Munger	Reding
Begich	Ellingson	Kempe	Murphy	Rice
Berglin	Ewald	Kostohryz	Nelsen, M.	Rodriguez
Berkelman	Faricy	Kroening	Nelson	Sarna
Brinkman	Fudro	Lehto	Norman	Sieben, H.
Byrne	Greenfield	Long	Novak	Sieben, M.
Carlson, L.	Hokanson	Luknic	Nysether	Simoneau
Casserly	Jacobs	Mann	Osthooff	Stadum
Clark	Jaros	McCarron	Otis	Stoa

Swanson
TomlinsonVanasek
VossWaldorf
WeaverWelch
Wenzel

Wynia

The motion did not prevail and the amendment was not adopted.

Schreiber moved to amend S. F. No. 1010, as follows:

Page 18, line 11, after "1979" and before the period insert "and upon compliance with Minnesota Statutes, Section 645.021"

The question was taken on the amendment and the roll was called. There were 59 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Johnson, D.	Onnen	Stadum
Ainley	Evans	Kaley	Peterson, B.	Stowell
Albrecht	Ewald	Knickerbocker	Piepho	Svigum
Anderson, D.	Fjoslien	Kvam	Pleasant	Thiede
Anderson, R.	Forsythe	Laidig	Redalen	Valan
Biersdorf	Friedrich	Levi	Rees	Valento
Blatz	Fritz	Ludeman	Reif	Weaver
Carlson, D.	Haukoos	McDonald	Rose	Welker
Dempsey	Heap	Mehrkens	Schreiber	Wieser
Den Ouden	Heinitz	Nelsen, B.	Searle	Wigley
Drew	Hoberg	Niehaus	Searles	Zubay
Erickson	Jennings	Olsen	Sherwood	

Those who voted in the negative were:

Adams	Dean	Kelly	Nelsen, M.	Sieben, H.
Anderson, B.	Eken	Kempe	Nelson	Sieben, M.
Anderson, G.	Elioff	Kostohryz	Norman	Simoneau
Anderson, I.	Ellingson	Kroening	Novak	Stoa
Battaglia	Faricy	Lehto	Osthoff	Swanson
Begich	Fudro	Long	Otis	Tomlinson
Berglin	Greenfield	Luknic	Patton	Vanasek
Berkelman	Halberg	Mann	Pehler	Voss
Brinkman	Hokanson	McCarron	Peterson, D.	Waldorf
Byrne	Jacobs	McEachern	Prahl	Welch
Carlson, L.	Jaros	Metzen	Reding	Wenzel
Casserly	Johnson, C.	Minne	Rice	Wynia
Clark	Jude	Moe	Rodriguez	Spkr. Norton
Corbid	Kahn	Munger	Rothenberg	
Crandall	Kalis	Murphy	Sarna	

The motion did not prevail and the amendment was not adopted.

The question was taken on the motion to recommend passage of S. F. No. 1010, as amended, and the roll was called. There were 87 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Adams	Anderson, G.	Battaglia	Berglin	Blatz
Anderson, B.	Anderson, I.	Begich	Berkelman	Brinkman

Byrne	Haukoos	Luknic	Olsen	Sieben, M.
Carlson, L.	Heap	Mann	Osthoff	Simoneau
Casserly	Hokanson	McCarron	Otis	Stoa
Clark	Jacobs	McEachern	Patton	Swanson
Clawson	Jaros	Mehrkens	Pehler	Tomlinson
Corbid	Johnson, C.	Metzen	Peterson, D.	Vanasek
Crandall	Jude	Minne	Pleasant	Voss
Dean	Kahn	Moe	Prahl	Waldorf
Eken	Kalis	Munger	Reding	Weaver
Elioff	Kelly	Murphy	Reif	Welch
Ellingson	Kempe	Nelsen, B.	Rice	Wenzel
Ewald	Knickerbocker	Nelsen, M.	Rodriguez	Wynia
Faricy	Kostohryz	Nelson	Rothenberg	Spkr. Norton
Fritz	Kroening	Norman	Sarna	
Fudro	Lehto	Novak	Schreiber	
Greenfield	Long	Nysether	Sieben, H.	

Those who voted in the negative were:

Aasness	Erickson	Kaley	Redalen	Valan
Ainley	Esau	Kvam	Rees	Valento
Albrecht	Evans	Laidig	Rose	Welker
Anderson, D.	Forsythe	Levi	Searle	Wieser
Anderson, R.	Friedrich	Ludeman	Searles	Wigley
Biersdorf	Halberg	McDonald	Sherwood	Zubay
Carlson, D.	Heinitz	Niehaus	Stadum	
Dempsey	Hoberg	Onnen	Stowell	
Den Ouden	Jennings	Peterson, B.	Sviggum	
Drew	Johnson, D.	Piepho	Thiede	

The motion prevailed.

MOTIONS AND RESOLUTIONS

Rees moved that the name of Vanasek be added as an author on H. F. No. 1362. The motion prevailed.

Simoneau moved that the name of Sieben, H., be stricken and the name of Novak be added as third author on H. F. No. 2154. The motion prevailed.

Eken moved that the names of Anderson, G., and Kvam be added as authors on H. F. No. 2250. The motion prevailed.

Rees moved that H. F. No. 2297 be recalled from the Committee on Commerce, Economic Development and Housing and be re-referred to the Committee on Financial Institutions and Insurance. The motion prevailed.

Pehler moved that H. F. No. 2158 be recalled from the Committee on Transportation and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Voss moved that the name of Novak be added as an author on H. F. No. 1529. The motion prevailed.

Reding moved that the name of Levi be added as an author on H. F. No. 2230. The motion prevailed.

Welch moved that H. F. No. 2267 be recalled from the Committee on Education and be re-referred to the Committee on Appropriations. The motion prevailed.

Clawson moved that the name of Jude be added as an author on H. F. No. 2148. The motion prevailed.

Elioff moved that his name be stricken as an author on H. F. No. 184. The motion prevailed.

Osthoff moved that H. F. No. 1858 be returned to its author. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the following commissions:

Interstate Cooperation Commission pursuant to the provisions of Minnesota Statutes 1978, Section 3.29: Lehto.

Legislative Commission on Minnesota Resources pursuant to the provisions of Minnesota Statutes 1978, Section 86.07: Munger.

Legislative Advisory Committee to assist the Minnesota-Wisconsin Boundary Area Commission pursuant to the provisions of Minnesota Statutes 1978, Section 1.34: Clawson.

Mississippi River Parkway Commission pursuant to the provisions of Minnesota Statutes 1978, Section 161.1419: Peterson, D.

Joint Legislative Committee on Agricultural Land Preservation pursuant to Laws of Minnesota 1979, Chapter 315, Section 2: Jude, Kalis, and McEachern.

Legislative Study Group on Minneapolis pursuant to Laws of Minnesota 1979, Chapter 303, Article X, Section 22: Long, Nelson, K., and Peterson, D.

Workers' Compensation State Fund Legislative Study Commission pursuant to Special Session Laws of Minnesota 1979, Chapter 3, Section 67: Begich, Reding, and Simoneau.

Legislative Coordinating Commission pursuant to Minnesota Statutes 1978, Section 3.303: Anderson, I.; Eken, and Faricy.

Science and Technology Subcommittee of the Legislative Coordinating Commission: Greenfield and Nelson, K.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 2:00 p.m., Thursday, March 6, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Thursday, March 6, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives