

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

EIGHTIETH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 17, 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	Sherwood
Adams	Eken	Kaley	Niehaus	Sieben, H.
Ainley	Elioff	Kalis	Norman	Sieben, M.
Albrecht	Ellingson	Kelly	Novak	Simoneau
Andersen, B.	Erickson	Kempe	Nysether	Stadum
Anderson, D.	Esau	Knickerbocker	Olsen	Stoa
Anderson, G.	Evans	Kostohryz	Onnen	Stowell
Anderson, I.	Ewald	Kroening	Osthoff	Sviggum
Anderson, R.	Faricy	Kvam	Otis	Swanson
Battaglia	Fjoslien	Laidig	Patton	Thiede
Begich	Forsythe	Lehto	Pehler	Tomlinson
Berglin	Friedrich	Levi	Peterson, B.	Valan
Berkelman	Fritz	Long	Peterson, D.	Valento
Biersdorf	Fudro	Ludeman	Piepho	Vanasek
Blatz	Greenfield	Luknic	Pleasant	Voss
Brinkman	Halberg	Mann	Prahl	Waldorf
Byrne	Haukoos	McCarron	Redalen	Weaver
Carlson, D.	Heap	McDonald	Reding	Welch
Carlson, L.	Heinitz	McEachern	Rees	Welker
Casserly	Hoberg	Mehrkens	Reif	Wenzel
Clark	Hokanson	Metzen	Rice	Wieser
Clawson	Jacobs	Minne	Rodriguez	Wigley
Corbid	Jaros	Moe	Rose	Wynia
Crandall	Jennings	Munger	Rothenberg	Zubay
Dean	Johnson, C.	Murphy	Sarna	Spkr. Norton
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	
Den Ouden	Jude	Nelsen, M.	Searles	

A quorum was present.

Searle was excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Peterson, B., 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. 1355, 1723, 1806, 1822, 2019, 2045, 2063, 2152, 2156, 2197, 1649, 1724, 1731, 1755, 2077, 2237, 2374, 1987, 1027, 1826, 1887, 2151, 1722, 2086, 1781, 1451, 1699, 1742, 1816, and 1779 and S. F. Nos. 1807, 1659, 1843, 1887, 1719, 1675, 1741, 1630, 1875, 1863, 597, 1996, 1311, 1740, 789, 1707, 1892, 1796, 1716, 1613, 1811, 1751, 1541, 2095, 1921, 1731, 1679, 2110, 2104, 1900, 2077, 1810, 1937, 2131, 2102, 2040, 1979, 1187, 1889, 1188, 1662, 1358, 978, 1813, 1922, 1825, 2067, 2090, 1493, 2045, 704, 1729, 1619 and 1764 have been placed in the members' files.

S. F. No. 1630 and H. F. No. 1680, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Crandall moved that S. F. No. 1630 be substituted for H. F. No. 1680 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1922 and H. F. No. 1856, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Brinkman moved that S. F. No. 1922 be substituted for H. F. No. 1856 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2040 and H. F. No. 2081, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Valan moved that S. F. No. 2040 be substituted for H. F. No. 2081 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1937 and H. F. No. 1957, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Peterson, D., moved that S. F. No. 1937 be substituted for H. F. No. 1957 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1875 and H. F. No. 2069, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jacobs moved that S. F. No. 1875 be substituted for H. F. No. 2069 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1996 and H. F. No. 2034, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Clark moved that S. F. No. 1996 be substituted for H. F. No. 2034 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1187 and H. F. No. 1142, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson, D., moved that S. F. No. 1187 be substituted for H. F. No. 1142 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1900 and H. F. No. 1675, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Blatz moved that S. F. No. 1900 be substituted for H. F. No. 1675 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2110 and H. F. No. 2156, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sieben, H., moved that S. F. No. 2110 be substituted for H. F. No. 2156 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1541 and H. F. No. 1591, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sviggum moved that S. F. No. 1541 be substituted for H. F. No. 1591 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1807 and H. F. No. 1722, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Onnen moved that S. F. No. 1807 be substituted for H. F. No. 1722 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1188 and H. F. No. 1143, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Johnson, D., moved that the rules be so far suspended that S. F. No. 1188 be substituted for H. F. No. 1143 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 789 and H. F. No. 887, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Pleasant moved that the rules be so far suspended that S. F. No. 789 be substituted for H. F. No. 887 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2090 and H. F. No. 2208, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Patton moved that the rules be so far suspended that S. F. No. 2090 be substituted for H. F. No. 2208 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1311 and H. F. No. 1355, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Vanasek moved that the rules be so far suspended that S. F. No. 1311 be substituted for H. F. No. 1355 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1679 and H. F. No. 2331, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Novak moved that the rules be so far suspended that S. F. No. 1679 be substituted for H. F. No. 2331 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1811 and H. F. No. 2111, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Kalis moved that the rules be so far suspended that S. F. No. 1811 be substituted for H. F. No. 2111 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1813 and H. F. No. 1941, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Den Ouden moved that the rules be so far suspended that S. F. No. 1813 be substituted for H. F. No. 1941 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1843 and H. F. No. 1898, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Lehto moved that the rules be so far suspended that S. F. No. 1843 be substituted for H. F. No. 1898 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2067 and H. F. No. 2121, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Osthoff moved that the rules be so far suspended that S. F. No. 2067 be substituted for H. F. No. 2121 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1255, A bill for an act relating to taxation; clarifying the taxable status of Title II property owned by a non-profit entity; amending Minnesota Statutes 1978, Section 272.02, Subdivision 1.

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1574, A bill for an act relating to labor; providing special benefits for employees of certain businesses closed by order of federal or state courts or federal agencies; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 1780, A bill for an act relating to workers' compensation; permitting the workers' compensation reinsurance association to incorporate; exempting the reinsurance association from taxation; providing for amendment to the reinsurance association plan of operation; making changes in rules, requirements and procedures affecting members of the reinsurance association; increasing temporary partial benefits; amending Minnesota Statutes 1978, Section 176.101, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 79.34; 79.35; 79.36; 79.37; and 79.38; repealing Minnesota Statutes, 1979 Supplement, Sections 79.41 and 79.42.

Reported the same back with the following amendments:

Page 1, after line 16, insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6a. At the time of filing a petition for a change in the schedule of rates, the association shall estimate the total increase in manual premiums which would be collected as a result of the proposed change on all new and renewal policies with an effective date of 12 months or less following the date at which the association is requesting its petition to be implemented.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6b. The association shall deposit into a special account in the office of the commissioner of insurance a sum of not less than one percent of the amount calculated pursuant to subdivision 6a. The money in the account shall be allocated as follows:

(a) 50 percent shall be for the use of the commissioner of insurance for payments authorized in subdivision 6.

(b) 25 percent shall be for the use of a representative of business selected pursuant to subdivision 6c.

(c) 25 percent shall be for use of a representative of labor selected pursuant to subdivision 6c.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6c. Within five days following the receipt of a petition for a change in the schedule of rates, the commissioner shall convene a meeting of the commissioner and the chairpersons of the senate employment committee and the house of representatives labor management relations committee. They shall, by majority vote, select one representative of business and one representative of labor to formally intervene in the hearing held pursuant to the petition if the commissioner orders the hearing. The representative of business shall be selected on the basis of extent of membership, its representation of both large and small employers, statewide representation of membership, representation of members in the aggregate with payrolls containing at least 50 percent of the job classifications contained in the workers' compensation and employers liability insurance manual, its demonstrated interest in Minnesota workers' compensation insurance legislation and rates and its willingness and ability to participate actively and effectively in the hearing process.

The representative of labor shall be selected on the basis of extent of membership, statewide representation of membership, demonstrated interest in workers' compensation legislation and insurance rates, the variety of trades represented by its membership, and its willingness and ability to participate actively and effectively in the hearing process. The intervenors shall have their costs of intervention in the hearing paid from the fund established pursuant to subdivision 6b.

Costs of intervenors shall include attorneys' fees, costs of the office of hearing examiner, expert witness fees, consultant fees, and reasonable costs and disbursements. The commissioner of insurance shall authorize payments from the fund when presented with statements of cost submitted to him by other intervenors in the form he may prescribe. All money not dispursed to intervenors, together with investment income earned thereon, shall be refunded to the association after the hearing, and all subsequent judicial actions, if any, have been completed.

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6d. If a petition for a change in the schedule of rates does not result in an increase in the manual premiums or if the increase is so small as to not cover the costs of the office of hearing examiner, the association shall deposit into the special fund

established in subdivision 6b, an amount adequate to pay the costs of the hearing.

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 79.071, is amended by adding a subdivision to read:

Subd. 6e. There is appropriated to the commissioner of insurance from the special account established in subdivision 6b, a sum sufficient to make the payments authorized in subdivision 6c.

Sec. 6. Minnesota Statutes, 1979 Supplement, Section 79.211, Subdivision 2, is amended to read:

Subd. 2. [DIVISION OF PAYROLL.] (THE RATING ASSOCIATION OR) An insurer shall permit an employer to divide his payroll among (RELEVANT) *the rating classifications most closely fitting the work actually performed for purposes of premium calculation when the employer's records provide adequate support for a division.*"

Page 13, lines 8 to 26, delete all of section 6

Page 13, line 29, delete "5" and insert "12"

Page 13, line 30, delete "Section 6 is"

Page 13, delete line 31

Renumber the remaining sections accordingly

Amend the title as follows:

Page 1, line 2, after "compensation;" insert "creating a fund to meet the expenses of certain intervenors in workers' compensation rate hearings; revising the procedure for division of payroll;"

Page 1, line 9, after "benefits;" insert "appropriating money;"

Page 1, delete line 10

Page 1, line 11, delete "Subdivision 2;"

Page 1, line 12, after "Sections" insert "79.071, by adding subdivisions; 79.211, Subdivision 2;"

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. 1859, A bill for an act relating to elections; providing for preparation of consolidated primary election ballots by counties at state expense; amending Minnesota Statutes 1978, Section 203A.23, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Sieben, H., from the Committee on Taxes to which was referred:

H. F. No. 1866, A bill for an act relating to taxation; authorizing the revenue department to set off tax refunds due a debtor against debts owed to the state or to the public agency responsible for child support enforcement; providing for notice and hearing procedures; establishing priorities for claims; providing for an exemption to data privacy requirements and imposing a penalty for misuse of data; authorizing the promulgation of rules; appropriating money.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

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

H. F. No. 1908, A bill for an act relating to towns; requiring a majority of voters to permit town zoning; requiring notice of changes; amending Minnesota Statutes 1978, Sections 366.12 and 366.15.

Reported the same back with the following amendments:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1978, Section 366.11, is amended to read:

366.11 [BALLOTS.] There shall be printed on the ballots for the election the following:

"Shall the board of supervisors adopt (BUILDING AND) zoning and related regulations and restrictions?

Yes

No

The voters shall place a cross-mark in one of the above squares to express their choice. The ballot shall be cast and counted during the same hours and in the same manner as ballots for the election of town officers of the town and, except as herein expressly provided, such meeting and election shall be subject to all the laws of this state regulating town meetings and elections of town officers in the town."

Page 2, after line 4, insert:

"Before adopting any regulation under this section the board shall hold a public hearing on the matter with notice in the manner provided in section 366.15."

Page 2, after line 6, insert:

"Sec. 3. Minnesota Statutes 1978, Section 366.13, is amended to read:

366.13 [ZONING DISTRICTS.] For any or all of these purposes the board of supervisors of any such town where a majority of the legal voters voting thereon have voted "Yes" at such an election, may divide the portions of the town into districts or zones of such number, shape, and area as may be deemed best suited to carry out the purposes of sections 366.10 to 366.18, and within such districts or zones it may regulate and restrict the location, height, bulk, number of stories, size of buildings and other structures, the location of roads and schools, the percentage of lot which may be occupied, the sizes of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, or other purposes. All such regulations shall be uniform for each class and kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts.

No such board of supervisors may make any regulation prohibiting the erection, establishment, alteration, enlargement, use, occupancy or maintenance of any landing area or airport as defined by the act of Congress known as the Civil Aeronautics Act of 1938, owned by any municipality, political subdivision, or public corporation created in and for any two or more municipalities, the operation and use of which has been approved by the department of transportation or by the Civil Aeronautics Board of the United States, nor shall any permit under the provisions of sections 366.10 to 366.18 be required for any such erection,

establishment, alteration, enlargement, use, occupancy or maintenance. Any regulations heretofore made by any board of supervisors prohibiting such erection, establishment, alteration, enlargement, use, occupancy or maintenance of airports are hereby abrogated and annulled.

Before adopting any division or regulation under this section the board shall hold a public hearing on the matter with notice in the manner provided in section 366.15."

Renumber the sections in order

Delete the title in its entirety and insert:

"A bill for an act relating to towns; requiring a majority of voters to permit town zoning; clarifying the ballot question; requiring hearing and notice before certain actions; requiring notice of changes; amending Minnesota Statutes 1978, Sections 366.11; 366.12; 366.13; and 366.15."

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

The report was adopted.

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

H. F. No. 1942, A bill for an act relating to public welfare; requiring reporting of abuse or neglect of vulnerable adults; requiring certain facilities to establish abuse prevention plans; establishing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 245.813, by adding a subdivision; and Chapter 626, by adding a section; repealing Minnesota Statutes 1978, Sections 245.813, Subdivisions 2, 3, 4, 5, 6, 7, 8, and 9; and 626.555.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 245.813, is amended by adding a subdivision to read:

Subd. 1a. [REPORTING REQUIREMENTS.] Physical or sexual abuse or willful neglect of a person in the care of a licensed or certified facility or agency by an individual in that facility or agency shall be reported in accordance with the requirements of section 626.556 or section 2.

Sec. 2. Minnesota Statutes 1978, Chapter 626, is amended by adding a section to to read:

[626.557] [REPORTING OF MALTREATMENT OF VULNERABLE ADULTS.] *Subdivision 1. [PUBLIC POLICY.] The legislature declares that the public policy of this state is to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to abuse or neglect; to provide safe institutional or residential services or living environments for vulnerable adults who have been abused or neglected; and to assist persons charged with the care of vulnerable adults to provide safe environments.*

In addition, it is the policy of this state to require the reporting of suspected abuse or neglect of vulnerable adults, to provide for the voluntary reporting of abuse or neglect of vulnerable adults, to require the investigation of the reports, and to provide protective and counseling services in appropriate cases.

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific context clearly indicates otherwise.

(a) "Facility" means a hospital or other entity required to be licensed pursuant to sections 144.50 to 144.58; a nursing home required to be licensed pursuant to section 144A.02; an agency, day care facility, or residential facility required to be licensed pursuant to sections 245.781 to 245.813; a mental health program receiving funds pursuant to section 245.61; or any entity required to be certified for participation in Titles XVIII or XIX of the Social Security Act, 42 U.S.C. 1395 et seq.

(b) "Vulnerable adult" means any person 18 years of age or older:

(1) Who is a resident or patient of a facility;

(2) Who receives services at or from a facility required to be licensed pursuant to Minnesota Statutes, Sections 245.781 to 245.813; or

(3) Who, regardless of residence, is unable or unlikely to report abuse or neglect without assistance because of impairment of mental or physical function or emotional status.

(c) "Caretaker" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, or by contract, or agreement.

(d) "Abuse" means:

(1) Any act which constitutes a violation of sections 609.322, 609.342, 609.343, 609.344, or 609.345; or

(2) *The infliction of physical injury, the intentional infliction of physical pain, or any persistent course of conduct intended to produce mental or emotional distress.*

Nothing in this subdivision shall be construed to create a cause of action in malpractice.

(e) *"Neglect" means failure by a caretaker to supply the vulnerable adult with necessary food, clothing, shelter, health care or supervision.*

(f) *"Report" means any report received by the local welfare agency, police department, county sheriff, or licensing agency pursuant to this section.*

(g) *"Licensing agency" means:*

(1) *The commissioner of health, for facilities as defined in subdivision 2(a) which are required to be licensed or certified by the department of health;*

(2) *The commissioner of public welfare, for facilities required by sections 245.781 to 245.813 to be licensed;*

(3) *Any licensing board which regulates persons pursuant to Minnesota Statutes, Section 214.01; and*

(4) *Any agency responsible for credentialing human services occupations.*

Subd. 3. [PERSONS MANDATED TO REPORT.] *A professional or his delegate who is engaged in the care of vulnerable adults, education, law enforcement, or any of the regulated occupations referenced in subdivision 2, clause (g)(3) and (4), or an employee of or person providing services in a facility who has knowledge of the abuse or neglect of a vulnerable adult, has reasonable cause to believe that a vulnerable adult is being or has been abused or neglected, or who has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained by the history of injuries provided by the caretaker or caretakers of the vulnerable adult shall immediately report the information to the local police department, county sheriff, local welfare agency, or appropriate licensing or certifying agency. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff and the appropriate licensing agency or agencies.*

A person not required to report under the provisions of this subdivision may voluntarily report as described above. Medical examiners or coroners shall notify the police department or county sheriff and the local welfare department in instances in

which they believe that a vulnerable adult has died as a result of abuse or neglect.

Nothing in this subdivision shall be construed to require more than one report per incident.

Subd. 4. [REPORT.] A person required to report under subdivision 3 shall make an oral report immediately by telephone or otherwise. A person required to report under subdivision 3 shall also make a report as soon as possible in writing to the appropriate police department, the county sheriff, local welfare agency, or appropriate licensing agency. The written report shall be of sufficient content to identify the vulnerable adult, the caretaker, the nature and extent of the suspected abuse or neglect, any evidence of previous abuse or neglect, name and address of the reporter, and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. Written reports received by a police department or a county sheriff shall be forwarded immediately to the local welfare agency. The police department or the county sheriff may keep copies of reports received by them. Copies of written reports received by a local welfare department shall be forwarded immediately to the local police department or the county sheriff and the appropriate licensing agency or agencies.

Unless the local welfare agency has notified a licensing agency, records maintained by local welfare agencies, local police departments, or county sheriffs under this section shall be destroyed as follows:

(a) All records relating to reports which, upon investigation, are found to be false shall be destroyed, but only after notice of intent to destroy has been mailed to the alleged abuser. At that party's request the records shall be maintained as confidential. The request must be mailed within 30 days of the mailing date of the original notice or the records will be destroyed;

(b) All records relating to reports which, upon investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff shall be kept for a period of two years. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report.

If a licensing agency has been notified, records maintained by local welfare agencies, local police departments, or county sheriffs shall be destroyed upon receiving notice of record destruction from all licensing agencies notified about the report.

Subd. 5. [IMMUNITY FROM LIABILITY.] A person, including a person voluntarily making reports and a person required to make reports under subdivision 3, participating in good faith in making a report pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result from making the report.

Subd. 6. [FALSIFIED REPORTS.] A person who willfully makes a false report under the provisions of this section shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury.

Subd. 7. [FAILURE TO REPORT.] (a) A person required to report by this section who willfully fails to report is guilty of a misdemeanor.

(b) A person required by this section to report who negligently or willfully fails to report is liable for damages caused by the failure.

Subd. 8. [EVIDENCE NOT PRIVILEGED.] No evidence regarding the abuse or neglect of the vulnerable adult shall be excluded in any proceeding arising out of the alleged abuse or neglect on the grounds of lack of competency under Minnesota Statutes, Section 595.02.

Subd. 9. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR CORONER.] When a person required to report under the provisions of subdivision 3 has reasonable cause to believe that a vulnerable adult has died as a direct or indirect result of abuse or neglect, he shall report that information to the appropriate medical examiner or coroner in addition to the local welfare agency, police department, or county sheriff or appropriate licensing agency or agencies. The medical examiner or coroner shall complete an investigation as soon as feasible and report the findings to the police department or county sheriff and the local welfare agency.

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON A RECEIPT OF A REPORT.] (a) The local welfare agency shall immediately investigate and offer emergency and continuing protective social services for purposes of preventing

further abuse or neglect and for safeguarding and enhancing the welfare of the abused or neglected vulnerable adult. Local welfare agencies shall have the right to enter facilities and inspect and copy records as part of investigations. In cases of suspected sexual abuse, the local welfare agency shall immediately arrange for and make available to the victim appropriate medical examination and treatment. The investigation shall not be limited to the written records of the facility but shall include every other available source of information. When necessary in order to protect the vulnerable adult from further harm, the local welfare agency shall seek authority to remove the vulnerable adult from the caretaker in whose care the neglect or abuse occurred. The local welfare agency shall also investigate to determine whether the conditions which resulted in the reported abuse or neglect place other vulnerable adults in jeopardy of being abused or neglected and offer protective social services that are called for by its determination. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) If the report indicates, or if the local welfare agency finds that the suspected abuse or neglect occurred at a facility, or while the vulnerable adult was or should have been under the care of or receiving services from a facility, or that the suspected abuse or neglect involved a person licensed by a licensing agency to provide care or services, the local welfare agency shall immediately notify the appropriate licensing agency or agencies, and provide the licensing agency with a copy of the report and of its investigative findings.

Subd. 11. [DUTIES OF LICENSING AGENCIES UPON RECEIPT OF REPORT.] Whenever a licensing agency receives a report, or otherwise has information indicating that a vulnerable adult may have been abused or neglected at a facility it has licensed, or that a person it has licensed or credentialed to provide care or services may be involved in the abuse or neglect of a vulnerable adult, or that such a facility or person has failed to comply with the requirements of this section, it shall immediately investigate. Subject to the provisions of Minnesota Statutes, Sections 15.162 to 15.1671, the licensing agency shall have the right to enter facilities and inspect and copy records as part of investigations. The investigation shall not be limited to the written records of the facility, but shall include every other available source of information. The licensing agency shall issue orders and take actions with respect to the license of the facility or person that are designed to prevent further abuse or neglect of vulnerable adults.

Subd. 12. [RECORDS.] Each licensing agency shall maintain summary records of reports of suspected abuse or neglect and suspected violations of the requirements of this section with respect to facilities or persons licensed or credentialed by that agency. These records shall state the nature of the suspected abuse or neglect or violation of the requirements of this section

and the results of the agency's investigation. These records, which shall not contain the name of the person making the report or the vulnerable adult, shall be public. All other records maintained pursuant to this section shall be private data on individuals, except that the records shall be made available to a prosecuting authority and law enforcement officials, local welfare agencies, and other licensing agencies in investigating the alleged abuse or neglect. The records shall be collected and maintained in accordance with the provisions of sections 15.162 to 15.1671, and an individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be disclosed only upon a finding by the court that the report was false and made in bad faith.

Records maintained by licensing agencies under this section shall be destroyed as follows:

(a) All records relating to reports which, upon investigation, the licensing agency finds to be false shall be destroyed in accordance with provisions of subdivision 7 clause (a);

(b) All records relating to reports which, upon investigation, the licensing agency finds are substantiated shall be destroyed seven years after the date of the final entry in the case record; and

(c) All records of reports which, upon initial investigation, cannot be substantiated or disproved to the satisfaction of the licensing agency shall be kept for two years. If the licensing agency is unable to substantiate the report within that period, the agency shall destroy the records. The licensing agency shall notify the appropriate local welfare agency, local police department, or county sheriff of the agency's destruction of records relating to reports made pursuant to this section and the reasons for the destruction.

Subd. 13. [COORDINATION.] (a) Any police department or county sheriff, upon receiving a report shall notify the local welfare agency pursuant to subdivision 3. A local welfare agency or licensing agency which receives a report pursuant to that subdivision shall immediately notify the appropriate law enforcement, local welfare, and licensing agencies.

(b) Investigating agencies, including the police department, county sheriff, local welfare agency, or appropriate licensing agency shall cooperate in coordinating their investigatory activities. Each licensing agency which regulates facilities shall develop and disseminate procedures to coordinate its activities with (i) investigations by police and county sheriffs, and (ii) provision of protective services by local welfare agencies.

Subd. 14. [ABUSE PREVENTION PLANS.] (a) Each facility shall establish and enforce an ongoing written abuse

prevention plan. The plan shall contain an assessment of the physical plant, its environment, and its population identifying factors which may encourage or permit abuse, and a statement of specific measures to be taken to minimize the risk of abuse. The plan shall comply with any rules governing the plan as are promulgated by the licensing agency.

(b) Each facility shall develop an individual abuse prevention plan for each vulnerable adult residing there. Facilities designated in subdivision 2, clause (b)(2) shall develop plans for any vulnerable adults receiving services from them. The plan shall contain an individualized assessment of the person's susceptibility to abuse, and a statement of the specific measures to be taken to minimize the risk of abuse to that person. For the purposes of this clause, the term "abuse" includes self-abuse.

Subd. 15. [INTERNAL REPORTING OF ABUSE AND NEGLECT.] Each facility shall establish and enforce an ongoing written procedure in compliance with the licensing agencies' rules for insuring that all cases of suspected abuse or neglect are reported promptly to a person required by this section to report abuse and neglect and are promptly investigated.

Subd. 16. [ENFORCEMENT.] (a) A facility that has not complied with this section within 60 days of the effective date of passage of temporary rules is ineligible for renewal of its license. A person required by subdivision 3 to report and who is licensed or credentialed to practice an occupation by a licensing agency who willfully fails to comply with this section shall be disciplined after a hearing by the appropriate licensing agency.

(b) Licensing agencies shall as soon as possible promulgate rules necessary to implement the requirements of subdivisions 11, 12, 13, 14, 15, and 16, clause (a). Agencies may promulgate temporary rules pursuant to section 15.0412, subdivision 5.

(c) The commissioner of public welfare shall promulgate rules as necessary to implement the requirements of subdivision 10.

Subd. 17. [RETALIATION PROHIBITED.] (a) A facility or person shall not retaliate against any person who reports in good faith suspected abuse or neglect pursuant to this section, or against a vulnerable adult with respect to whom a report is made, because of the report.

(b) Any facility or person which retaliates against any person because of a report of suspected abuse or neglect is liable to that person for actual damages and, in addition, a penalty up to \$1,000.

(c) *There shall be a rebuttable presumption that any adverse action, as defined below, within 90 days of a report, is retaliatory. For purposes of this clause, the term "adverse action" refers to action taken by a facility or person involved in a report against the person making the report or the person with respect to whom the report was made because of the report, and includes, but is not limited to:*

- (1) *Discharge or transfer from the facility;*
- (2) *Discharge from or termination of employment;*
- (3) *Demotion or reduction in remuneration for services;*
- (4) *Restriction or prohibition of access to the facility or its residents; or*
- (5) *Any restriction of rights set forth in section 144.651.*

Subd. 18. [OUTREACH.] *The commissioner of public welfare shall establish an aggressive program to educate those required to report, as well as the general public, about the requirements of this section using a variety of media.*

Sec. 3. [REPEALER.] *Minnesota Statutes 1978, Sections 245.813, Subdivisions 2, 3, 4, 5, 6, 7, 8, and 9, and 626.555 are repealed.*

Sec. 4. [APPROPRIATION.] *\$..... is appropriated from the general fund to the commissioner of public welfare for the purposes of section 2, subdivisions 10, 16 and 18, and is available until June 30, 1981.*

Sec. 5. [EFFECTIVE DATE.] *Sections 1 to 4 are effective the day following final enactment."*

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

The report was adopted.

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

H. F. No. 1953, A bill for an act relating to health; authorizing the registration of nursing pools; imposing requirements for registration; requiring the promulgation of rules; providing penalties for violations; requiring the establishment of maximum reimbursement rates for nursing pools; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [DEFINITIONS.] Subdivision 1. As used in sections 1 to 3, the terms defined in this section have the meanings given them.

Subd. 2. "Nursing services agency" means any person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment for nurses, nursing assistants, nurses aides and orderlies. "Nursing services agency" does not include an individual who only engages in providing his or her own services on a temporary basis. "Supplemental nursing services agency" also does not include home health agencies as defined in Section 1861 (o) of the Social Security Act and nothing in sections 1 to 3 is intended to provide licensure for home health agencies for purposes of participation in the health insurance program for the aged under Title XVIII of the Social Security Act.

Subd. 3. "Commissioner" means the commissioner of health.

Subd. 4. "Person" includes an individual, firm, corporation, partnership or association.

Sec. 2. [REGISTRATION.] Subdivision 1. A person who operates a nursing services agency shall register the agency with the commissioner. Each separate location of the business of a nursing services agency shall have a separate registration.

Subd. 2. The commissioner, by rule, shall establish forms and procedures for the processing of each nursing services agency registration application, including the payment of a reasonable registration fee which covers the cost of registration. An application for a nursing services agency registration shall include at least the following information:

(a) The names and addresses of the owner or owners of the nursing services agency;

(b) If the owner is a corporation, copies of its articles of incorporation and current bylaws, together with the names and addresses of its officers and directors; and

(c) Any other relevant information which the commissioner determines is necessary to properly evaluate an application for registration.

Subd. 3. A registration issued by the commissioner in accordance with this section shall remain effective for a period of one year from the date of its issuance unless the registration is revoked or suspended pursuant to section 3, subdivision 3, or unless the nursing services agency is sold or ownership or management is transferred. When a nursing services agency is sold or ownership or management is transferred, the registration of the

agency shall be voided and the new owner or operator may apply for a new registration.

Subd. 4. The commissioner, by rule, shall establish a system for reporting complaints against a nursing agency or its employees. Complaints may be made by any member of the public, however, only written complaints shall be forwarded to the employer of each person against whom a complaint is made. The employer shall promptly report to the commissioner any corrective action that was taken.

Sec. 3. [RULES; VIOLATIONS.] *Subdivision 1. The commissioner, by rule, shall establish minimum standards for the registration and operation of a nursing services agency. These rules shall be designed to protect the public's right to high quality health care by assuring that the agencies employ competent and qualified nursing personnel. These rules shall be adopted on or before June 1, 1981, and shall include at least the following provisions as a condition of registration:*

(a) The nursing services agency shall document that each employee currently meets the minimum state licensing, training, and continuing education standards for the position in which he or she will be working;

(b) The nursing services agency shall comply with all pertinent regulations of the department relating to the health and other qualifications of personnel employed in health care facilities licensed pursuant to sections 144.50 to 144.56 or 144A.01 to 144A.17; and

(c) The nursing services agency shall not restrict in any manner the employment opportunities of its employees.

Subd. 2. The commissioner shall monitor usage of nursing services to determine whether there is an effect on quality of care where the nursing services agencies are used.

Subd. 3. The commissioner, by rule, shall establish appropriate penalties for the violation of sections 1 to 3, including fines and registration suspension or revocation.

Sec. 4. [REVIEW.] *Nursing services agencies, registered pursuant to sections 1 to 3, shall file a rate schedule with the Commissioner of Public Welfare for his review 30 days prior to implementation of the schedule.*

Sec. 5. [EFFECTIVE DATE.] *This act is effective the day following final enactment."*

Further amend the title as follows:

Page 1, line 5, after "violations" insert a period and delete the balance of the line

Page 1, delete lines 6 to 8

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

The report was adopted.

Voss from the Committee on Appropriations to which was referred:

H. F. No. 1963, A bill for an act relating to interim claims against the state; appropriating money for the payment thereof.

Reported the same back with the following amendments:

Page 1, lines 8 and 9, delete "subdivisions 2 to 10" and insert "this section"

Page 1, line 12, after "from" delete "a" and insert "an inadequate"

Page 2, line 7, after the last period insert "\$1,000.00."

Page 2, after line 30, insert:

"Subd. 11. Jean M. Hei, 1008 Prosperity Avenue, St. Paul, Minnesota 55106, for tuition and related expenses at a state university paid by her pending a final determination that her father's death was service connected, thus making her eligible to receive war orphan's educational benefits \$2,049.00.

Subd. 12. Judy A. Hei, 1008 Prosperity Avenue, St. Paul, Minnesota 55106, for tuition and related expenses at a state university paid by her pending a final determination that her father's death was service connected, thus making her eligible to receive war orphan's educational benefits \$1,377.00.

Subd. 13. Mary Jo Hei, 1008 Prosperity Avenue, St. Paul, Minnesota 55106, for tuition and related expenses at a state university paid by her pending a final determination that her father's death was service connected, thus making her eligible to receive war orphan's educational benefits \$1,349.00.

Subd. 14. Magnuson, Huisinga and Sons, Inc., Rural Route 1, Pennock, Minnesota 56279, for salvage value of cattle that were condemned for tuberculosis testing but that no slaughtering establishment would accept \$4,894.00.

Subd. 15. Edward A. Lien, 900 North Fourth Street, Minneapolis, Minnesota 55401, for injuries suffered in an accident while working in the prison industries \$725.00.

Subd. 16. Allen J. Miller, 2014 Seventh Avenue, Mankato, Minnesota 56001, for injuries suffered while performing assigned duties while an inmate of the Minnesota correctional facility-Lino Lakes \$5,625.00.

Subd. 17. Karey Parker, No. 100556, Minnesota correctional facility-St. Cloud, St. Cloud, Minnesota 56301, for injuries received to his finger when cut on the jagged edge of the sink in his cell \$120.00.

Subd. 18. Donald G. Wicklund, 10642 Utica Road, Bloomington, Minnesota 55437. Notwithstanding any law or rule to the contrary, Donald G. Wicklund shall be credited by the department of transportation with an additional 360 hours of sick leave, representing the amount promised to him as an inducement to relocate from Iowa and accept employment with the department of transportation, but later taken away because in excess of the amount permitted under rules of the department of personnel.

Sec. 2. [TRUNK HIGHWAY FUND CLAIMS.] Subdivision 1. The sums set forth in this section are appropriated from the trunk highway fund to the persons named in this section in full and final payment of claims against the state.

Subd. 2. David A. Huper, Rural Route 1, Box 141, Alden, Minnesota 56009 and Ellsworth H. Huper, Rural Route 1, Box 117, Wells, Minnesota 56097, for drain tile damaged during the construction of interstate highway 90 \$2,962.00.

Subd. 3. Town of Worthington, Route 1, Box 46, Worthington, Minnesota 56187, for damage to a township road caused by detouring traffic created when state trunk highway 266 was closed while on and off ramps were added to interstate highway 90 northwest of Worthington \$6,982.00."

Page 3, after line 12 insert:

"Jay Lowell Jacobson, 1910 Oakdale Ave., West St. Paul, Minnesota 55118 \$97.50."

Page 3, line 13, delete "William Howard" and insert "Howard William"

Pages 3 to 8, delete, subdivision 4 and insert:

"Subd. 4. [VIETNAM.] James Russell Allen, Rt. 1 Box 99 1/2, Cass Lake, Minnesota 56633 \$135.00

Dennis P. Amonson, 2901 Nevada Avenue South, St. Louis Park, Minnesota 55416 \$600.00

Dennis Michael Balmer, 4328 Otsego St., Duluth, Minnesota 55804 \$600.00

Stephen Delmar Bauers, 1601 Kepner, Anchorage, Alaska 99504 \$240.00

Valentin Bilyk, 1134 - 40th Avenue N.E., Columbia Heights, Minnesota 55421 \$600.00

Ronald Gene Blue, 324 - 97th Avenue N.W., Coon Rapids, Minnesota 55433 \$255.00

Juvenal Humberto Bryson, Mears Park Place, 401 Sibley Street, No. 250, St. Paul, Minnesota 55101 \$600.00

Martin W. Burns, Wabasha, Minnesota 55981 \$600.00

Arthur J. Busse, 855 Cedar Avenue, Chula Vista, California 92011 \$600.00

James E. Cadwell, 3213 Harriet Avenue South, Minneapolis, Minnesota 55408 \$300.00

William J. Cawelti, Box 55, Stillwater, Minnesota 55082 \$100.00

Wayne F. Chapman, 111 - 7th Street N.W., Austin, Minnesota 55912 \$600.00

David Leo Coffelt, 1238 E. 7th St., St. Paul, Minnesota 55106 \$600.00

Christopher L. Cowan, 3111-4th Street S.E., Minneapolis, Minnesota 55414 \$195.00

Wesley E. Cox, 3837 - 10th Avenue South, Minneapolis, Minnesota 55407 \$555.00

Bernard J. Decker, HHC 1st BN, 70th Armor, APO New York, New York 09358 \$600.00

Leonard Charles De Foe, Jr., 14 E. 12th St., Duluth Minnesota 55805 \$195.00

Maximilian V. Doll, 421 Curry Avenue, Detroit Lakes, Minnesota 56501 \$300.00

David Lee Eidsvoog, 2634 14th Ave. So., Minneapolis, Minnesota 55407 \$100.00

Wallace E. Evenson, 3429 Major Avenue North, Crystal, Minnesota 55422\$100.00

Jonathan F. Fermstad, 957 Myrtle St. NE, Atlanta, Georgia 30309\$300.00

Norman C. Fletcher, Route 8, Box 47A, Brainerd, Minnesota 56401\$100.00

Gary E. Getschmann, 10501 Bloomington Freeway, Bloomington, Minnesota 55420\$600.00

Dominic C. Greco, 1400 Englewood, St. Paul, Minnesota 55104\$300.00

Rex Erhart Greicar, 46 Valley Green Pk., Jordan, Minnesota 55352\$600.00

Roland G. Groth, 19 Walden, Burnsville, Minnesota 55337\$210.00

Ralph J. Hall, 6455 Upper 55th Street North, Oakdale, Minnesota 55109\$300.00

Dale A. Hanson, 9727-103rd Place, Maple Grove, Minnesota 55369\$100.00

Gary Lee Harju, Route 1, Box 97, Aurora, Minnesota 55705\$480.00

Gary Joe Hart, 102-2nd Street S.E., Austin, Minnesota 55912\$100.00

Robert M. Herron, 5240 West 102nd Street, No. 116, Bloomington, Minnesota 55437\$150.00

Gary G. Hill, Box 82, Hanover, Minnesota 55341\$300.00

Patrick J. Hill, 40 High Street, Bath, Maine 04530\$300.00

Dennis Edward Hosek, 2273 Boardwalk Ave., Greenbay, Wisconsin 54301\$100.00

Dale Rollen Hughes, 860 Corbett Ave. Apt. 303, San Francisco, California 94131\$300.00

Thomas W. Jackson, 2901 Colfax Avenue North, Minneapolis, Minnesota 55411\$300.00

Willis Ricky Jackson, 865 Allen Ave., West St. Paul, Minnesota
55107 \$600.00

Stephen P. Jensen, 14765 Damask Court, Rosemount, Minnesota
55068 \$600.00

Clarence D. Johnson, Route 1, Box 69B, Brainerd, Minnesota
56401 \$300.00

Gary A. Justin, 1448-10th Avenue North, St. Cloud, Minnesota
56301 \$255.00

John A. Kelly, 4735 Hamilton Road, Minnetonka, Minnesota
55343 \$100.00

Timothy J. Kelly, 15376-92nd Street N.E., Elk River, Minnesota
55330 \$100.00

Timothy L. King, 1628 Gettysburg Avenue, Golden Valley, Minnesota
55427 \$300.00

Mark S. Kowalski, 1779 Hyacinth Avenue East, St. Paul, Minnesota
55119 \$510.00

Paul E. Krawetz, 358 First Avenue South, South St. Paul, Minnesota
55075 \$180.00

Lyle H. Kuehn, 4422 Minnehaha Avenue South, Minneapolis, Minnesota
55406 \$300.00

Lawrence J. LaBarre, 9712 Humboldt Avenue South, Bloomington, Minnesota
55431 \$105.00

John F. Larson, 802 Barry Street, No. 1105, Corpus Christi, Texas
78411 \$100.00

John R. Larson, 410 Pleasant Street, No. 2, Mankato, Minnesota
56001 \$210.00

Bradford K. Leitch, 510 South Peck, No. 203, Fergus Falls, Minnesota
56537 \$360.00

Gregory J. Longerbone, 1494 Gardenia, Fridley, Minnesota
55432 \$600.00

Jerome K. Lund, 4009 Louisiana Avenue North, New Hope, Minnesota
55427 \$105.00

Michael John Madden, 3501 37th Ave. NE, Minneapolis, Minnesota
55421 \$600.00

Dale P. McCullough, 16363 Norell Avenue North, Marine on the St. Croix, Minnesota 55047 \$100.00

Michael D. McElderry, 10256 Fillmore Place N.E., Blaine, Minnesota 55434 \$100.00

Donald F. McLellan, 4709 Caribou Drive, Minnetonka, Minnesota 55343 \$300.00

Donald Francis Meier, Route 2, Sibley Island Est., Bismarck, North Dakota 58501 \$600.00

Michael J. Melich, 5550 Quail Avenue North, Crystal, Minnesota 55429 \$240.00

Irvin Palmer Moen, 2682 17A St. NW, New Brighton, Minnesota 55112 \$300.00

James R. Morris, 10013 Colfax Avenue South, Bloomington, Minnesota 55431 \$120.00

Michael Z. Morris, Route 1, Zimmerman, Minnesota 55398 \$600.00

Dale R. Mudick, 712 Fourth Street S.W., Waseca, Minnesota 56093 \$600.00

Robert Walter Muir, 3130 Vickie Ct., Merced, California 95340 \$600.00

Maryjane Cochran Mundis, 3740 Stevens Ave., Minneapolis, Minnesota 55409 \$240.00

Lawrence G. Nafstad, 7108 Perry Place, Brooklyn Center, Minnesota 55429 \$135.00

Richard Wayne Newport, Box 193, Tucumcari, New Mexico 88401 \$570.00

Lyle J. Noorlun, 227 East Dale, South St. Paul, Minnesota 55075 \$135.00

Dean R. Oberg, 6925 West Palmer Lake Drive, Brooklyn Center, Minnesota 55429 \$300.00

Richard Paul Olson, 11 Western Hills Drive, Algona, Iowa 50511 \$600.00

James Mathew O'Shea, 5424 3rd Ave. So., Minneapolis, Minnesota 55419 \$300.00

Vance Arlo Ostby, 5706 Kerry St., Corpus Christi, Texas 78413
.....\$600.00

Michael A. Oven, 10760 Sixth Street N.E., Blaine, Minnesota
55434.....\$240.00

Ronald Lee Paehlke, 455 High St. Apt. 5, Hutchinson, Minne-
sota 55336.....\$100.00

Kenneth LeRoy Palmer, 124-113th Lane N.E., Blaine,
Minnesota 55434.....\$165.00

Gary A. Passe, Box 144, Kellogg, Minnesota 55945.....
\$100.00

Robert M. Patnode, Box 604, Red Lake, Minnesota 56760
.....\$540.00

Edwin J. Pfeffer, 107 East Liberty Street, No. 4, Mankato,
Minnesota 56001.....\$300.00

Todd H. Phillips, 681 North Quixote, Lakeland, Minnesota
55043.....\$100.00

Mary T. Polzin, 619-12th Street North, New Ulm, Minne-
sota 56073.....\$100.00

Darrell M. Price, 5204-37th Avenue South, Minneapolis,
Minnesota 55417.....\$300.00

Robert Leroy Ray, Jr., 958 Fuller, St. Paul, Minnesota 55104
.....\$135.00

Anthony L. Rayer, 13 Cottonwood Court, Babbitt, Minnesota
55706.....\$300.00

Sandra K. Reasner, Box 285, Eyota, Minnesota 55934.....
\$150.00

Catherine Irene Rooney, Rt 1, Box 20, Revere, Minnesota
56166.....\$165.00

Craig S. Rozycki, 412 Robert Avenue, P. O. Box 463, Lehigh
Acres, Florida 33936.....\$585.00

William Nicholas Ruth, 2731 Hillsboro Ave. No. Apt. 107,
New Hope, Minnesota 55427.....\$100.00

Gladys May Rutkowski, 254 Eighth Avenue South, South St.
Paul, Minnesota 55075.....\$100.00

Henry Harvey Sadler, Rt. 2 Box 201, Nicollet, Minnesota
56074\$100.00

Loye Bernard St. Julien, 3015-1/2 Third Avenue East, Hib-
bing, Minnesota 55746\$300.00

Kent Russell Samson, 120 Main Street, Springfield, Vermont
05156\$100.00

Daniel A. Schaller, 4339 Oaklane Drive, Red Wing, Minnesota
55066\$600.00

David Harry Schapery, 7415 162nd Ave., Forest Lake, Min-
nesota 55025\$105.00

John K. Schermerhorn, 5324 Bloomington Avenue South,
Minneapolis, Minnesota 55417\$300.00

Glen Arnold Schlieff, 4800 Idaho Ave. No., Crystal, Minnesota
55428\$100.00

James L. Schramsky, 409 West Second, P. O. Box B, Janesville,
Minnesota 56048\$600.00

Mark B. Schulte, 2375 North Seventh Street, North St. Paul,
Minnesota 55109\$120.00

Mark Andrew Schuster, 1900 Wachtler Ave., St. Paul, Minne-
sota 55118\$100.00

Richard K. Schwartz, 1505 East Burnsville Parkway, Burns-
ville, Minnesota 55337\$100.00

Robert Willard Seguin, 918-1 Gardenway, Manhattan, Kansas
66502\$600.00

Richard A. Slayton, 17139 Verdin Street N.W., Andover, Min-
nesota 55303\$100.00

James H. Snow, 6619 Channel Road, Minneapolis, Minnesota
55432\$120.00

Raymond E. Sondag, Jr., 201 N.E. Second Avenue, Fairfax,
Minnesota 55332\$240.00

Thomas Byrd Sparkman, 1713 Gull Lane, Mound, Minnesota
55364\$600.00

Neil O. Stenzel, 101 Glenwood Avenue, Mankato, Minnesota
56001\$300.00

Donald R. Stoutenberg, 314 Oaklane, Knollwood Drive, Mankato, Minnesota 56001 \$240.00

Albert C. Stucke, 1914 Sherwood Avenue, St. Paul, Minnesota 55119 \$300.00

Everett G. Svendsen, 5423 LaMoya Avenue, Jacksonville, Florida 32210 \$600.00

James L. Taute, 915 Northdale Boulevard, Coon Rapids, Minnesota 55433 \$100.00

George H. Thompson, Box 174, Amelia Court House, Amelia, Virginia 23002 \$300.00

Kenneth Thompson, 8050 Old Central NE, Fridley, Minnesota 55432 \$105.00

William Magnus Thorkildson, 5920 Newton Avenue South, Minneapolis, Minnesota 55419 \$300.00

Efraim Tsarfati, 4546 Johnny Cake Ridge Road, Eagan, Minnesota 55122 \$100.00

Timothy J. Walsh, 585 Sherburne Avenue, St. Paul, Minnesota 55103 \$100.00

James W. Webinger, 704 Ruth Street, Prescott, Arizona 86301 \$300.00

Richard L. Welker, 130 Yucca Street, Vandenburg AFB, California 93437 \$300.00

Wayne Henry Willhite, Route 2, Buffalo Lake, Minnesota 55314 \$600.00

Glenn W. Willmsen, 1054 Merrifield Street, Shakopee, Minnesota 55379 \$195.00.

David Eugene Winter, 623 So. Second St. Staples, Minnesota 56479 \$300.00"

Renumber the remaining sections

Amend the title as follows:

Page 1, line 2, delete "interim"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2020, A bill for an act relating to state government; requiring certain state-leased space and state agency meetings to be accessible to physically handicapped persons; requiring certain auxiliary aids for physically handicapped participants at state agency meetings; amending Minnesota Statutes 1978, Section 16.85, Subdivisions 1b and 1c; and Chapter 15, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.44] [AIDS FOR HANDICAPPED AT STATE MEETINGS.] *After July 1, 1980, a state agency which sponsors, in whole or in part, a meeting or conference for the public or for state employees shall ensure that a physically handicapped participant who gives reasonable advance notice to the agency will receive the auxiliary aids necessary for effective participation. Auxiliary aids may include taped or brailled materials, interpreters or other effective means of making orally delivered material available to participants with hearing impairments, and equipment adaptable for use by participants with manual impairments and other similar services and action; however, nothing in this section shall require a state agency to provide attendants, individually prescribed devices, or other devices or services of a personal nature. When sign language interpreters are provided, they shall be provided in a manner so that hearing impaired participants will be able to see their signing clearly. For the purposes of this section, "physically handicapped" has the meaning given in section 16.84, subdivision 8.*

Sec. 2. Minnesota Statutes 1978, Section 16.85, Subdivision 1b, is amended to read:

Subd. 1b. No agency of the state may lease space for agency operations in a non-state owned building, unless the building satisfies the requirements of the state building code for accessibility by (THE) physically handicapped (, OR IS ELIGIBLE TO DISPLAY THE STATE SYMBOL OF ACCESSIBILITY) persons. This limitation shall apply (IN RESPECT) to leases of thirty days or more for space of at least 1,000 square feet commencing or being renewed on or after July 1, 1980.

Sec. 3. Minnesota Statutes 1978, Section 16.85, Subdivision 1c, is amended to read:

Subd. 1c. After July 1, (1979) 1980, meetings or conferences (ATTENDED BY) for the public (AND) or for state employees sponsored in whole or in part by a state agency (IN NON-PUBLICLY OWNED BUILDINGS) shall be held in buildings that (EITHER) meet the state building code requirements relating to accessibility for (THE) physically handicapped (OR ARE ELIGIBLE TO DISPLAY THE STATE SYMBOL FOR ACCESSIBILITY) persons; provided that, meetings or conferences intended for specific individuals none of whom need the accessibility features for handicapped persons specified in the state building code need not comply with this subdivision unless a handicapped person gives reasonable advance notice of his or her intent to attend the meeting or conference. When sign language interpreters will be provided, meetings or conference sites shall be chosen which allow hearing impaired participants to see their signing clearly.

Sec. 4. Minnesota Statutes 1978, Section 16.85, Subdivision 1d, is amended to read:

Subd. 1d. The commissioner of administration may grant an exemption from the requirements of subdivisions 1b and 1c in advance if a state agency has demonstrated that reasonable efforts were made to secure facilities which complied with the requirements of subdivision 1b and 1c and if the selected facilities are the best available for access for handicapped persons. Exemptions shall be granted using criteria developed by the commissioner in consultation with the council for the handicapped.

Sec. 5. Minnesota Statutes 1978, Section 16.85, is amended by adding a subdivision to read:

Subd. 1e. Any state agency which violates the provisions of subdivisions 1b, 1c or 1d shall be fined in the amount of \$250 for each occurrence by the commissioner of administration. If a state agency contests the assessment of a fine, it shall have the right to appeal in a contested case proceeding pursuant to the requirements of chapter 15. All fines collected shall be paid to and are hereby appropriated to the commissioner of administration to be used for improvements in state owned or state leased buildings to bring them into compliance with the state building code for accessibility by physically handicapped persons."

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money; providing penalties;"

Page 1, line 8, delete "and 1c" and insert ", 1c, 1d, and by adding a subdivision"

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

The report was adopted.

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

H. F. No. 2022, A bill for an act relating to the city of Austin; authorizing the establishment and financing of the capital cost of a solid waste disposal system and program.

Reported the same back with the following amendments:

Page 2, line 29, before the comma insert "except as provided in section 4"

Page 3, after line 7, insert:

"Sec. 4. The city council of the city of Austin prior to the issuance of any bonds authorized by section 3 shall adopt an initial resolution stating the amount, purpose and, in general, the security to be provided for the bonds; and shall publish the resolution once each week for two consecutive weeks in the official newspaper of the city. The bonds may be issued without the submission of the question of their issuance to the voters of the city unless within 21 days after the second publication of the resolution a petition requesting an election signed by at least eight percent of the registered voters of the city voting in the last general election is filed with the city recorder. If a petition is filed, no bonds shall be issued unless approved by a majority of the voters of the city voting on the question of their issuance at a regular or special election."

Renumber the sections in sequence

With the recommendation that when so amended the bill pass.

The report was adopted.

Moe from the Committee on Governmental Operations 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; 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 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.

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 designed 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 permissible 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" has the meaning given it in section 116.06, but does not include the board.

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.

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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 geographic 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 activities 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 pollution control agency; and (6) the commissioner of economic development; or their 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 planning agency, or the director's 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 taxa-

tion 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 Statutes, 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 recommenda-

tions 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 AGENCY; SOLID WASTE MANAGEMENT PLANNING ASSISTANCE.] Commencing July 1, 1981, the agency shall be the state agency responsible for providing technical and financial assistance to political subdivisions of the state for solid waste management planning and demonstration projects pursuant to articles V and VI. The board may contract for the delivery of technical assistance by the agency in accordance with rules of the board.

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. 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. 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 reductions, 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.

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 develop-

ment 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 report 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 employ 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. The inventory shall include at least three sites for each of the following categories of processing facilities: (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 June 1, 1981, the board shall propose the inventory of sites. Any county in which a site is proposed for inclusion in the inven-

tory may propose an alternative site or sites to the board. The board shall evaluate the sites 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 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 intrinsic suitability for the use intended, based on preliminary environmental analysis. No land shall be excluded from consideration for inclusion in the inventory except land determined by the agency to be intrinsically unsuitable for the use intended.

Subd. 3. [ADOPTION; EFFECT.] The inventory of sites shall be 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, 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 determinations 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.] Subdivision 1. **[SOLID WASTE MANAGEMENT.]** The agency 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. The chairperson of the advisory committee shall be appointed by the agency. The agency shall provide administrative and staff services for the advisory committee.

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.*

The chairperson of the advisory committee shall be appointed by the board. The board and its constituent agencies shall provide administrative and staff services for the advisory committee.

Subd. 3. [DUTIES AND AUTHORITY.] *The advisory committees shall have such duties as are assigned by law or the board or agency. The solid waste management advisory committee shall make recommendations to the agency 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. 4. [COMPENSATION.] *Members of the advisory committees shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the board or agency.*

Sec. 11. [BOARD; EXPIRATION.] *The board shall cease to exist on June 30, 1987.*

Sec. 12. [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 ten members appointed as follows:*

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

(2) Five 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.

Subd. 5. [EXPIRATION.] The commission shall cease to exist on June 30, 1985.

Sec. 13. [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 recommendations 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 proper management of hazardous waste generated in the state is needed to conserve and protect the nat-*

ural resources in the state and the health, safety, and welfare of its citizens, that the establishment of safe disposal facilities is necessary to properly manage the waste, that this cannot be accomplished 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 and proximity to concentrations of generators of the types of hazardous waste 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.*

No land shall be excluded from consideration except land determined by the agency to be intrinsically unsuitable for the use intended.

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 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 governor 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 supersede 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 assistance. 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 com-

mission 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.] *Commencing July 1, 1981, 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 agency, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The agency shall promulgate rules pursuant to chapter 15 for its administration of the program outside the metropolitan area. The agency and the metropolitan council shall ensure conformance with existing 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 agency or metropolitan council may allow.*

Sec. 4. [TECHNICAL ASSISTANCE.] *The agency and metropolitan council shall provide for technical assistance for eligible recipients. The agency and metropolitan council shall provide model plans for regional and local solid waste management. The agency 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 agency 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, maintenance, 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 agency may require consistent with the purposes of article V.

ARTICLE VI

SOLID WASTE MANAGEMENT DEMONSTRATION PROGRAM

Section 1. [DEMONSTRATION PROGRAM; ESTABLISHMENT; ADMINISTRATION.] Commencing July 1, 1981, 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 process-

ing methods, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program shall be administered by the agency in accordance with the requirements of article VI and rules promulgated by the agency pursuant to chapter 15.

Sec. 2. [TECHNICAL ASSISTANCE FOR DEMONSTRATION PROJECTS.] The agency shall ensure the delivery of the technical assistance necessary to proper implementation of each demonstration project funded under the program. The agency 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 agency shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The agency 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 experienced 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 agency 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 agency 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 agency shall give priority to: (a) areas where natural geologic and soil conditions are unsuitable for land disposal or solid waste; (b) areas where the capacity of existing solid waste disposal facilities is determined by the agency 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 agency 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 agency 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 program established under article VI, the agency 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 agency 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 agency 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 agency. 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 agency or board in accordance with applicable state laws and the agency's or 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 agency 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 agency 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 an 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 agency, 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 agency.

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 AGENCY.] *The agency 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 agency 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 agency 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 agency 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 agency 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 agency 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 agency 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 agency, 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) 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 agency.

Subd. 3. [LOCAL REVIEW AND COMMENT.] At least 60 days before submitting the petition to the agency, 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 agency.

Subd. 4. [REVIEW PROCEDURES.] Upon receipt of the petition, the director of the agency 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 director 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 director 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.

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 agency 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. [AGENCY ORDER.] After consideration of the report of the hearing examiner and whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are approximately 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, the agency shall make a final decision on the petition. If the agency 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 agency 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 agency 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 agency. At the time of filing, a copy of the order shall be mailed by the agency 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 VII 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 agency. 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 agency.

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 agency in such sum as the agency determines to be necessary to ensure payment of costs.

Subd. 3. [HEARING; DECISION.] If objection is made to the agency 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 agency determines after the hearing that the termination of the district as proposed in the petition would not be in the public interest, the agency shall dismiss the petition and all costs of the proceeding shall be assessed against the petitioner. If the agency determines that the existence of the district is no longer in the public interest, the agency 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 agency 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 agency 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 agency 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 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 ser-*

vices 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 or a transfer station serving such a facility.

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, by a private person under contract with the generator, or by a licensed solid waste collector.*

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 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 agency 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 report 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 agency.*

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 and mixed municipal solid waste management property and 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 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 and *sewage sludge* management and land pollution, relating to (a) the location, sanitary operation, and maintenance of solid waste (MANAGEMENT) facilities and *sewage sludge disposal 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 and *sewage sludge*; (c) the amount and type of equipment required in relation to the amount and type of material received at any *solid waste facility or sew-*

age sludge disposal 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. The county (MAY ISSUE) shall make provision for issuing permits or licenses for mixed municipal solid waste (MANAGEMENT) 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 impose 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 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 478, 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 or transfer station serving such a facility, provided that the designation is approved by the agency. The agency 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 PLANNING.] Subdivision 1. [POLICY PLAN; GENERAL REQUIREMENTS.] (BY JULY 1, 1978,) The metropolitan council shall prepare and by resolution adopt as part of its development 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 substantially conform to all policy statements, purposes, goals, standards, maps and plans in development guide sections and plans adopted by the council, *provided that no land shall be thereby excluded from consideration as a solid waste facility site except land determined by the agency to be intrinsically unsuitable for such use.* The plan shall include goals and policies for (THE COLLECTION AND PROCESSING OF) solid (AND HAZARDOUS) waste *management* in the metropolitan 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; processing techniques; environmental impact; effect on existing, planned, or proposed collection services and waste facilities; and economic viability. For *solid* waste facilities owned or operated 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 restraint of trade in relation to comparable private facilities existing 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 preservation and promotion of conditions conducive to efficient, (LOW COST,) competitive, and adaptable systems of waste (COLLEC-

TION AND PROCESSING) *management*; and the orderly resolution 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 (SECTIONS 473.823. THE HAZARDOUS WASTE PORTION OF THE POLICY PLAN SHALL BE APPROVED BY THE POLLUTION CONTROL AGENCY IN ACCORDANCE WITH ITS STANDARDS AND REGULATIONS PRIOR TO ADOPTION BY THE COUNCIL) *shall be at least as stringent as the guidelines, regulations, 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. 2a. [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. 2b. [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 sec-*

tion 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. 2c. [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 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 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. 2d. [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. 2e. [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 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. [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. [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. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use antici-

pated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

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, provided 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 candidates 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. In addition, to the same extent and upon the same conditions as sewage sludge may be applied on private property pursuant to section 473.516, subdivisions 3 and 4, the commission may use any site owned by the commission for the purpose of land-spreading sewage sludge for a period no longer than four years.

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 FACILI-

TIES 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. 1a. [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. Except as otherwise provided in this subdivision, each site shall satisfy the standards and criteria in federal and state regulations and the council's policy plan for solid waste waste management. In proposing and approving sites for the inventory, the counties and the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility. Each site shall contain no less than 80 acres and no more than 250 acres. Each proposed site shall be surrounded by a buffer area at least equal to the area of the site. No site shall be proposed by the county or approved by the council 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 county or agency. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of any state agency or political subdivision, no 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 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 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 sites required

of that county. A moratorium is hereby imposed on development within the area of each site and buffer area proposed by a county, pending the council's adoption of an inventory pursuant to section 473.149, subdivision 2b. 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 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. 1b. [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 2a, 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 established. 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 2d, and shall submit the revised plan to the council for review under subdivision 2. 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. [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. [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 METROPOLITAN COUNTY MAY ACQUIRE PROPERTY FOR AND OPERATE A SOLID WASTE FACILITY WITHIN THE BOUNDARIES OF ANY CITY OR TOWN IN THE METROPOLITAN AREA, WITHOUT COMPLYING WITH THE PROVISIONS OF ANY ZONING ORDINANCE ADOPTED AFTER APRIL 15, 1969.)

Subd. 1a. [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 2b, and section 473.803, subdivision 1a, 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. [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. [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 appropriated 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. [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. 4a. [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. [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. 5a. [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.

Subd. 5b. [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 gen-

eration, 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 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) 5c. [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. [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. [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. [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. [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, Chapter 473, is amended by adding a section to read:

[473.812] [SOLID WASTE ORDINANCES; RESTRICTIONS.] *Subdivision 1. [DISPOSAL FACILITIES.] Except as provided in this subdivision, a metropolitan county may*

acquire a site for a solid waste disposal facility anywhere within the county without complying with local ordinances, if the action is approved by the council as being taken pursuant to the policy plan and the development schedule adopted under section 473.-149, subdivision 7, and the provisions of section 15, and the county may establish and operate or contract for the establishment or operation of a disposal facility at such a site without complying with local ordinances, if the council certifies need under section 12. With the approval of the council, local government units may impose and enforce reasonable conditions respecting the construction, operation, inspection, monitoring, and maintenance of such disposal facilities.

Subd. 2. [OTHER FACILITIES.] A metropolitan county may establish a solid waste facility, other than a disposal facility, within the county without complying with local ordinances, if the action is approved by the council in accordance with the review process established by this subdivision. A county requesting review by the council shall show that the required permits for the proposed facility have been or will be issued by the agency, that the facility is consistent with the council's policy plan and the approved county master plan and that a local government unit has refused to approve the establishment or operation of the facility. The council shall meet to commence the review within 90 days of the submission of a request determined by the council to satisfy the requirements for review under this subdivision. At the meeting commencing the review the chairman shall recommend and the council establish a scope and procedure for its review and final decision on the proposed facility. The procedure shall require the council to make a final decision on the proposed facility within 120 days following the commencement of review. The council shall conduct at least one public hearing in the city or town within which the proposed facility would be located. Notice of the hearing 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 hearing. The notice shall describe the proposed facility, its location, the proposed permits, and the council's scope and procedure for review. The notice shall identify a location or locations within the local government unit and county where the permit applications and the council's scope and procedure for review are available for review and where copies may be obtained. In its review and final decision on the proposed facility, the council 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) *the adverse effects of the facility on natural resources, as defined in chapter 116B, 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;*

(d) *the need for the proposed facility and the availability of alternative sites;*

(e) *the consistency of the proposed facility with the county master plan and the council's policy plan adopted pursuant to section 473.149;*

(f) *transportation facilities and distance to points of waste generation.*

In its final decision in the review, the council 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 council shall not stipulate or establish conditions or requirements which are less stringent than those established by the agency permits. The council shall not stipulate or establish conditions or requirements affecting the location proposed for the facility in the agency permits. The council 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.

No local government unit shall prevent the establishment or operation of any solid waste facility in accordance with the council's decision under this subdivision, except that, with the approval of the council, the local government unit may impose reasonable conditions respecting the construction, inspection, monitoring, and maintenance of a facility.

Sec. 11. 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. 12. 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. 13. 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 2d, and the abatement master plans of counties adopted pursuant to section 473.803, subdivision 1b. 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. 14. 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 agency except that the approval of the agency 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;

(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 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 designing and requiring use of facilities:

(a) The council shall notify those persons whom the council 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 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 under subdivision 3, 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. 15. 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 2e, 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, pursuant to section 15, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 7.

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

[473.833] [SOLID WASTE DISPOSAL SITES AND BUFFER AREAS.] *Subdivision 1. [REQUIREMENT.] Each metropolitan county shall select and acquire sites for solid waste disposal facilities in accordance with this section and the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 7.*

Subd. 2. [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 2e, 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 of any part of a site of 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. 3. [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. 4. [FAILURE OF COUNTIES TO ACQUIRE; REPORT TO LEGISLATURE.] If any county fails to identify property for acquisition or if any county refuses to proceed with acquisition, as required by this section and the council's disposal facility development schedule adopted pursuant to section 473.149, subdivision 2e, 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. 17. 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 fa-

cility 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. 18. 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 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 is 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 quality 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 concern-

ing 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, pro-

cessing, 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 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.*

Sec. 14. [REPORT ON SEWAGE SLUDGE.] *By January 1, 1981, the agency shall prepare and submit a report on sewage sludge disposal to the legislative commission. The report shall recommend appropriate strategies, procedures, and programs to abate potential health hazards resulting from sewage sludge disposal facilities. In preparing the report, the agency shall: (a) analyze the potential public health hazards resulting from sewage sludge disposal facilities and methods of abatement; (b) monitor and evaluate representative disposal facilities to determine characteristics of the sewage sludge, soil, groundwater, and vegetation; (c) examine existing regional, state, and federal regulations regarding the pre-treatment of industrial wastewater and efforts which are being or could be made by industry to pre-treat their industrial wastewaters; (d) analyze the need and potential effects of state regulations on concentrations of toxic and hazardous substances in industrial wastewater effluent; (e) summarize the duties and relationships among government entities responsible for sewage and sewage sludge treatment and regulation.*

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 counties 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 three positions. Except for the administrator of the program the positions shall be in the classified service.

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 agency 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 agency for the demonstration program established by Article VI. The appropriation is available until expended.

Sec. 6. [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.02, Subdivisions 3, 4 and 5; 116F.03; 116F.04; 116F.05, Subdivision 2; 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 723, Section 7, are repealed."*

Further, amend the title:

Page 1, line 25, after "Sections" insert "116F.02, Subdivisions 3, 4, and 5; 116F.03; 116F.04; 116F.05, Subdivision 2;"

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

The report was adopted.

Rice from the Committee on Labor-Management Relations to which was referred:

H. F. No. 2037, A bill for an act relating to workers' compensation; changing special compensation fund assessment procedures; providing for reimbursement to certain insurers; amending Minnesota Statutes, 1979 Supplement, Sections 176.131, Subdivision 10; and 176.191, Subdivision 3.

Reported the same back with the following amendments:

Page 1, after line 9, insert a section to read:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 79.171, is amended to read:

79.171 [INFORMATION.] In addition to other information that the commissioner requests pursuant to section 79.071, the rating association shall: (a) separate the incurred but not reported losses of its members; (b) separate paid and outstanding losses of its members; (c) provide information indicating cases in which its members have established a reserve in excess of \$50,000; and (d) provide information on the income on invested reserves of its members. *Data supplied by the rating association pursuant to this section shall reflect its members' Minnesota workers' compensation experience only. Data reflecting its members' workers' compensation experience in other states or data derived from national workers' compensation experience or estimates shall not satisfy the requirements of this section.*

The commissioner shall consider this information in an appropriate manner in adopting a schedule of rates and shall decline to grant a hearing pursuant to section 79.071 if the association fails to provide the information."

Page 3, delete lines 18 to 24 and insert:

"In determining the percentage of the total compensation required to be paid by the employer to the commissioner of labor and industry for the benefit of the special compensation fund as provided in clause (2) beginning September 30, 1980 and each September 30 thereafter, the commissioner of labor and industry shall use the following schedule:

<i>Balance in the Fund</i>	<i>Permissible Range of Rate Adjustment</i>
<i>Less than \$2,000,000</i>	<i>+1 percent to + 7 percent</i>
<i>At least \$2,000,000 but less than \$3,000,000</i>	<i>0 percent to +6 percent</i>
<i>At least \$3,000,000 but less than \$4,000,000</i>	<i>-2 percent to +4 percent</i>
<i>At least \$4,000,000 but less than \$5,000,000</i>	<i>-5 percent to +3 percent</i>
<i>At least \$5,000,000 but less than \$6,000,000</i>	<i>-6 percent to +2 percent</i>
<i>\$6,000,000 or more</i>	<i>-7 percent to +2 percent</i>

In determining the actual adjustment the commissioner shall take into account his estimate of the likely amount of expenditures to be made from the fund in the next calendar year."

Page 4, line 28, delete "and" and insert ". The insurer"

Page 4, line 29, after "shall" insert "also"

Page 4, line 30, before the period, insert "up to the amount that would be payable under this chapter if the injury were determined to be compensable"

Renumber sections accordingly

Amend the title as follows:

Page 1, line 4, after the semi-colon insert "providing that rating association supply Minnesota information;"

Page 1, line 6, after "Sections" insert "79.171;"

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. 2082, A bill for an act relating to elections; providing for special elections to fill vacancies in statutory city offices; amending Minnesota Statutes 1978, Sections 205.10; 205.17, Subdivision 1; and 412.02, Subdivision 2, and by adding a subdivision.

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

The report was adopted.

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

H. F. No. 2185, A bill for an act relating to the Knife Lake Improvement District in Kanabec County; authorizing Kanabec County to finance the cost of a certain improvement within the district.

Reported the same back with the following amendments:

Page 1, line 10, delete "378.56" and insert "378.57"

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. 2211, A bill for an act relating to the environment; setting a date by which the environmental quality board is to amend certain procedures; changing the recipient of petitions for environmental impact statements; providing for contested case hearings; altering the liability for environmental impact statement costs under certain conditions; amending Minnesota Statutes 1978, Sections 116D.04, Subdivisions 2, 3 and 7; and 116D.045.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 1a. [DEFINITIONS.] For the purposes of sections 116D.01 to 116D.07, the following terms have the meanings given to them in this subdivision.

(a) "Natural resources" has the meaning given it in section 116B.02, subdivision 4.

(b) "Pollution, impairment or destruction" has the meaning given it in section 116B.02, subdivision 5.

(c) "Environmental assessment worksheet" means a brief document which is designed to set out the basic facts necessary to determine whether an environmental impact statement is required for a proposed action.

(d) "Governmental action" means activities, including projects wholly or partially conducted, permitted, assisted, financed, regulated or approved by units of government including the federal government.

(e) "Governmental unit" means any state agency and any general or special purpose unit of government in the state including, but not limited to, watershed districts organized under chapter 112, counties, towns, cities, port authorities and housing authorities, but not including courts, school districts and regional development commissions other than the metropolitan council.

Sec. 2. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 2a. Where there is potential for significant environmental effects resulting from any major governmental action, the action shall be preceded by a detailed environmental impact statement prepared by the responsible governmental unit. The environmental impact statement shall be an analytical rather than an encyclopedic document which describes the proposed action in detail, analyzes its significant environmental impacts, discusses appropriate alternatives to the proposed action and their impacts, and explores methods by which adverse environmental impacts of an action could be mitigated. The environmental impact statement shall also analyze those economic, employment and sociological effects that cannot be avoided should the action be implemented. To ensure its use in the decision making process, the environmental impact statement shall be prepared as early as practical in the formulation of an action.

(a) The board shall by rule establish categories of actions for which environmental impact statements and for which environmental assessment worksheets shall be prepared as well as categories of actions for which no environmental review is required under this section.

(b) The responsible governmental unit shall promptly publish notice of the completion of an environmental assessment worksheet in a manner to be determined by the board and shall provide copies of the environmental assessment worksheet to the board and its member agencies. Comments on the need for an environmental impact statement may be submitted to the responsible governmental unit during a 30 day period following publication of the notice that an environmental assessment worksheet has been completed. The responsible governmental unit's decision on the need for an environmental impact statement shall be based on the environmental assessment worksheet and the comments received during the comment period, and shall be made within 15 days after the close of the comment period. The board's chairman may extend the 15 day period by not more than 15 additional days upon the request of the responsible governmental unit.

(c) An environmental assessment worksheet shall also be prepared for a proposed action whenever material evidence accompanying a petition by not less than 25 individuals, submitted before the proposed project has received final approval by the appropriate governmental units, demonstrates that, because of the nature or location of a proposed action, there may be potential for significant environmental effects. Petitions requesting the preparation of an environmental assessment worksheet shall be submitted to the board. The chairman of the board shall determine the appropriate responsible governmental unit and forward the petition to it. A decision on the need for an environmental assessment worksheet shall be made by the responsible governmental unit within 15 days after the petition is received by the responsible governmental unit. The board's chairman may extend the 15 day period by not more than 15 additional days upon request of the responsible governmental unit.

(d) The board may, prior to final approval of a proposed project, require preparation of an environmental assessment worksheet by a responsible governmental unit selected by the board for any action where environmental review under this section has not been specifically provided for by rule or otherwise initiated.

(e) An early and open process shall be utilized to limit the scope of the environmental impact statement to a discussion of those impacts, which, because of the nature or location of the project, have the potential for significant environmental effects. The same process shall be utilized to determine the form, content and level of detail of the statement as well as the alterna-

tives which are appropriate for consideration in the statement. In addition, the permits which will be required for the proposed action shall be identified during the scoping process. Further, the process shall identify those permits for which information will be developed concurrently with the environmental impact statement. The board shall provide in its rules for the expeditious completion of the scoping process. The determinations reached in the process shall be incorporated into the order requiring the preparation of an environmental impact statement.

(f) Whenever practical, information needed by a governmental unit for making final decisions on permits or other actions required for a proposed project shall be developed in conjunction with the preparation of an environmental impact statement.

(g) An environmental impact statement shall be prepared and its adequacy determined within 280 days after notice of its preparation unless the time is extended by consent of the parties or by the governor for good cause. The responsible governmental unit shall determine the adequacy of an environmental impact statement, unless within 60 days after notice is published that an environmental impact statement will be prepared, the board chooses to determine the adequacy of an environmental impact statement. If an environmental impact statement is found to be inadequate, the responsible governmental unit shall have 60 days to prepare an adequate environmental impact statement.

Sec. 3. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 3a. Within 90 days after final approval of an environmental impact statement, final decisions shall be made by the appropriate governmental units on those permits which were identified as required and for which information was developed concurrently with the preparation of the environmental impact statement. Provided, however, that the 90 day period may be extended where a longer period is required by federal law or state statute or is consented to by the permit applicant. The permit decision shall include the reasons for the decision, including any conditions under which the permit is issued, together with a final order granting or denying the permit.

Sec. 4. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 4a. The board shall by rule identify alternative forms of environmental review which will address the same issues and utilize similar procedures as an environmental impact statement in a more timely or more efficient manner to be utilized in lieu of an environmental impact statement.

Sec. 5. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 5a. The board shall, by January 1, 1981, promulgate rules in conformity with this chapter and the provisions of chapter 15, establishing:

(a) The governmental unit which shall be responsible for environmental review of a proposed action;

(b) The form and content of environmental assessment worksheets;

(c) A scoping process in conformance with subdivision 2a, clause (e);

(d) A procedure for identifying during the scoping process the permits necessary for a proposed action and a process for coordinating review of appropriate permits with the preparation of the environmental impact statement;

(e) A standard format for environmental impact statements;

(f) Standards for determining the alternatives to be discussed in an environmental impact statement;

(g) Alternative forms of environmental review which are acceptable pursuant to subdivision 4a;

(h) A model ordinance in lieu of the environmental impact statement process required by this section which may be adopted by local governmental units where the local governmental unit is the responsible governmental unit for reviewing a proposed action. The model ordinance shall provide for adequate consideration of appropriate alternatives, and shall ensure that decisions are made in accordance with the policies and purposes of this act;

(i) Procedures to reduce paperwork and delay through inter-governmental cooperation and the elimination of unnecessary duplication of environmental reviews;

(j) Procedures for expediting the selection of consultants by the governmental unit responsible for the preparation of an environmental impact statement; and

(k) Any additional rules which are reasonably necessary to carry out the requirements of this section.

Sec. 6. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 6a. Prior to the preparation of a final environmental impact statement, the governmental unit responsible for the statement shall consult with and request the comments of every governmental office which has jurisdiction by law or special expertise with respect to any environmental effect involved. Copies of the drafts of such statements and the comments and views of the appropriate offices shall be made available to the public. The final detailed environmental impact statement and the comments received thereon shall precede final decisions on the proposed action and shall accompany the proposal through an administrative review process.

Sec. 7. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 10. Decisions on the need for an environmental assessment worksheet, the need for an environmental impact statement and the adequacy of an environmental impact statement may be reviewed by certiorari by the district court of the county wherein the proposed action, or any part thereof, would be undertaken. No bond shall be required under Minnesota Statutes, Section 562.02, as a prerequisite to review under this subdivision. The board may initiate judicial review of decisions referred to herein and may intervene as of right in any proceeding brought under this subdivision.

Sec. 8. Minnesota Statutes 1978, Section 116D.04, is amended by adding a subdivision to read:

Subd. 11. If the board or governmental unit which is required to act within a time period specified in this section fails to so act, any person may seek an order of the district court requiring the board or governmental unit to immediately take the action mandated by subdivisions 2a and 3a.

Sec. 9. [APPROPRIATIONS.] There is appropriated from the general fund to the environmental quality board the sum of \$5,000 for the implementation of this act.

Sec. 10. Rules adopted under the authority of section 116D.04 which are in effect on the effective date of this act shall remain in effect until the rules required by this act become effective.

Sec. 11. [REPEALER.] Minnesota Statutes 1978, Section 116D.04, Subdivision 1, 2, 3, 4 and 5 are repealed.

Sec. 12. [EFFECTIVE DATE.] Sections 1 to 11 are effective the day following final enactment."

Delete the title in its entirety and insert:

"A bill for an act relating to the environment; altering the procedure for environmental review; providing for alternative forms of environmental review; appropriating money; amending Minnesota Statutes 1978, Section 116D.04, by adding subdivisions; repealing Minnesota Statutes 1978, Section 116D.04, Subdivisions 1, 2, 3, 4, and 5."

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

The report was adopted.

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

H. F. No. 2377, A bill for an act relating to veterans; prohibiting discrimination against Vietnam veterans; appropriating money; amending Minnesota Statutes 1978, Sections 43.15, Subdivision 6; 363.01, by adding a subdivision; 363.03, Subdivisions 1, 2, 3, 4 and 5; Minnesota Statutes, 1979 Supplement, Section 43.15, Subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

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

H. F. No. 2417, A bill for an act relating to natural resources; authorizing the commissioner of natural resources to enter into agreements with the Minnesota Chippewa Tribe and Bands thereof in regard to licenses and fees for hunting, fishing, trapping, and taking of minnows and other bait on Indian reservations by non-Indians; amending Minnesota Statutes 1978, Sections 97.431, Subdivision 4; and 97.432; and Chapter 97, by adding a section.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 97, is amended by adding a section to read:

[97.433] [AGREEMENTS WITH THE LEECH LAKE AND WHITE EARTH BANDS OF CHIPPEWA INDIANS RELATING TO HUNTING AND FISHING LICENSES AND FEES.] *Subdivision 1.* [AGREEMENT WITH THE WHITE EARTH BAND OF CHIPPEWA INDIANS.] *The commissioner may enter into an agreement with authorized representatives*

of the White Earth Band of Chippewa Indians on substantially the same terms as the agreement adopted by section 97.431 and amended by section 97.432; except that in lieu of the system of special licenses and related license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation described in section 97.431, subdivision 4, clause (b), said agreement shall provide that an amount not to exceed \$320,000 annually shall be credited to the special license account established by section 97.431 and shall be remitted to the band in the manner and subject to the terms and conditions which may be mutually agreed upon.

There is annually appropriated \$320,000 from the game and fish fund to the commissioner of natural resources for this payment.

Subd. 2. [AMENDMENT TO THE LEECH LAKE SETTLEMENT AGREEMENT.] The commissioner may enter into an agreement with authorized representatives of the Leech Lake Band of Chippewa Indians to amend the settlement agreement adopted in section 97.431 and previously amended pursuant to section 97.432 by providing that in lieu of the system of special licenses and license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation, an amount not to exceed \$730,000 annually shall be credited to the special license account established by section 97.431 and shall be remitted to the band in the manner and subject to the terms and conditions which may be mutually agreed upon.

Sec. 2. The Leech Lake Band special license account created by section 97.431, is hereby renamed the Leech Lake Band and White Earth Band special license account. The revisor of statutes is directed to change all references to the "Leech Lake Band special license account" to the "Leech Lake Band and White Earth Band special license account" in the next and subsequent editions of Minnesota Statutes.

There is annually appropriated effective April 1, 1981 \$730,000 from the game and fish fund to the commissioner of natural resources for this payment.

Sec. 3. This section is effective the day following final enactment."

Further, amend the title as follows:

Page 1, line 8, after the semicolon insert "appropriating money;"

Page 1, delete line 9

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 133, A bill for an act relating to partnerships; enacting the 1976 uniform limited partnership act.

Reported the same back with the following amendments:

Page 28, after line 10 insert:

"UNIFORM CONDOMINIUM ACT

ARTICLE I

GENERAL PROVISIONS

Section 515.1-101. [SHORT TITLE.] Sections 515.1-101 to 515.4-116 shall be known and may be cited as the uniform condominium act.

Sec. 515.1-102. [APPLICABILITY.] (a) Sections 515.1-105 (Separate Titles and Taxation; Homestead), 515.1-106 (Applicability of Local Ordinances, Regulations, and Building Codes), 515.1-107 (Eminent Domain), 515.2-103 (Construction and Validity of Declaration and Bylaws), 515.2-104 (Description of Units), 515.3-102 (1) to (5) and (9) to (12) (Powers of Unit Owners Association), 515.3-108 (Tort and Contract Liability), 515.3-112 (Lien for Assessments), 515.3-113 (Association Records), 515.4-106 (Resales of Units), and 515.1-103 (Definitions) to the extent necessary in construing any of those sections, apply to all condominiums created in this state prior to the effective date of sections 515.1-101 to 515.4-116; provided, however, that these sections apply only with respect to events and circumstances occurring after the effective date of sections 515.1-101 to 515.4-116, and do not invalidate existing provisions of the declaration, bylaws or floor plans of those condominiums.

(b) Sections 515.1-101 to 515.4-116 apply to all condominiums created within this state after August 1, 1980. The provisions of Minnesota Statutes, Sections 515.01 to 515.29 do not apply to condominiums created after August 1, 1980 and do not invalidate any amendment to the declaration, bylaws, or floor plans of any condominium created before August 1, 1980 if the amendment would be permitted by sections 515.1-101 to 515.4-116. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by Minnesota Statutes, Sections 515.01 to 515.29. If the amendment grants to any person any rights, powers or privileges permitted by sections 515.1-101 to 515.4-116, all correlative obligations, liabilities, and restrictions in sections 515.1-101 to 515.4-116 also apply to that person.

Sec. 515.1-103. [DEFINITIONS.] In the declaration and bylaws, unless specifically provided otherwise or the context otherwise requires, and in sections 515.1-101 to 515.4-116:

(1) "Additional real estate" means real estate that may be added to a flexible condominium.

(2) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant. A person "controls" a declarant if the person (i) is a general partner, officer, director, or employee of the declarant or (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interests of the declarant, or (iii) controls in any manner the election of a majority of the directors of the declarant, or (iv) has contributed more than 20 percent of the capital of the declarant. A person "is controlled by" a declarant if the declarant (i) is a general partner, officer, director, or employee of the person or (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with the power to vote, or holds proxies representing, more than 20 percent of the voting interests of the person, or (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than 20 percent of the capital of the person.

(3) "Association" or "unit owners association" means the unit owners association organized under section 515.3-101.

(4) "Common elements" means all portions of a condominium other than the units.

(5) "Common expenses" means expenditures made or liabilities incurred by or on behalf of the association, together with any allocations to reserves.

(6) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 515.2-108.

(7) "Condominium" means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

(8) "Conversion condominium" means a condominium in which a building was at any time before the recording of the declaration wholly or partially occupied by persons other than

purchasers and persons who occupied with the consent of the purchasers.

(9) "Declarant" means:

(a) if the condominium has been created, (1) any person who has executed a declaration or an amendment to a declaration to add additional real estate, other than persons holding interests in the real estate solely as security for an obligation, persons whose interests in the real estate will not be conveyed to unit owners, or, in the case of a leasehold condominium, a lessor who possesses no special declarant rights and who is not an affiliate of a declarant who possesses special declarant rights, or (2) any person who succeeds under section 515.3-104 to any special declarant rights; or

(b) any person who has offered prior to creation of a condominium to dispose of his interest in a unit to be created and not previously disposed of.

(10) "Dispose" or "disposition" means a voluntary transfer of any legal or equitable interest in a unit, other than as security for an obligation.

(11) "Flexible condominium" means a condominium to which additional real estate may be added.

(12) "Leasehold condominium" means a condominium in which all of the real estate is subject to a lease, the expiration or termination of which will terminate the condominium.

(13) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 515.2-102(2) or (4) for the exclusive use of one or more but fewer than all of the units.

(14) "Person" means a natural person, corporation, partnership, trust, or other entity, or any combination thereof.

(15) "Purchaser" means any person, other than a declarant, who prior to creation of the condominium enters into a purchase agreement with a declarant or who by means of a voluntary transfer after creation of the condominium holds a legal or equitable interest in a unit, other than (i) a leasehold interest (including renewal options) of less than three years, or (ii) as security for an obligation.

(16) "Real estate" means any leasehold for three years or more or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests which by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of

conveyance. "Real estate" includes parcels with or without upper or lower boundaries.

(17) "Security for an obligation" means the vendor's interest in a contract for deed, mortgagee's interest in a mortgage, purchaser's interest under a sheriff's certificate of sale during the period of redemption, or the holder's interest in a lien.

(18) "Special declarant rights" means rights reserved for the benefit of a declarant to complete improvements indicated on floor plans (section 515.2-110); to add additional real estate to a flexible condominium (section 515.2-111); to subdivide or convert a unit (section 515.2-114); to maintain sales offices, management offices, signs advertising the condominium, and models (section 515.2-116); to use easements through the common elements for the purpose of making improvements within the condominium or additional real estate (section 515.2-117); or to appoint or remove any board member during any period of declarant control (section 515.3-103(a)).

(19) "Unit" means a portion of the condominium, whether or not contained solely or partially within a building, designated for separate ownership, the boundaries of which are described pursuant to section 515.2-110.

(20) "Unit owner" means a declarant who owns a unit, a person to whom ownership of a unit has been conveyed, or in a leasehold condominium a lessee of a unit whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the condominium, but does not include a holder of an interest as security for an obligation.

Sec. 515.1-104. [VARIATION BY AGREEMENT.] Except as expressly otherwise provided in sections 515.1-101 to 515.4-116, provisions of sections 515.1-101 to 515.4-116 may not be varied by agreement, and rights conferred by sections 515.1-101 to 515.4-116 may not be waived. A declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of sections 515.1-101 to 515.4-116 or the declaration.

Sec. 515.1-105. [SEPARATE TITLES AND TAXATION; HOMESTEAD.] (a) Each unit together with its common element interest constitutes for all purposes a separate parcel of real estate.

(b) If a declaration is filed prior to ten days before any installment of real estate taxes becomes payable, the local taxing authority shall split the taxes so payable on the condominium among the units. Interest and penalties which would otherwise accrue shall not begin to accrue until at least 30 days after the split is accomplished.

(c) A unit used for residential purposes together with not more than two units used for vehicular parking and their common element interests shall be treated the same as any other real estate in determining whether homestead exemptions or classifications shall apply.

Sec. 515.1-106 [APPLICABILITY OF LOCAL ORDINANCES, REGULATIONS, AND BUILDING CODES.] (a) Except as provided in subsections (b) and (c), a zoning, subdivision, building code, or other real estate use law, ordinance, or regulations may not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership. Otherwise, no provision of sections 515.1-101 to 515.4-116 invalidates or modifies any provision of any zoning, subdivision, building code, or other real estate use law, ordinance, or regulation. (b) The limitation in subsection (a) shall not apply to any ordinance, rule or regulation relating to the financing of housing construction, rehabilitation, or purchases provided by or through a housing finance program established and operated pursuant to state law by a state agency or local unit of government.

(c) A statutory or home rule charter city, pursuant to an ordinance or charter provision establishing standards to be applied uniformly within its jurisdiction, may prohibit, restrict, or impose conditions upon the conversion of buildings to the condominium form of ownership (1) as a condition to the provision of public financial assistance to preserve or improve buildings containing residential dwellings or to reduce the rents charged to tenants occupying residential dwellings, (2) to prevent a significant reduction in the supply of rental housing, (3) to minimize the adverse effects of displacement caused by the conversion of occupied residential dwellings to the condominium form of ownership, or (4) to establish or maintain the city's eligibility for any federal or state program providing direct or indirect financial assistance to the city.

Sec. 515.1-107. [EMINENT DOMAIN.] (a) If a unit is acquired by eminent domain, or if part of a unit is acquired by eminent domain leaving the unit owner with a remnant which may not practically or lawfully be used for any purpose permitted by the declaration, the award shall compensate the unit owner and holders of an interest as security for an obligation in the unit and its common element interest as their interests may appear, whether or not any common element interest is acquired. Upon acquisition, unless the decree otherwise provides, that unit's entire common element interest, votes in the association, and common expense liability are automatically reallocated to the remaining units in proportion to the respective interests, votes, and liabilities of those units prior to the taking, and the association shall promptly prepare, execute, and record an amendment to the declaration reflecting the reallocations. Any

remnant of a unit remaining after part of a unit is taken under this subsection is thereafter a common element.

(b) Except as provided in subsection (a), if part of a unit is acquired by eminent domain, the award shall compensate the unit owner and the holders of an interest as security for an obligation as their interests may appear for the reduction in value of the unit and its common element interest. Upon acquisition, unless the apportionment thereof pursuant to the declaration is based upon equality, (1) that unit's common element interest, votes in the association, and common expense liability are reduced in proportion to the reduction in the size of the unit, and (2) the portion of common element interest, votes, and common expense liability divested from the partially acquired unit are automatically reallocated to that unit and the remaining units in proportion to the respective interests, votes, and liabilities of those units prior to the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced interests, votes, and liabilities.

(c) If part of the common elements is acquired by eminent domain, the award shall be paid to the association. The association shall divide any portion of the award not used for any restoration or repair of the remaining common elements among the unit owners and holders of an interest as security for an obligation as their interests may appear in proportion to their respective interests in the common elements before the taking, but the portion of the award attributable to the acquisition of a limited common element shall be equally divided among the owners of the units and the respective holders of an interest as security for an obligation of the units as their interests may appear of the units to which that limited common element was allocated at the time of acquisition, or in such other manner as the declaration may provide.

(d) The court decree shall be recorded in every county in which any portion of the condominium is located.

Sec. 515.1-108. [SUPPLEMENTAL GENERAL PRINCIPLES OF LAW APPLICABLE.] The principles of law and equity, including the law of corporations, the law of real property and the law relative to capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause supplement the provisions of sections 515.1-101 to 515.4-116, except to the extent inconsistent with sections 515.1-101 to 515.4-116. Documents required by sections 515.1-101 to 515.4-116 to be recorded shall in the case of registered land be filed.

Sec. 515.1-109. [CONSTRUCTION AGAINST IMPLICIT REPEAL.] Sections 515.1-101 to 515.4-116 being a general act intended as a unified coverage of its subject matter, no part of

it shall be construed to be impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

Sec. 515.1-110. [UNIFORMITY OF APPLICATION AND CONSTRUCTION.] Sections 515.1-101 to 515.4-116 shall be applied and construed so as to effectuate its general purpose to make uniform the law with respect to the subject of sections 515.1-101 to 515.4-116 among states enacting it.

Sec. 515.1-111. [SEVERABILITY.] If any provision of sections 515.1-101 to 515.4-116 or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of sections 515.1-101 to 515.4-116 which can be given effect without the invalid provisions or application, and to this end the provisions of sections 515.1-101 to 515.4-116 are severable.

Sec. 515.1-112. [UNCONSCIONABLE AGREEMENT OR TERM OF CONTRACT.] (a) The court, upon finding as a matter of law that a contract or contract clause to which the declarant or the affiliate of a declarant is a party was unconscionable at the time the contract was made, may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable clause, or limit the application of any unconscionable clause in order to avoid an unconscionable result.

(b) Whenever it is claimed, or appears to the court that such a contract or contract clause is or may be unconscionable, the parties, in order to aid the court in making the determination, shall be afforded a reasonable opportunity to present evidence as to:

(1) the commercial setting of the negotiations;

(2) whether a party has knowingly taken advantage of the inability of the other party reasonably to protect his interests by reason of physical or mental infirmity, illiteracy, or inability to understand the language of the agreement or similar factors;

(3) the effect and purpose of the contract or clause; and

(4) if a sale, any gross disparity, at the time of contracting, between the amount charged for the real estate and the value of the real estate measured by the price at which similar real estate was readily obtainable in similar transactions, but a disparity between the contract price and the value of the real estate measured by the price at which similar real estate was readily obtainable in similar transactions does not, of itself, render the contract unconscionable.

Sec. 515.1-113. [OBLIGATION OF GOOD FAITH.] Every contract or duty governed by sections 515.1-101 to 515.4-116

imposes an obligation of good faith in its performance or enforcement.

Sec. 515.1-114. [REMEDIES TO BE LIBERALLY ADMINISTERED.] (a) The remedies provided by sections 515.1-101 to 515.4-116 shall be liberally administered to the end that the aggrieved party is put in as good a position as though the other party had fully performed, provided that rights of bona fide purchasers shall be protected. However, consequential, special, or punitive damages may not be awarded except as specifically provided in sections 515.1-101 to 515.4-116 or by other rule of law.

(b) Any right or obligation declared by sections 515.1-101 to 515.4-116 is enforceable by judicial proceeding unless the provision declaring it provides otherwise.

Sec. 515.1-115. [NOTICE.] Except as otherwise stated in sections 515.1-101 to 515.4-116 all notices required by sections 515.1-101 to 515.4-116 shall be in writing and shall be effective upon hand delivery or upon mailing if properly addressed with postage prepaid and deposited in the United States mail.

ARTICLE II

CREATION, ALTERATION, AND TERMINATION OF CONDOMINIUMS

Sec. 515.2-101. [CREATION OF CONDOMINIUM.] (a) A condominium may be created pursuant to sections 515.1-101 to 515.4-116 only by recording a declaration executed, in the same manner as a deed, by all persons whose interests in the real estate will be conveyed to unit owners, except vendors under contracts for deed, and by every lessor of a lease the expiration or termination of which will terminate the condominium. The declaration and bylaws shall be recorded in every county in which any portion of the condominium is located. Failure of any party to join in a declaration shall have no effect on the validity of a condominium if after the recording of the declaration the party acknowledges the condominium in a recorded instrument.

(b) A declaration, or an amendment to a declaration adding units to a condominium, shall not be recorded unless all structural components and mechanical systems of all buildings containing or comprising any units thereby created are substantially completed consistent with the floor plans, as evidenced by a certificate executed by an independent registered engineer, surveyor or architect, whichever may be appropriate, and recorded or attached to the floor plans.

(c) No interest in a unit shall be conveyed until the unit is substantially completed as evidenced by a recorded certificate of completion executed by an independent registered architect,

surveyor or engineer. For the purpose of this section "substantially completed" means entirely completed consistent with the floor plans. This subsection does not prevent the conveyance prior to substantial completion of all units owned by the declarant to a person who is a transferee of special declarant rights.

(d) The declaration, any amendment or amendments thereof, and every instrument affecting a condominium or any unit shall be entitled to be recorded.

(e) In addition to the records and indexes required to be maintained by the recording officer, the recording officer shall maintain an index or indexes whereby the record of each declaration contains a reference to the record of each conveyance of a unit affected by the declaration.

(f) The recording officer shall upon request assign a number to a condominium to be formed.

(g) The recording officer shall separate the floor plans from the declaration and the floor plans shall be kept by the recording officer in a separate file for each condominium indexed in the same manner as a conveyance entitled to record indicating the number of the condominium.

Sec. 515.2-102. [UNIT BOUNDARIES.] Except as otherwise provided by the declaration:

(1) If walls, floors, or ceilings are designated as boundaries of a unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the finished surfaces thereof are a part of the unit, and all other portions of the walls, floors, or ceilings are a part of the common elements.

(2) If any chute, flue, duct, pipe, wire, conduit, bearing wall, bearing column, or any other fixture lies partially within and partially outside of the designated boundaries of a unit, any portion thereof serving only that unit is a limited common element allocated solely to that unit, and any portion thereof serving more than one unit or any portion of the common elements is a part of the common elements.

(3) Subject to the provisions of paragraph (2), all spaces, interior partitions, and other fixtures and improvements within the boundaries of a unit are a part of the unit.

(4) All exterior doors and windows and any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, or other fixtures designed to serve a single unit, but located outside the unit's boundaries, are limited common elements allocated exclusively to that unit.

Sec. 515.2-103. [CONSTRUCTION AND VALIDITY OF DECLARATION AND BYLAWS.] (a) All provisions of the declaration and bylaws are severable.

(b) The rule against perpetuities may not be applied to defeat any provision of the declaration or sections 515.1-101 to 515.4-116, or any instrument executed pursuant to the declaration or sections 515.1-101 to 515.4-116.

(c) In the event of a conflict between the provisions of the declaration and the bylaws, the declaration prevails except to the extent that the declaration is inconsistent with sections 515.1-101 to 515.4-116.

Sec. 515.2-104. [DESCRIPTION OF UNITS.] After the declaration is recorded, a description of a unit which sets forth the number of the condominium, the county in which the condominium is located, and the identifying number of the unit, is a sufficient legal description of that unit and its common element interest whether or not the common element interest is described or referred to therein.

Sec. 515.2-105. [CONTENTS OF DECLARATION; ALL CONDOMINIUMS.] The declaration for a condominium shall contain:

(1) the name and number of the condominiums, which shall include the word "condominium" or be followed by the words "a condominium";

(2) the name of every county in which any part of the condominium is situated;

(3) a legally sufficient description of the real estate included in the condominium;

(4) a description or delineation of the boundaries of a unit;

(5) the floor plans as required by section 515.2-110;

(6) an allocation to each unit of an undivided interest in the common elements, a portion of the votes in the association, and a percentage or fraction of the common expenses of the association (section 515.2-108);

(7) a statement of the maximum number of any units which may be created by the subdivision or conversion of units owned by the declarant pursuant to section 515.2-114(c);

(8) an allocation of any limited common elements, as provided in section 515.2-109;

(9) any restrictions on use, occupancy, and alienation of the units;

(10) any other matters the declarant deems appropriate.

Sec. 515.2-106. [CONTENTS OF DECLARATION; FLEXIBLE CONDOMINIUMS.] The declaration for a flexible condominium shall include, in addition to the matters specified in section 515.2-105:

(1) an explicit reservation of any options to add additional real estate;

(2) a statement of any time limit, not exceeding seven years after the recording of the declaration upon which any option reserved under paragraph (i) will lapse, together with a statement of any circumstances that will terminate the option before the expiration of the time limit. If no time limit is set forth in the declaration, the time limit shall be seven years after the recording of the declaration;

(3) a statement of any limitations on any option reserved under paragraph (i), other than limitations created by or imposed pursuant to law;

(4) legally sufficient descriptions of each portion of additional real estate;

(5) if portions of any additional real estate may be added at different times, a statement to that effect together with a statement fixing the boundaries of those portions and regulating the order in which they may be added or a statement that no assurances are made in those regards;

(6) a statement of (i) the maximum number of units that may be created within any additional real estate and within any portion, the boundaries of which are fixed pursuant to paragraph (5), and (ii) how many of those units will be restricted exclusively to residential use;

(7) a statement that any buildings and units that may be erected upon the additional real estate or a portion thereof will be compatible with the other buildings and units in the condominium in terms of architectural style, quality of construction, principal materials employed in construction, and size, or a statement of any differences with respect to the buildings or units, or a statement that no assurances are made respecting those matters;

(8) a statement that all restrictions in the declaration affecting use, occupancy, and alienation of units will apply to units created in the additional real estate, or a statement of any differentiations that may be made as to those units;

(9) general descriptions of all other improvements and common elements that may be made or created upon or within the additional real estate or each portion thereof;

(10) a statement of the extent to which any assurances made in the declaration regarding additional real estate pursuant to paragraphs (5) to (9) apply in the event any additional real estate is not added to the condominium, or a statement that those assurances do not apply if the real estate is not added to the condominium.

Sec. 515.2-107. [LEASEHOLD CONDOMINIUMS.] (a) Any lease the expiration or termination of which may terminate the condominium shall be recorded and the declaration shall include, in addition to the matters specified in section 515.2-105:

(1) the county of recording and recorder's document number for the lease;

(2) the date on which the lease is scheduled to expire;

(3) any right of the unit owners to purchase the lessor's interest in the real estate and the manner whereby those rights may be exercised, or a statement that they do not have those rights;

(4) any right of the unit owners to remove any improvements within a reasonable time after the expiration or termination of the lease, or a statement that they do not have those rights; and

(5) any rights of the unit owners to renew the lease and the conditions of any renewal, or a statement that they do not have those rights.

(b) After the declaration for a leasehold condominium is recorded, neither the lessor nor his successor in interest may terminate the leasehold interest of a unit owner who makes timely payment of his share of the rent which shall be the same portion thereof as that of his common area expense and who otherwise complies so far as practicable with his share of all other covenants which, if violated, would entitle the lessor to terminate the lease. No unit owner's leasehold interest is affected by failure of any other person to pay rent or fulfill any other covenant.

(c) Acquisition of the leasehold interest of any unit owner by the lessor does not merge the leasehold and fee simple interests and the lessor shall hold the title to the unit subject to the declaration unless the leasehold interests of all unit owners subject to the lease are so acquired.

Sec. 515.2-108. [ALLOCATION OF COMMON ELEMENT INTERESTS, VOTES, AND COMMON EXPENSE LIABILITY.]

TIES.] (a) The declaration shall allocate a fraction or percentage of the undivided interests in the common elements, common expenses and votes in the association to each unit in such manner that each of the items is equally allocated or is allocated according to the proportion of the area or volume of each unit to the area or volume of all units, and the items need not be allocated the same for all purposes. The declaration may provide that a portion of each common expense assessment may be allocated on the basis of equality and the remainder on the basis of area or volume of each unit. The sum of the fractions or percentages shall equal 1 or 100 percent.

(b) Except in the case of eminent domain (section 515.1-107), expansion of a flexible condominium (section 515.2-111), relocation of boundaries between adjoining units (section 515.2-113), or subdivision of units (section 515.2-114), the common element interest, votes and common expense liability allocated to any unit may not be altered, except as an amendment to the declaration which is signed by all unit owners and first mortgagees, and which complies with section 515.2-118. The common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale or other voluntary or involuntary transfer of an undivided interest or involuntary transfer of an undivided interest in the common elements without the unit to which the interest is allocated is void.

(c) The association may assess certain common expenses against fewer than all units pursuant to section 515.3-111.

Sec. 515.2-109. [COMMON ELEMENTS AND LIMITED COMMON ELEMENTS.] Common elements other than limited common elements may be used in common with all unit owners. Except for the limited common elements described in section 515.2-102(2) and (4), the declaration shall specify to which unit each limited common element is allocated.

Sec. 515.2-110. [FLOOR PLANS.] (a) Floor plans are a part of the declaration. The floor plans shall contain a certification by a registered professional engineer, surveyor or architect that the floor plans accurately depict all information required by this section.

(b) Each floor plan shall show:

(1) the number of the condominium, and the boundaries and dimensions of the land included in the condominium;

(2) the dimensions and location of all existing structural improvements and roadways;

(3) the intended location and dimensions of any contemplated common element improvements to be constructed within

the condominium labeled either "MUST BE BUILT" or "NEED NOT BE BUILT";

(4) the location and dimensions of any additional real estate, labeled as such;

(5) the extent of any encroachments by or upon any portion of the condominium;

(6) the location and dimensions of all recorded easements within the condominium serving or burdening any portion of the condominium;

(7) the distance between noncontiguous parcels of real estate;

(8) the location and dimensions of limited common elements, including porches, balconies and patios, other than limited common elements described in section 515.2-102(2) and (4);

(9) the location and dimensions of the vertical boundaries of each unit, and that unit's identifying number;

(10) the location and dimensions of the horizontal unit boundaries with reference to established or assumed datum, and that unit's identifying number;

(11) any units which may be converted by the declarant to create additional units or common elements (section 515.2-114) identified separately.

(c) When adding additional real estate (section 515.2-111), the declarant shall record supplemental floor plans for that real estate conforming to the requirements of subsection (b). If less than all additional real estate is being added, the supplemental floor plans shall also show the location and dimensions of the remaining portion.

(d) If a declarant subdivides or converts any unit into two or more units, common elements or limited common elements (section 515.2-114), he shall record an amendment to the floor plans showing the location and dimensions of any new units, common elements and limited common elements thus created.

Sec. 515.2-111. [EXPANSION OF FLEXIBLE CONDOMINIUMS.] (a) To add additional real estate pursuant to an option reserved under section 515.2-106(1), all persons having an interest in the additional real estate, excepting any holder of an easement or any holder of an interest to secure an obligation which interest was recorded or created subsequent to the recording of the declaration, shall prepare and execute and, after notice as provided in subsection (b), record an amendment to

the declaration. The amendment to the declaration shall assign an identifying number to each unit formed in the additional real estate, and reallocate common element interests, votes in the association, and common expense liabilities according to section 515.2-108. The amendment shall describe or delineate any limited common elements formed out of the additional real estate, showing or designating the unit to which each is allocated to the extent required by section 515.2-109 (Limited Common Elements).

(b) The declarant shall serve notice of his intention to add additional real estate as follows:

(1) To the association in the same manner as service of summons in a civil action in district court at least 30 days prior to the recordation of the amendment. The amendment shall be attached to the notice and shall not thereafter be changed so as to materially affect the rights of unit owners.

(2) To the occupants of each unit by notice given in the manner provided in section 515.1-115 not less than 20 days prior to the recordation of the amendment addressed to "Occupant" at each unit. Attached to the notice shall be a statement that the amendment has been served on the association.

(3) Proof of service upon the association and the occupants shall be attached to the recorded amendment.

Sec. 515.2-112. [ALTERATIONS OF UNITS.] Subject to the provisions of the declaration and other provisions of law, a unit owner:

(1) may make any improvements or alterations to his unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium;

(2) after acquiring an adjoining unit or an adjoining part of an adjoining unit, may with consent of the association and first mortgagees of the units, remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium. The adjoining unit owners shall have the exclusive license to use the space occupied by the common elements, but the use shall not create an easement or vested right. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries. The association may require that the owner or owners of units affected replace or restore any such partition.

Sec. 515.2-113. [RELOCATION OF BOUNDARIES BETWEEN ADJOINING UNITS.] (a) Subject to the provisions of the declaration and other provisions of law, the boundar-

ies between adjoining units may be relocated by an amendment to the declaration upon application to the association by the owners of those units. The owners of the adjoining units shall specify the proposed reallocation between their units of their common element interests, votes in the association, and common expense liabilities in the application and in accord with section 515.2-108. Unless the board of directors determines within 60 days after receipt of the application by the association that the proposed amendment is not in the best interests of the condominium, the unit owners shall prepare an amendment which shall identify the units involved, state the reallocation, be executed by those unit owners and by any holder of an interest as security for an obligation, contain words of conveyance between them, contain written consent of the association, and upon recordation be indexed in the name of the grantor and the grantee. The amendment shall include an amended floor plan to show the altered boundaries between the adjoining units and their dimensions and identifying numbers. If a holder of an interest as security for an obligation joins in the amendment pursuant to this section, the extent of the interest and the remedies shall be deemed to be modified as provided in the amendment. The association shall incur no liability to any party by reason of performing those acts enumerated in this section.

(b) The association may require the owners of the affected units to build a boundary wall and other common elements between the units.

(c) The applicant shall deliver a certified copy of the amendment to the association.

Sec. 515.2-114. [SUBDIVISION OR CONVERSION OF UNITS.] (a) If the declaration expressly so permits, (i) a unit may be subdivided into two or more units, or, (ii) if owned by a declarant, a unit may be subdivided or converted into two or more units, limited common elements, common elements, or a combination of units, limited common elements and common elements. Subject to the provisions of the declaration and other provisions of law, the unit owner shall prepare and execute an amendment to the declaration, including the floor plans, subdividing or converting that unit. The amendment to the declaration shall be executed by the unit owner and any holder of an interest as security for an obligation of the unit to be subdivided or converted, assign an identifying number to each unit created, and reallocate the common element interest, votes in the association, and common expense liability formerly allocated to the subdivided unit to the units in accord with section 515.2-108.

(b) The unit owner shall deliver a certified copy of the recorded amendment to the association.

(c) In the case of a unit owned by a declarant, if a declarant converts part or all of a unit to common elements, the amend-

ment to the declaration shall reallocate among the other units the common element interest, votes in the association, and common expense liability formerly allocated to the converted unit or portion thereof on the same basis used for the initial allocation thereof.

(d) If a holder of an interest as security for an obligation joins in the amendment pursuant to this section, the interest and remedies shall be deemed to apply to the units and the common element interests that result from the subdivision or conversion under this section. In the event of enforcement of any remedy, including foreclosure by advertisement, all instruments and notices shall describe the subject property in terms of the amended description.

Sec. 515.2-115. [INTERPRETATION OF DEEDS.] The existing physical boundaries of a unit or of a unit reconstructed in substantial accordance with the floor plans are conclusively presumed to be its boundaries regardless of settling or lateral movement of the building.

Sec. 515.2-116. [USE FOR SALES PURPOSES.] If the declaration so provides and specifies the rights of a declarant with regard to the number, size, location and relocation thereof, a declarant may maintain sales offices, management offices, and models in the condominium. Any sales office, management office, or model not designated a unit by the declaration is a common element, and if a declarant ceases to be a unit owner, he ceases to have any rights with regard thereto unless it is removed promptly from the condominium in accordance with a right to remove reserved in the declaration. Subject to any limitations in the declaration, a declarant may maintain signs on the common elements advertising the condominium.

Sec. 515.2-117. [EASEMENT TO FACILITATE COMPLETION, CONVERSION, AND EXPANSION.] Subject to the provisions of the declaration, a declarant has an easement through the common elements as may be reasonably necessary for the purpose of discharging a declarant's obligations or exercising special declarant rights, whether arising under sections 515.1-101 to 515.4-116 or reserved in the declaration.

Sec. 515.2-118. [AMENDMENT OF DECLARATION.] (a) Except in cases of amendments which may be executed by a declarant under sections 515.2-110(c) and (d), 515.2-111(a); the association under section 515.1-107(a); or certain unit owners under sections 515.2-113, 515.2-114, or 515.2-119(b), and except as limited by subsection (d), the declaration may be amended by the association only by a vote or written agreement of unit owners to which at least 67 percent of the votes in the association are allocated, and 67 percent of the first mortgagees of the units (each mortgagee having one vote) or any larger or smaller majority the declaration specifies. The declaration may specify

any percentage if all of the units are restricted exclusively to nonresidential use.

(b) Every amendment to the declaration shall be recorded in every county in which any portion of the condominium is located, and is effective only when recorded.

(c) Except to the extent expressly permitted or required by other provisions of sections 515.1-101 to 515.4-116, no amendment may create or increase special declarant rights, increase the number of units, convert common elements to limited common elements, or change the boundaries of any unit, the common element interest, common expense liability, or voting strength in the association allocated to a unit, or the uses to which any unit is restricted, in the absence of unanimous written agreement of the unit owners and holders of an interest as security for an obligation.

(d) Limited common elements shall not be altered without the written agreement of the unit owners and holders of an interest to secure an obligation of the units to which the limited common elements are allocated.

(e) An affidavit of the secretary of the association stating that the votes or agreements required by this section have occurred, shall be attached to the amendment and shall constitute prima facie evidence of the representations contained therein.

Sec. 515.2-119. [TERMINATION OF CONDOMINIUM.]

(a) Except in the case of a taking of all the units by eminent domain (section 515.1-107), a condominium may be terminated only by agreement of unit owners of units to which at least 80 percent of the votes in the association are allocated, and 80 percent of the first mortgagees of the units (each mortgagee having one vote), or any larger percentage the declaration specifies. The declaration may specify a smaller percentage only if all of the units in the condominium are restricted exclusively to nonresidential uses.

(b) An agreement of unit owners and mortgagees to terminate a condominium must be evidenced by their execution of a termination agreement or ratification thereof. If, pursuant to a termination agreement, the real estate constituting the condominium is to be sold following termination, the termination agreement shall set forth the terms of the sale. A termination agreement and all ratifications thereof shall be effective upon recording in every county in which a portion of the condominium is situated.

(c) If the termination agreement provides that the real estate constituting the condominium is to be sold following termination, title to that real estate, upon termination, vests in the

association as trustee for the holders of all interests in the units. The association as trustee thereafter has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers and responsibilities it had before termination whether under the declaration or otherwise. Unless the termination agreement otherwise provides, proceeds of the sale shall be paid to the association as trustee and shall be distributed to the unit owners and holders of an interest as security for an obligation as their interests may appear and according to the priority enjoyed prior to termination in proportion to the respective interests of unit owners as provided in subsection (f). Any interest as security for an obligation formerly affecting a unit shall constitute a claim against the proceeds in the amount existing at the time of termination plus interest and other amounts accrued until distributions. Except as otherwise specified in the termination agreement, as long as the association as trustee holds title to the real estate, each unit owner and his successors in interest have the right to use the real estate that formerly constituted the common elements and have an exclusive right to occupancy of the portion of the real estate that formerly constituted his unit and limited common elements. During the period of such occupancy, each unit owner and his successors in interest remain liable for all assessments and other obligations imposed on unit owners by sections 515.1-101 to 515.4-116, the declaration, or the termination agreement.

(d) If the real estate constituting the condominium is not to be sold following termination, title to the real estate, upon termination, vests in the unit owners as tenants in common in proportion to their respective interests as provided in subsection (f). Any interests held as security for an obligation and the respective instruments formerly affecting a unit shall be deemed to be an interest affecting the resulting undivided interest in the same manner as they formerly affected the unit. As long as the tenancy in common exists, each unit owner and his successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted his unit and limited common elements. Unless the termination agreement otherwise provides during the period of tenancy in common, the cotenants and the association shall have the rights and obligations under sections 515.1-101 to 515.4-116, the declaration and bylaws and the termination agreement.

(e) Following termination of the condominium, and after payment of or provision for the claims of the association's creditors, the assets of the association shall be distributed to unit owners and holders of an interest as security for an obligation in proportion to their respective interests as provided in subsection (f). The proceeds of sale described in subsection (c) and held by the association as trustee are not assets of the association.

(f) The respective interests of unit owners referred to in subsections (c), (d), and (e) are as follows:

(1) except as provided in paragraph (2), the respective interests of unit owners are the fair market values of their units, limited common elements, and common element interests immediately before the termination, as determined by one or more independent appraisers selected by the association. The decision of the independent appraisers shall be delivered in the manner provided in section 515.1-115 addressed to the occupant at each unit and the first mortgagee of each unit at its last known address and becomes final unless disapproved within 30 days after delivery by unit owners of units to which 25 percent of the votes in the association are allocated or by 25 percent of the first mortgagees, each mortgagee having one vote. The proportion of any unit owner's interest to that of all unit owners is determined by dividing the fair market value of his interest by the total fair market values of all of such interests.

(2) if any unit is destroyed to the extent that an appraisal of the fair market value thereof prior to destruction cannot be made and there is not satisfactory evidence to afford such an appraisal, the interests of all unit owners are their respective common element interests immediately before the termination.

Sec. 515.2-120. [RIGHTS OF HOLDERS OF AN INTEREST AS SECURITY FOR AN OBLIGATION.] (a) Nothing in sections 515.1-101 to 515.4-116 unless expressly stated diminishes the rights of holders of an interest as security for an obligation or prevents the declaration from requiring that all or a specified number or percentage of holders of an interest as security for an obligation affecting the units approve specified actions of the unit owners or the association as a condition to the effectiveness of those actions, but no requirement for approval may operate to (1) deny or delegate control over the general administrative affairs of the association by the unit owners, or (2) prevent the association from commencing, intervening in or settling any litigation or proceeding, or receiving and distributing any insurance proceeds pursuant to section 515.3-109.

(b) Foreclosure or enforcement of a lien or encumbrance against the entire condominium does not of itself terminate the condominium. Foreclosure or enforcement of an interest as security for an obligation against a portion of the condominium withdraws that portion from the condominium unless (i) the interest is recorded subsequent to the recording of the declaration or is otherwise subordinate to the declaration, or (ii) the holder or his predecessor has issued a release or deed for a unit.

ARTICLE III

MANAGEMENT OF THE CONDOMINIUM

Section 515.3-101. [ORGANIZATION OF UNIT OWNERS ASSOCIATION.] A unit owners association shall be organized no later than the date the condominium is created. The member-

ship of the association at all times shall consist exclusively of all the unit owners or, following termination of the condominium, of all former unit owners entitled to distributions of proceeds under section 515.2-119, or their heirs, successors, or assigns. The association shall be organized as a profit or nonprofit corporation.

Sec. 515.3-102. [POWERS OF UNIT OWNERS ASSOCIATION.] (a) Unless limited by the provisions of the declaration, the association may:

- (1) adopt and amend rules and regulations;
- (2) adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from unit owners;
- (3) hire and terminate managing agents and other employees, agents, and independent contractors;
- (4) institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the condominium;
- (5) regulate the use, maintenance, repair, replacement and modification of common elements;
- (6) cause improvements to be made as a part of the common elements;
- (7) grant leases, licenses, and concessions not to exceed one year and utility easements through or over the common elements; provided, however, that after conveyance to owners other than the declarant or affiliate of a declarant of units to which more than 50 percent of the voting power is allocated, the association may by resolution of a meeting of the members duly called grant leases, licenses, and concessions in excess of one year and easements through or over the common elements;
- (8) impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than limited common elements described in section 515.2-102(2) and (4);
- (9) impose reasonable charges including reasonable costs and attorneys' fees, for the evaluation, preparation and recordation of amendments to the declaration, resale certificates required by section 515.4-105, or statements of unpaid assessments;
- (10) provide for the indemnification of its officers and board and maintain directors' and officers' liability insurance;

(11) impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association;

(12) exercise any other powers conferred by state law, the declaration, or bylaws.

(b) Notwithstanding subsection (a), the declaration may not impose limitations on the power of the association to deal with the declarant that are more restrictive than the limitations imposed on the power of the association to deal with other persons.

Sec. 515.3-103. [BOARD OF DIRECTORS, MEMBERS AND OFFICERS.] (a) The declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by him, may elect the members of the board of directors. Any period of declarant control extends from the date of the first conveyance of a unit to a unit owner other than a declarant for a period not exceeding five years in the case of a flexible condominium or three years in the case of any other condominium. Regardless of the period provided in the declaration, a period of declarant control terminates upon surrender of control by the declarant or no later than 60 days after conveyance of 75 percent of the units to unit owners other than a declarant.

(b) Not later than 60 days after conveyance of 50 percent of the units to unit owners other than a declarant not less than 33 1/3 percent of all of the members of the board of directors shall be elected by unit owners other than the declarant.

(c) Not later than the termination of the period of declarant control and thereafter the unit owners shall elect a board of directors of at least three members, at least a majority of whom shall be unit owners or the individual nominees of unit owners other than individuals. The board of directors shall elect the officers. The persons elected shall take office upon election.

(d) In determining whether the period of declarant control has terminated under subsection (a), or whether unit owners other than a declarant are entitled to elect members of the board of directors under subsection (b), the percentage of the units which has been conveyed is presumed to be that percentage which would have been conveyed if all the units which the declarant has built or reserved the right to build in the declaration were included in the condominium.

Sec. 515.3-104. [TRANSFER OF SPECIAL DECLARANT RIGHTS.] (a) No special declarant rights (section 515.1-103 (18)) created or reserved under sections 515.1-101 to 515.4-116

may be transferred except by an instrument evidencing the transfer recorded in every county where any portion of the condominium is located. The instrument is recordable and is not effective unless executed by the transferor and transferee. In the event that additional real estate is transferred by the declarant, the transferee shall be deemed to receive all special declarant rights with respect thereto and shall be subject to any obligations imposed by the declaration respecting the additional real estate so transferred.

(b) Upon transfer of any special declarant right, the liability of a transferor declarant is as follows:

(1) a transferor is not relieved of any obligation or liability which arose before the transfer, and remains liable for warranty obligations imposed on him by sections 515.1-101 to 515.4-116. Lack of privacy does not deprive any unit owner of standing to bring an action to enforce any obligation of the transferor;

(2) If a transferor retains any special declarant right, or if a successor to any special declarant right is an affiliate of a declarant (section 515.1-103(2)), the transferor is subject to liability for all obligations and liabilities imposed on a declarant by sections 515.1-101 to 515.4-116 or by the declaration arising after the transfer and is jointly and severally liable with the successor for the liabilities and obligations of the successor which relate to the condominium; and

(3) a transferor who retains no special declarant right has no liability for any act or omission or any breach of a contractual or warranty obligation arising from the exercise of a special declarant right by a successor declarant who is not an affiliate of the transferor.

(c) In case of foreclosure of a mortgage or cancellation of a contract for deed or sale under the bankruptcy act or receivership proceeding or the foreclosure of any other lien against any unit owned by a declarant in the condominium, a person first acquiring title to all the units being cancelled, foreclosed or sold, succeeds to all then existing special declarant rights except the special declarant rights with respect to additional real estate, unless the mortgage or other instrument or proceeding also covers additional real estate.

(d) The liabilities and obligations of persons who succeed to special declarant rights are as follows:

(1) A successor to any special declarant right who is an affiliate of a declarant is subject to all the obligations and liabilities imposed on any declarant by sections 515.1-101 to 515.4-116 or by the declaration.

(2) A successor to any special declarant right, other than a successor described in paragraphs (3) or (4) of this subsection, who is not an affiliate of a declarant, is subject to all obligations and liabilities imposed on a declarant by sections 515.1-101 to 515.4-116 or the declaration, except that he is not subject to liability for misrepresentations or warranty obligations on improvements made by any previous declarant, or made before the condominium was created, or for a breach of fiduciary obligation by any previous declarant.

° (3) A successor to only a right reserved in the declaration to maintain models, sales offices, and signs (section 515.2-116), if he is not an affiliate of a declarant, may not exercise any other special declarant right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a disclosure statement and any liability arising as a result thereof.

(4) A successor to all special declarant rights, who is not an affiliate of a declarant and who succeeded to those rights pursuant to a deed in lieu of foreclosure or by reason of subsection (c), may declare his intention in a recorded instrument to hold those rights solely for transfer to another person. Thereafter, until transferring all special declarant rights to any person acquiring title to any unit owned by the successor, or until recording an instrument permitting exercise of all those rights, that successor may not exercise any of those rights other than the right to control the board of directors in accordance with the provisions of section 515.3-103 for the duration of any period of declarant control, and any attempted exercise of those rights is void. So long as any successor declarant may not exercise special declarant rights under this subsection, he is not subject to any liability or obligation as a declarant other than liability for his acts and omissions under section 515.3-103.

(e) Nothing in this section subjects any successor to a special declarant right to any claims against or other obligations of a transferor declarant, other than claims and obligations arising under sections 515.1-101 to 515.4-116 or the declaration.

Sec. 515.3-105. [TERMINATION OF CONTRACTS AND LEASES OF DECLARANT.] If entered into prior to expiration of the period of declarant control pursuant to section 515.3-103, (1) any management contract, employment contract, or lease of recreational or parking areas or facilities, (2) any other contract or lease binding the association or any unit owner other than the declarant or an affiliate of the declarant to which a declarant or an affiliate of a declarant is a party, or (3) any contract or lease binding the association or any unit owner other than the declarant or an affiliate of the declarant which is not bona fide or which was unconscionable to the unit owners at the time entered into under the circumstances then prevailing, may be terminated without penalty by the association at any time after the expiration of declarant control upon not less than 90 days' notice to the other party. This section does not apply to

any lease the termination of which would terminate the condominium.

Sec. 515.3-106. [BYLAWS.] The bylaws and any amendments thereto must be recorded to be effective and shall provide:

(a) The meeting of the members shall be held at least once each year and shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each unit owner notice of the time, place and complete agenda of the meeting. The notice shall be hand delivered or sent by United States mail to all unit owners of record at the address of the respective units and to other addresses as any of them may have designated to the officer.

(b) No vote in the association of apartment owners shall be deemed to inure to any unit during the time when the unit owner is the association.

(c) For a mechanism to resolve disputes regarding voting among more than one unit owner of a unit in such a way that the vote allocated to the unit is not split or otherwise cast separately by the several unit owners.

(d) An annual report be prepared by the association and a copy of the report be provided to each unit owner and the report contain a minimum of the following:

(1) A statement of any capital expenditures in excess of two percent of the current budget or \$5,000 whichever is the greater anticipated by the association during the current year or succeeding two fiscal years.

(2) A statement of the status and amount of any reserve or replacement fund and portion of the fund designated for any specified project by the board of directors.

(3) A copy of the statement of financial condition for the association for the last fiscal year.

(4) A statement of the status of any pending suits or judgments in which the association is a party.

(5) A statement of the insurance coverage provided by the association.

(6) A statement of any unpaid assessments by the association on individual units identifying the unit number and the amount of the unpaid assessment.

Sec. 515.3-107. [UPKEEP OF THE CONDOMINIUM.] Except to the extent otherwise provided by the declaration or

section 515.3-109(d), the association is responsible for maintenance, repair, and replacement of the common elements and each unit owner is responsible for maintenance, repair, and replacement of his unit. Each unit owner shall afford to the association and the other unit owners, and to their agents or employees, access through his unit reasonably necessary for those purposes.

If damage is inflicted on the common elements or any unit through which access is taken, the unit owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair thereof.

Sec. 515.3-108. [TORT AND CONTRACT LIABILITY.]

(a) If a tort or breach of contract occurred during any period of declarant control (Section 515.3-103), the declarant shall indemnify the association for all losses suffered by the association as a result of that tort or breach of contract, including legal fees. Any statute of limitation affecting the association's right of action under this section is tolled until the period of declarant control terminates.

(b) No unit owner shall have tort liability arising out of his ownership of the common elements if the association has liability insurance coverage on the occurrence in an amount not less than \$1,000,000.

Sec. 515.3-109. [INSURANCE.] (a) Commencing not later than the time of the first conveyance of a unit to a unit owner other than a declarant, the association shall maintain, to the extent reasonably available:

(1) Property insurance on the common elements and units, exclusive of land, excavations, foundations, and other items normally excluded from property policies, insuring against all risks of direct physical loss. The total amount of insurance after application of any deductibles shall be not less than 80 percent of the full insurable replacement cost of the insured property.

(2) Comprehensive general liability insurance, in an amount determined by the board of directors but not less than any amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(b) If the insurance described in subsection (a) is not maintained, the association shall immediately cause notice of that fact to be sent postage prepaid by United States mail to all unit owners at their respective units and other addresses provided to the association. The declaration may require the association to carry any other insurance, and the association in any event may carry any other insurance it deems appropriate to protect the association or the unit owners.

(c) Insurance policies carried pursuant to subsection (a) shall provide that:

(1) Each unit owner and holder of a vendor's interest in a contract for deed is an insured person under the policy with respect to liability arising out of his ownership of an undivided interest in the common elements;

(2) The insurer waives its right to subrogation under the policy against any unit owner of the condominium or members of his household and against the association and members of the board of directors;

(3) No act or omission by any unit owner or holder of an interest as security for an obligation, unless acting within the scope of his authority on behalf of the association, shall void the policy or be a condition to recovery under the policy; and

(4) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same property covered by the policy, the policy is primary insurance not contributing with the other insurance.

(d) Any loss covered by the property policy under subsection (a) (1) shall be adjusted with the association, but the insurance proceeds for that loss shall be payable to any insurance trustee designated for that purpose, or otherwise to the association. The insurance trustee or the association shall hold any insurance proceeds in trust for unit owners and holders of an interest as security for an obligation as their interests may appear. The proceeds shall be disbursed first for the repair or restoration of the damaged common elements and units, and unit owners and holders of an interest as security for an obligation are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the common elements and units have been completely repaired or restored, or the condominium is terminated.

(e) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for his own benefit.

(f) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance, upon request, to any unit owner, or holder of an interest as security for an obligation. The insurance may not be cancelled until 30 days after notice of the proposed cancellation has been mailed to the association and to each unit owner and holder of an interest as security for an obligation to whom certificates of insurance have been issued.

(g) Any portion of the condominium damaged or destroyed shall be promptly repaired or replaced by the association unless (1) the condominium is terminated and the association votes not

to repair or replace all or part thereof, (2) repair or replacement would be illegal under any state or local health or safety statute or ordinance, or (3) 80 percent of the unit owners, including every owner and first mortgagee of a unit or assigned limited common element which will not be rebuilt, vote not to rebuild. The cost of repair or replacement of a unit or the common area in excess of insurance proceeds and reserves shall be a common expense. If less than the entire condominium is repaired or replaced, (1) the insurance proceeds attributable to the damaged common elements shall be used to restore the damaged area to a condition compatible with the remainder of the condominium, (2) the insurance proceeds attributable to units and limited common elements which are not rebuilt shall be distributed to the owners of those units and the holders of an interest as security for an obligation of those units and the owners and holders of an interest as security for an obligation of the units to which those limited common elements were assigned, and (3) the remainder of the proceeds shall be distributed to all the unit owners and holders of an interest as security for an obligation as their interests may appear in proportion to their common element interest. In the event the unit owners vote not to rebuild a unit, that unit's entire common element interest, votes in the association, and common expense liability are automatically reallocated upon the vote as if the unit had been condemned under section 515.1-107(a), and the association shall promptly prepare, execute and record an amendment to the declaration reflecting the reallocations. Notwithstanding the provisions of this subsection, if the condominium is terminated, insurance proceeds not used for repair or replacement shall be distributed in the same manner as sales proceeds pursuant to section 515.2-119.

(h) The provisions of this section may be varied or waived in the case of a condominium all of the units of which are restricted to nonresidential use.

Sec. 515.3-110. [SURPLUS FUNDS.] Unless otherwise provided in the declaration, any surplus funds of the association remaining after payment of or provision for common expenses and any prepayment of reserves shall be credited to the unit owners to reduce their future common expense assessments.

Sec. 515.3-111. [ASSESSMENTS FOR COMMON EXPENSES.] (a) Until the association levies a common expense assessment, the declarant shall pay all accrued expenses of the condominium.

After any assessment has been levied by the association, assessments shall be levied at least annually and shall be based on a budget adopted at least annually by the association.

(b) Except for assessments under subsections (c) and (d), common expenses shall be assessed against all the units in accordance with the common expense liability allocated to each unit (section 515.2-108). Any past due assessment or installment

thereof shall bear interest at the rate established by the association not exceeding the maximum lawful rate of interest.

(c) Except as provided by the declaration any common expense associated with the maintenance, repair, or replacement of a limited common element shall be assessed against the unit or in equal shares against the units to which that limited common element was assigned at the time the expense was incurred.

(d) If the declaration so provides, the association may assess any common expense benefiting less than all of the units against the units benefited. In such case the common expense shall be allocated among units benefited in proportion to their common expense liability.

Sec. 515.3-112. [LIEN FOR ASSESSMENTS.] (a) The association has a lien on a unit for any assessment levied against that unit from the time the assessment becomes payable. The association's lien may be foreclosed as provided by the laws of this state as if it were a lien under a mortgage containing a power of sale. The rights of the parties shall be the same as those provided by law except that the period of redemption for unit owners shall be six months from the date of sale. Unless the declaration otherwise provides, fees, charges, late charges, and interest charges pursuant to section 515.3-102(8), (9) and (12) are enforceable as assessments under this section.

(b) A lien under this section is prior to all other liens and encumbrances on a unit except (1) liens and encumbrances recorded before the recordation of the declaration, (2) any recorded mortgage on the unit securing a first mortgage holder, and (3) liens for real estate taxes and other governmental assessments or charges against the unit. This subsection does not affect the priority of mechanics' or materialmen's liens.

(c) Recording of the declaration constitutes record notice and perfection of the lien, and no further recordation of any claim of lien for assessment under this section is required.

(d) Proceedings to enforce an assessment must be instituted within three years after the last installment of the assessment becomes payable.

(e) Unit owners at the time an assessment is payable are personally liable to the association for payment of the assessments.

(f) A foreclosure sale, judgment or decree in any action, proceeding or suit brought under this section shall include costs and reasonable attorney's fees for the prevailing party.

(g) The association shall furnish to a unit owner upon written request a recordable statement setting forth the amount of

unpaid assessments currently levied against his unit. The statement shall be furnished within ten business days after receipt of the request and is binding on the association and every unit owner.

Sec. 515.3-113. [ASSOCIATION RECORDS.] The association shall keep financial records sufficiently detailed to enable the association to comply with section 515.4-105. All financial records shall be made reasonably available for examination by any unit owner and his authorized agents.

Sec. 515.3-114. [ASSOCIATION AS TRUSTEE.] With respect to a third person dealing with the association in the association's capacity as a trustee, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers and a third person, without actual knowledge that the association is exceeding its powers or improperly exercising them, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee.

ARTICLE IV

PROTECTION OF PURCHASERS

Section 515.4-101. [APPLICABILITY; WAIVER.] (a) This article applies to all units subject to sections 515.1-101 to 515.4-116 except as provided in subsection (b) and section 515.4-112 or as modified or waived by agreement of purchasers of units in a condominium in which all units are restricted to nonresidential use.

(b) A disclosure statement need not be prepared in case of:

- (1) a gratuitous transfer of a unit;
- (2) a disposition pursuant to court order;
- (3) a disposition by a government or governmental agency;
- (4) a disposition by foreclosure or deed in lieu of foreclosure and subsequent disposition by the purchaser at mortgage foreclosure sale, or grantee in the deed in lieu of foreclosure;

(5) a transfer to which section 515.4-105 (Resales of Units) applies.

Sec. 515.4-102. [DISCLOSURE STATEMENT; GENERAL PROVISIONS.] A disclosure statement shall fully disclose:

(a) The name and principal address of the declarant and the address and the name, if any, and number, if available, of the condominium;

(b) A general description of the condominium; including without limitation the types and number of all buildings, units and amenities, and declarant's schedule of commencement and completion of construction thereof;

(c) The total number of additional units that may be included in the condominium and the proportion of units the declarant intends to rent or market in blocks of units to investors;

(d) Copies and a brief narrative description of the significant features of the declaration other than the floor plans, the floor plans for the particular unit, the bylaws, and rules and regulations, copies of any contracts and leases to be signed by purchasers at closing, and a brief narrative description of any contracts or leases that will or may be subject to cancellation by the association under section 515.3-105;

(e) Any current balance sheet and a projected budget for the association for the year during which a purchase agreement is executed and any budget for future years which the association has adopted, and a statement of who prepared the balance sheet, projected budget or budget. The budget or projected budget shall include, without limitation:

(1) a statement of the amount, or a statement that there is no amount, included in the budget as a reserve for repairs and replacement;

(2) a statement of any other reserves;

(3) the projected common expense assessment by category of expenditures for the association;

(4) the projected monthly common expense assessment for each type of unit;

(f) Any supplies and services not reflected in the budget or projected budget which the declarant provides, or expenses which he pays, and which he expects may become at any subsequent time a common expense of the association and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of unit;

(g) Any initial or special fee due from the purchaser to the declarant or the association at closing, together with a description of the purpose and method of calculating the fee;

(h) A description of any liens, defects, or encumbrances on or affecting the title to the condominium after the contemplated conveyance;

(i) A description of any financing offered by the declarant;

(j) the terms of any warranties provided by the declarant, including the warranties set forth in sections 515.4-110 and 515.4-111, and limitations imposed by the declarant on the enforcement thereof;

(k) A statement that:

(1) within 15 days after receipt of a disclosure statement, a purchaser may, prior to conveyance, cancel any purchase agreement of a unit from a declarant;

(2) if a declarant fails to provide a disclosure statement to a purchaser before conveying a unit, that purchaser may recover from the declarant ten percent of the sales price of the unit, and

(3) if a purchaser received the disclosure statement more than 15 days before he signs a purchase agreement, he cannot cancel the agreement;

(l) A statement of any judgments against the association, the status of any pending suits to which the association is a party, and the status of any pending suits material to the condominium of which a declarant has actual knowledge;

(m) A statement that any earnest money paid in connection with the purchase of a unit will be held in an escrow account until closing and will be returned to the purchaser if the purchaser cancels the purchase agreement pursuant to section 515.4-104;

(n) A description of the insurance coverage to be provided for the benefit of unit owners;

(o) Any current or expected fees or charges to be paid by unit owners for the use of the common elements and other facilities related to the condominium;

(p) Whether financial arrangements have been provided for completion of all improvements labeled "MUST BE BUILT" pursuant to section 515.4-116 (Declarant's Obligation to Complete and Restore); and

(q) All unusual and material circumstances, features, and characteristics of the condominium and the units.

Sec. 515.4-103. [SAME; CONVERSION CONDOMINIUMS.] The disclosure statement of a conversion condominium the units of which may be used for residential purposes shall contain, in addition to the information required by section 515.4-102:

(a) A professional opinion prepared by an independent architect or engineer licensed in this state, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium;

(b) A statement by the declarant of the expected useful life of each item reported on in subsection (a) or a statement that no representations are made in this regard;

(c) A list of any outstanding notices of uncured violations of building code or other municipal regulations, together with the estimated cost of curing those violations.

Sec. 515.4-104. [PURCHASER'S RIGHT TO CANCEL.]

(a) Unless delivery of a disclosure statement is not required under section 515.4-101(b), a declarant shall provide at least one of the purchasers of a unit with a copy of a disclosure statement not later than the date of any purchase agreement. Unless a purchaser is given the disclosure statement more than 15 days prior to execution of a purchase agreement for the unit, the purchaser may, prior to the conveyance, cancel the agreement within 15 days after receiving the disclosure statement.

(b) If a purchaser elects to cancel a purchase agreement pursuant to subsection (a), he may do so by hand delivering notice thereof to the declarant or by mailing notice thereof by postage prepaid United States mail to the declarant or to his agent for service of process. Cancellation is without penalty, and all payments made by the purchaser pursuant to the purchase agreement shall be refunded promptly.

(c) If a declarant fails to provide a purchaser to whom a unit is conveyed with a disclosure statement and all amendments thereto as required by subsections (a) and (d), that purchaser, in addition to any rights to damages or other relief, is entitled to receive from the declarant an amount equal to ten percent of the sales price of the unit.

(d) The disclosure statement and any information furnished in connection therewith may be amended prior to conveyance if the amendment is delivered to the purchaser to whom the disclosure statement was delivered. If the amendment materially adversely affects a purchaser, then the purchaser shall have 15

days after delivery of the amendment to cancel the purchase agreement in accordance with this section.

Sec. 515.4-105. [RESALES OF UNITS.] (a) In the event of a resale of a unit by a unit owner other than a declarant, the unit owner shall furnish to a purchaser before execution of any purchase agreement for a unit, or otherwise before conveyance, a copy of the declaration, other than the floor plans, the bylaws, the rules and regulations of the association, and any amendments thereto, and a certificate dated not more than 90 days prior to the date of the purchase agreement or otherwise before conveyance, containing:

(1) a statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration, bylaws, rules and regulations, or any amendment thereof;

(2) a statement setting forth the amount of periodic installments of common expense assessments and special assessments and any unpaid common expense or special assessment currently payable;

(3) a statement of any other fees payable by unit owners;

(4) a statement of any capital expenditures proposed by the association for the current and next succeeding two fiscal years;

(5) a statement that a copy of the floor plans and any amendments thereof are available in the office of the association for inspection;

(6) a statement of the amount of any reserves for capital expenditures and of any portions of those reserves designated by the association for any specified projects;

(7) the most recent regularly prepared balance sheet and income and expense statement, if any, of the association;

(8) the current budget of the association;

(9) a statement of any judgments against the association and the status of any pending suits to which the association is a party;

(10) a statement describing any insurance coverage provided for the benefit of unit owners.

(b) The association shall, within seven days after a request by a unit owner, furnish a certificate containing the information necessary to enable the unit owner to comply with this section. A unit owner without actual knowledge providing a certifi-

cate pursuant to subsection (a) shall have no liability to the purchaser for any erroneous information provided by the association and included in the certificate.

(c) A purchaser is not liable for any unpaid assessment or fee existing as of the date of the certificate greater than the amount set forth in the certificate prepared by the association. A unit owner is not responsible to a purchaser for the failure or delay of the association to provide the certificate in a timely manner.

Sec. 515.4-106. [PURCHASER'S RIGHT TO CANCEL.]

(a) The information required to be delivered by section 515.4-105 shall be delivered to a purchaser not later than the date of any purchase agreement. Unless a purchaser is given the information more than 15 days prior to the execution of the purchase agreement for the unit the purchaser may, prior to the conveyance, cancel the agreement within 15 days after receiving the information.

(b) If a purchaser elects to cancel a purchase agreement pursuant to subsection (a), he may do so by hand delivering notice thereof to the seller or his real estate agent or by mailing notice thereof by postage prepaid United States mail to the seller or his real estate agent. Cancellation is without penalty and all payments made by the purchaser shall be refunded promptly.

Sec. 515.4-107. [ESCROW OF DEPOSITS.] Any earnest money paid in connection with the purchase or reservation of a unit from a declarant shall be escrowed and held in this state in an account, savings deposit or certificate of deposit designated solely for that purpose in an institution whose accounts are insured by a governmental agency or instrumentality until (1) delivered to the declarant at closing; (2) delivered to the declarant because of purchaser's default under the purchase agreement or reservation; or (3) delivered to the purchaser.

Sec. 515.4-108. [RELEASE OF LIENS.] (a) Before conveying a unit to a purchaser other than a declarant, the seller shall furnish to the purchaser releases for that unit and its common element interest of all liens affecting more real estate than that unit and its common element interest, if the purchaser expressly agrees, a policy of title insurance free from exception regarding such liens. Failure to furnish the releases does not of itself invalidate the lien or the conveyance. This subsection does not apply to conveyance of all of the units in the condominium or to deeds in lieu of foreclosure.

(b) Whether perfected before or after creation of the condominium, if a lien other than a mortgage, including a lien attributable to work performed or materials supplied before creation of a the condominium, becomes effective against two or more units, the unit owner of such a unit may pay to the lienhold-

er the amount of the lien attributable to his unit, and the lienholder, upon receipt of payment, shall promptly deliver a release of the lien covering that unit and its common element interest. The amount of the payment shall be proportionate to the ratio which that unit owner's common expense liability bears to the common expense liabilities of all unit owners whose units are subject to the lien. After payment, the association may not assess or have a lien against that unit owner's unit for any portion of the common expenses incurred in connection with that lien.

(c) Labor performed or materials furnished for the common elements, if duly authorized by the association, shall be deemed to be performed or furnished with the express consent of each unit owner and shall be the basis for the filing of a lien pursuant to the lien law against each of the units and shall be subject to the provisions of subsection (b) of this section.

Sec. 515.4-109. [CONVERSION CONDOMINIUMS.] (a) A declarant of a conversion condominium shall give each of the tenants and any subtenant in possession of buildings subject to this act notice of the conversion or the intent to convert no later than 180 days before the declarant will require them to vacate. The notice shall set forth generally the rights conferred by this section and shall have attached thereto a form of purchase agreement setting forth the terms of sale contemplated by subsection (b) and a statement of any significant restrictions on the use and occupancy of the unit to be imposed by the declarant and shall be hand delivered or mailed by postage prepaid United States mail to the tenant and subtenant at the address of the unit. The notice shall be contained in an envelope upon which the following words shall be boldly printed: "Notice of Condominium Conversion". No party in possession may be required by the declarant to vacate upon less than 180 days notice, except by reason of nonpayment of rent, waste, or conduct which disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period. No repair work or remodeling may be commenced or undertaken in the occupied units or common areas of the building during the notice period, unless adequate precautions are taken to ensure the safety and security of the tenants or subtenants in possession of the premises. Failure of a declarant to give notice as required by this section shall constitute a defense to an action for possession.

(b) For 60 days after delivery or mailing of the notice described in subsection (a), the holder of the lessee's interest for each unit on the date the notice is delivered or mailed shall have an option to purchase that unit on the terms set forth in the purchase agreement attached to the notice. The purchase agreement shall contain no terms or conditions preventing the purchase of the unit by the holder because of the age of the holder or of persons residing with the holder. If the holder fails to exercise the option during that 60 day period, the declarant may not offer to dispose of an interest in that unit during the follow-

ing 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the holder. This subsection does not apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or if the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(c) If a declarant, in violation of subsection (b), conveys a unit to a purchaser for value who has no knowledge of the violation, delivery of the deed conveying the unit extinguishes any right which a holder of a lessee's interest not in possession may have under subsection (b) to purchase that unit, but does not affect the right of the holder to recover damages from the declarant for a violation of subsection (b).

(d) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

Sec. 515.4-110. [EXPRESS WARRANTIES.] (a) Express warranties made by any seller to a purchaser of a unit if relied upon by the purchaser, are created as follows:

(1) any affirmation of fact or promise which relates to the unit, its use, or rights appurtenant thereto, area improvements to the condominium that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium, creates an express warranty that the unit and related rights and uses will conform to the affirmation or promise;

(2) any model or description of the physical characteristics of the condominium, including plans and specifications of or for improvements, creates an express warranty that the condominium will conform to the model, or description;

(3) any description of the quantity or extent of the real estate comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerance; and

(4) a provision that a buyer may put a unit only to a specified use is an express warranty that the specified use is lawful.

(b) Neither formal words, such as "warranty" or "guarantee", nor a specific intention to make a warranty, are necessary to create an express warranty. A statement purporting to be merely an opinion or commendation of the real estate or its value does not create a warranty.

(c) Any conveyance of a unit transfers to the purchaser all express warranties made by prior sellers.

Sec. 515.4-111. [IMPLIED WARRANTIES.] (a) A declarant warrants that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear excepted.

(b) A declarant warrants that a unit and the common elements in the condominium are structurally suitable for the ordinary uses of real estate of its type and that any improvements or repairs made or contracted for by him or made by any person before the creation of the condominium, will be:

(1) free from defective materials; and

(2) constructed in accordance with applicable law, according to sound engineering and construction standards, and in a workmanlike manner.

(c) A declarant warrants to a purchaser of a unit which may be used for residential use that the residential use does not violate applicable law.

(d) Warranties imposed by this section may be excluded or modified as specified in section 515.4-112.

(e) For purposes of this section, improvements made or contracted for by an affiliate of a declarant (section 515.1-103(2)) are made or contracted for by the declarant.

(f) Any conveyance of a unit transfers to the purchaser all of any declarant's implied warranties.

Sec. 515.4-112. [EXCLUSION OR MODIFICATION OF IMPLIED WARRANTIES.] (a) Except as limited by subsection (b) implied warranties:

(1) may be excluded or modified by agreement of the parties; and

(2) are excluded by expression of disclaimer, such as "as is", "with all faults", or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(b) With respect to a purchaser of a unit which may be occupied for residential use, no general disclaimer of implied warranties is effective, but a declarant may disclaim liability in an instrument signed by the purchaser for a specified defect or specified failure to comply with applicable law, if the defect or failure entered into and became a part of the basis of the bargain.

Sec. 515.4-113. [STATUTE OF LIMITATIONS FOR WARRANTIES.] (a) A judicial proceeding for breach of any obligation arising under section 515.4-110 or 515.4-111 must be commenced within six years after the cause of action accrues; but the parties may reduce the period of limitation to not less than two years. With respect to a unit which may be occupied for residential use, an agreement to reduce the period of limitation shall be evidenced by a separate instrument executed by the purchaser.

(b) Subject to subsection (c), a cause of action under section 515.4-110 or 515.4-111, regardless of the purchaser's lack of knowledge of the breach, accrues:

(1) as to a unit, when the purchaser to whom the warranty is first made enters into possession after a conveyance of a possessory interest if a possessory interest is conveyed or otherwise at the time of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(2) as to each common element, the later of (i) the time the common element is completed, (ii) the time the first unit in the condominium is conveyed to a bona fide purchaser, and (iii) as to a common element within any additional real estate or portion thereof the time the first unit therein is conveyed to a bona fide purchaser.

(c) If a warranty under section 515.4-110 or 515.4-111 explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

Sec. 515.4-114. [EFFECT OF VIOLATIONS ON RIGHTS OF ACTIONS; ATTORNEYS' FEES.] If a declarant or any other person subject to sections 515.1-101 to 515.4-116 violates any provision thereof or any provision of the declaration or by-laws, any person or class of persons adversely affected by the violation has a claim for appropriate relief. Punitive damages may be awarded in the case of a willful violation of sections 515.1-101 to 515.4-116. The court, in an appropriate case, may award reasonable attorneys' fees.

Sec. 515.4-115. [LABELING OF PROMOTIONAL MATERIAL.] If any improvement contemplated in a condominium is required by section 515.2-110(b)(3) to be labeled "NEED NOT BE BUILT" on the floor plan, no promotional material may be displayed or delivered to prospective purchasers which describes or depicts that improvement unless the description or depiction of the improvement is conspicuously labeled or identified as "NEED NOT BE BUILT".

Sec. 515.4-116. [DECLARANT'S OBLIGATION TO COMPLETE AND RESTORE.] (a) The declarant shall complete all improvements labeled "MUST BE BUILT" on the floor plans prepared pursuant to section 515.2-110.

(b) The declarant is subject to liability for the prompt repair and restoration to a condition compatible with the remainder of the condominium of any portion of the condominium affected by the exercise of rights reserved pursuant to or created by sections 515.2-111, 515.2-116, and 515.2-117."

Delete the title in its entirety and insert:

"A bill for an act relating to uniform laws; enacting the 1976 uniform limited partnership act; enacting the uniform condominium act."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

S. F. No. 407, A bill for an act relating to regional development commissions; requiring a report on the commission's effectiveness; providing procedures for terminating commissions; amending Minnesota Statutes 1978, Section 462.393; and Chapter 462, by adding a section.

Reported the same back with the following amendments:

Page 3, line 19, delete "30" and insert "60"

Page 3, after line 28 insert a new section to read:

"Sec. 3. [EFFECTIVE DATE.] *This act is effective January 1, 1981.*"

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:

S. F. No. 682, A bill for an act relating to game and fish; authorizing the use of handguns in taking small game; amending Minnesota Statutes 1978, Section 100.29, Subdivision 2.

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 2, is amended to read:

Subd. 2. It shall be unlawful to take protected wild animals with a gun larger in bore than a 10 gauge (OR NOT FIRED FROM THE SHOULDER, EXCEPT THAT A PERSON SUFFERING FROM A PHYSICAL DISABILITY RENDERING HIM INCAPABLE OF USING A SHOULDER FIRED GUN BUT CAPABLE OF USING A HANDGUN AND POSSESSING A DOCTOR'S STATEMENT TO THIS EFFECT MAY TAKE PROTECTED WILD ANIMALS WITH A HANDGUN). *Handguns of any caliber may be used for taking small game in a manner prescribed by the commissioner.*

Sec. 2. Minnesota Statutes 1978, Section 100.29, Subdivision 9, is amended to read:

Subd. 9. Except as provided in subdivision 3, and in this subdivision, it shall be unlawful to take deer, moose, or any other wild animal during deer or moose season in open deer or moose hunting territory with a rifle or firearm which discharges a projectile, the diameter of which is less than twenty-three hundredths of an inch, or to use any cartridge less than one and three-fourths inches in length, and not containing a soft point or expanding bullet, the measurement to include the cartridge or shell and the bullet seated in the usual manner, provided cartridges of 35 caliber or larger may be used, regardless of length, or to use shells containing buckshot, or fine shot except for game birds, and except that smooth-bore muzzle loading muskets of not less than 45 caliber and rifled muzzle loading muskets of not less than 40 caliber that are incapable of being loaded at the breech may be used, and provided further that handguns of the .357, .41, and .44 magnum caliber, using ammunition with a case length of not less than 1.285 inches, (SHALL BE USED BY A DISABLED PERSON AUTHORIZED TO TAKE WILD ANIMALS BY USE OF A HANDGUN PURSUANT TO SUBDIVISION 2) *and other calibers of similar performance as determined by the commissioner, may be used to take deer, moose, bear, or any wild animal."*

Further, amend the title as follows:

Page 1, line 4, delete "Subdivision" and insert "Subdivisions"

Page 1, line 4, after "2" insert "and 9"

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:

S. F. No. 797, A bill for an act relating to game and fish; authorizing, licensing and regulating nonresidents' fish houses; amending Minnesota Statutes 1978, Section 98.46, Subdivision 15.

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

The report was adopted.

Farcy from the Committee on Judiciary to which was referred:

S. F. No. 971, A bill for an act relating to creditor's remedies; defining property exempt from legal process; amending Minnesota Statutes 1978, Section 550.37, Subdivisions 4 and 19, and by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 550.37, Subdivision 4, is amended to read:

Subd. 4. All wearing apparel, one watch, household furniture, utensils, household appliances, phonographs, radio and television receivers, and foodstuffs of the debtor and his family, not exceeding \$3,000 in value. The exemption provided by this subdivision may not be waived except with regard to purchase money security interests. *Except for a pawnbroker's possessory lien, a nonpurchase money security interest in the property exempt under this subdivision is void.*

Provided however, if a debtor has property of the type which would qualify for the exemption under this subdivision, of a value in excess of \$3,000, an itemized list of the exempt property, together with the value of each item listed, shall be attached to the security agreement at the time a security interest is taken, and a creditor may take a nonpurchase money security interest in the excess over \$3,000 by requiring the debtor to select his exemption in writing at the time the loan is made.

Sec. 2. Minnesota Statutes 1978, Section 550.37, is amended by adding a subdivision to read:

Subd. 12a. *One motor vehicle to the extent of a value not exceeding \$2,000.*

Sec. 3. Minnesota Statutes 1978, Section 550.37, Subdivision 19, is amended to read:

Subd. 19. The exemption of the property listed in subdivision 2, 3, (AND) 5 to 11, *and 12a* may not be waived except by a statement in substantially the following form, in bold face type of a minimum size of 12 points, signed and dated by the debtor at the time of the execution of the contract surrendering the exemption, immediately adjacent to the listing of the property: "I understand that some or all of the above property is normally protected by law from the claims of creditors, and I voluntarily give up my right to that protection for the above listed property with respect to claims arising out of this contract."

Sec. 4. Minnesota Statutes 1978, Section 550.37 is amended by adding a subdivision to read:

Subd. 21. For the purpose of section 550.37 "value" means current fair market value."

Further, delete the title and insert:

"A bill for an act relating to creditor's remedies; defining property exempt from legal process; amending Minnesota Statutes 1978, Section 550.37, Subdivisions 4 and 19, and by adding subdivisions."

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:

S. F. No. 1273, A bill for an act relating to natural resources; authorizing the commissioner to utilize volunteer services; amending Minnesota Statutes 1978, Chapter 84, by adding a section; and Section 176.011, Subdivision 9; repealing Minnesota Statutes 1978, Section 85.041.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 1295, A bill for an act relating to contracts; making certain contracts unenforceable unless in writing.

Reported the same back with the following amendments:

Page 2, after line 2 insert a section to read:

"Sec. 3. [ADMISSION INTO EVIDENCE OF CERTAIN CERTIFICATES OF ANALYSIS.] Subdivision 1. In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant to Minnesota Statutes, Section 169.123, Subdivision 4, a report of the facts and results of a laboratory analysis or examination shall be admissible in evidence if it is prepared and attested by the person performing the laboratory analysis or examination in any laboratory operated by the bureau of criminal apprehension or authorized by the bureau to conduct an analysis or examination, or in any laboratory of the federal bureau of investigation, the federal postal inspection service, the federal bureau of alcohol, tobacco and firearms, or the federal drug enforcement administration. A report purported to be signed by the person performing the analysis or examination in a laboratory named above shall be admissible as evidence without proof of the seal, signature or official character of the person whose name is signed to it.

Subd. 2. An accused person or his attorney may request, by notifying the prosecuting attorney at least ten days before the trial, that the person who performed the laboratory analysis or examination testify in person at the trial on behalf of the state."

Page 2, line 3, delete "3" and insert "4"

Page 2, line 3, delete "This act" and insert "Sections 1 and 2"

Page 2, line 3, delete "1979" and insert "1980"

Page 2, after line 3, insert "Section 3 is effective for hearing or trials commenced on or after August 1, 1980."

Amend the title as follows:

Page 1, line 2, delete the second "contracts" and insert "legal proceedings"

Page 1, line 3, after "writing" insert "; providing for the admission of certain evidence"

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:

S. F. No. 1471, A bill for an act relating to local government; regulating elections in the city of Duluth and Independent School

District 709; setting the filing dates in local primary elections back four weeks to allow the city additional time to prepare.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 1645, A bill for an act relating to courts; providing for hearings on rules proposed by the supreme court; amending Minnesota Statutes 1978, Section 480.054.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

S. F. No. 1646, 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.

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

The report was adopted.

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

S. F. No. 1722, A bill for an act relating to corrections; prescribing penalties for persons who introduce contraband into state hospitals; amending Minnesota Statutes, 1979 Supplement, Section 243.55.

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

The report was adopted.

Faricy from the Committee on Judiciary to which was referred:

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.

Reported the same back with the following amendments:

Page 2, line 7, delete "may" and insert "shall"

Page 2, after line 31, insert:

"Sec. 3. Minnesota Statutes 1978, Section 484.70, is amended by adding a subdivision to read:

Subd. 5. No referee sitting in juvenile court in the second or fourth judicial district may hear a trial of a contested case if either party or his attorney objects in writing to the assignment of a referee to hear the matter. The court shall, by rule, specify the time within which the objections must be filed. If written objections are not filed consistent with the court's rules, the parties and their attorneys are deemed to have accepted the exercise of full judicial powers by the referee.

Sec. 4. [EFFECTIVE DATE.] *This act is effective the day following its final enactment. Section 3 expires July 31, 1981.*"

Further, amend the title as follows:

Page 1, line 4, after the semicolon insert: "permitting Ramsey and Hennepin County juvenile court referees to hear contested cases with parties' consent;"

Page 1, line 5, delete "Section" and insert "Sections"

Page 1, line 6, after "subdivision" insert "; and 484.70, by adding a subdivision"

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:

House Resolution No. 34, A house resolution relating to Handicapped Awareness Week.

Reported the same back with the recommendation that the resolution be adopted and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1255, 1780, 1908, 1963, 2022, 2037, 2082 and 2185 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1630, 1922, 2040, 1937, 1875, 1996, 1187, 1900, 2110, 1541, 1807, 1188, 789, 2090, 1311, 1679, 1811, 1813, 1843, 2067, 133, 407, 682, 797, 971, 1273, 1295, 1471, 1645, 1646, 1722 and 1726 were read for the second time.

INTRODUCTION AND FIRST READING
OF HOUSE BILLS

The following House Files were introduced:

Simoneau introduced:

H. F. No. 2446, A bill for an act relating to public welfare; authorizing the commissioner of public welfare to use money in the revolving fund for vocational rehabilitation of the blind for certain purposes; amending Minnesota Statutes 1978, Section 248.07, Subdivision 8.

The bill was read for the first time and referred to the Committee on Health and Welfare.

McEachern, Jennings, Wenzel, Levi and Anderson, B., introduced:

H. F. No. 2447, A bill for an act relating to education; establishing procedures for the regulation of school bus drivers who might be under the influence of alcohol or a controlled substance.

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

Novak; Jude; Sieben, H.; Wenzel and McEachern introduced:

H. F. No. 2448, A resolution memorializing the President and Congress of the United States and the Federal Reserve Commission to take appropriate action to reduce the soaring interest rate on borrowing funds.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Casserly; Peterson, D.; Nelson; Wynia and Novak introduced:

H. F. No. 2449, A bill for an act relating to energy; providing for solar energy system loans; providing insurance for loans; providing a tax incentive; appropriating money; amending Minnesota Statutes 1978, Sections 48.19, Subdivision 4; 273.11, Subdivision 1; 462A.06, Subdivision 4; Chapters 273, by adding a section; and 462A, by adding sections.

The bill was read for the first time and referred to the Committee on Energy and Utilities.

Tomlinson, Faricy, Jaros, Ainley and Evans introduced:

H. F. No. 2450, A bill for an act relating to human rights; prohibiting discrimination on the basis of chemical dependency treatment; amending Minnesota Statutes 1978, Section 363.03.

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

Anderson, G.; Erickson; Anderson, D., and Johnson, D., introduced:

H. F. No. 2451, A bill for an act relating to communications; providing funds for the building or purchase of office, studio and transmission facilities and the purchase of studio, production and transmission equipment by West Central Minnesota Educational Television; appropriating money.

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

Nelson and Otis introduced:

H. F. No. 2452, A bill for an act relating to education; designating the birthday of Martin Luther King as a special observance day in public schools; eliminating a reference to the amount of time that may be spent for certain instruction and programs on a special observance day; amending Minnesota Statutes 1978, Section 126.10.

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

McEachern introduced:

H. F. No. 2453, A bill for an act relating to education; changing the term "community schools" to "community education"; amending Minnesota Statutes 1978, Sections 120.76; 121.85; 121.86; 121.87; 121.88, Subdivisions 1, 2 and 3; and 124.271, Subdivision 4; Minnesota Statutes, 1979 Supplement, Sections 3.9279, Subdivision 7; 124.271, Subdivisions 1a, 2 and 5; and 275.125, Subdivision 8.

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

Prahl introduced:

H. F. No. 2454, A bill for an act relating to health; exempting nursing homes from fines for noncompliance with rules of the commissioner of health under certain circumstances; amending Minnesota Statutes 1978, Section 144A.10, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Welfare.

HOUSE ADVISORIES

The following House Advisory was introduced:

Rees; Peterson, B.; Dempsey and Kroening introduced:

H. A. No. 54, A proposal to study Minnesota's philosophy, statutes and actual practices concerning bonding.

The advisory was referred to the Committee on Appropriations.

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 House Files, herewith returned:

H. F. No. 1656, A bill for an act relating to motor vehicles; providing for delivery of motor vehicle certificates of title to owners upon satisfaction of a security interest; amending Minnesota Statutes 1978, Section 168A.20, Subdivision 1.

H. F. No. 1666, A bill for an act relating to transportation; repealing a certain administrative rule of the department of transportation enforcing parallel parking on certain streets and highways.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House Files, herewith returned:

H. F. No. 1932, A bill for an act relating to Independent School District No. 535, Rochester; providing that its school board may organize at a time other than the time required for the organization of the board of an independent district; amending Laws 1969, Chapter 193, Section 3, as amended.

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.

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. 802.

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. 1433 and 1815.

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. 1325.

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. 769, 1398 and 1837.

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. 1132, 1641 and 1854.

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. 1847 and 1963.

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. 1322, 1633 and 1658.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 802, A bill for an act relating to health; regulating the occupation of physical therapist; amending Minnesota Statutes 1978, Sections 148.65; 148.67; 148.70; 148.71; 148.72; 148.73; 148.74; 148.75; 148.76; 148.77; 148.78; and Chapter 148, by adding sections.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 1433, A bill for an act relating to Washington County; providing for the appointment and compensation of probation officers; amending Laws 1978, Chapter 693, Section 2.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1815, A bill for an act relating to commerce; providing for service of legal process on nonresident brokers and salespersons licensed to do business in Minnesota; amending Minnesota Statutes 1978, Section 82.31, Subdivision 3.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1325, A bill for an act relating to health; promoting health maintenance organizations by eliminating certain regulations; allowing development and operation of supplemental health services plans; promoting competition in health care delivery; requiring certain optional and mandatory benefits under certain health care plans; providing increased flexibility in benefit levels; modifying certain benefit requirements under the Minnesota Comprehensive Health Insurance Act of 1976; prescribing certain duties for the commissioners of health, public welfare, and insurance; amending Minnesota Statutes 1978, Sections 62A.043, by adding a subdivision; 62A.149, Subdivision 1, and by adding a subdivision; 62A.15, by adding a subdivision; 62A.151; 62A.152, by adding a subdivision; 62A.153; 62A.16; 62A.17, Subdivision 4; 62D.01, Subdivision 2; 62D.02, Subdivisions 4, 5, 6, and 7, and by adding subdivisions; 62D.03; 62D.04, Subdivisions 1 and 3; 62D.05; 62D.06, Subdivision 1; 62D.07; 62D.08; 62D.10, Subdivisions 1 and 3; 62D.101; 62D.11; 62D.12; 62D.13; 62D.14; 62D.15; 62D.16; 62D.17, Subdivisions 1, 3, and 4; 62D.18; 62D.19; 62D.20; 62D.21; 62D.22, Subdivisions 2, 3, 5, 6, and 8, and by adding a subdivision; 62D.25; 62D.28, Subdivisions 2 and 3; 62E.02, Subdivision 9; 62E.03, Subdivision 1; 62E.16; 72C.03; 144.691, Subdivision 4; 144.692; 144.693, Subdivisions 1 and 2; 144.703, by adding subdivisions; 145.61, Subdivision 5; 256B.59, Subdivision 1; 256B.60, Subdivision 2; Chapters 145, by adding a section; and 256B, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 62D.22, Subdivision 7; 62E.06, Subdivision 1; and 145.837, Subdivision 1; repealing Minnesota Statutes 1978, Sections 62D.09 and 62D.10, Subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Welfare.

S. F. No. 769, A bill for an act relating to security guards; providing for the certification and training of security guards; setting forth criteria for the use of deadly force by security guards; prescribing penalties; amending Minnesota Statutes 1978, Sections 326.32, by adding a subdivision; 326.33, Subdivision 1; 326.331; 326.332, Subdivision 1; 326.333; 326.336, Subdivisions 1 and 2, and by adding subdivisions; 326.337, Subdivision 1; and 326.338, Subdivision 2.

The bill was read for the first time and referred to the Committee on Criminal Justice.

S. F. No. 1398, A bill for an act relating to accountancy; providing for the licensing of public accountants; clarifying the law; amending Minnesota Statutes 1978, Sections 326.19, Subdivisions 3 and 4, and by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 326.165, Subdivisions 1 and 2; 326.17; 326.18; 326.19, Subdivision 2; 326.211, Subdivisions 3 and 9; 326.212, Subdivision 2; and Laws 1979, Chapter 326, Section 16.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1837, A bill for an act relating to elections; providing for towns to set their own hours for town elections; requiring polls to be open at least three hours; amending Minnesota Statutes 1978, Section 205.03, Subdivision 3.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 1132, A bill for an act relating to financial institutions; authorizing securities for investment of deposits of savings banks and other financial institutions and for deposit to secure deposits of public funds; amending Minnesota Statutes 1978, Sections 50.14, Subdivision 4; and 118.01.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

S. F. No. 1641, A bill for an act relating to drivers licenses; increasing fees for renewal of motorized bicycle operator permits and fees for drivers licenses; authorizing the issuance of a driver's license without examination to certain persons under certain circumstances; establishing a fee for the Minnesota identification card; providing for uniform application fees; amending Minnesota Statutes 1978, Sections 171.03; 171.06, Subdivisions 1, 2, and 4; 171.07, Subdivision 3; and Minnesota Statutes, 1979 Supplement, Section 171.02, Subdivision 3.

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

S. F. No. 1854, A bill for an act relating to commerce; clarifying the definition of a "sale of goods" as it applies to consumer credit sales to make it clear that it includes certain terminable bailments or leases; clarifying the interests of the respective parties; providing for a certain contract provision; amending Minnesota Statutes 1978, Sections 325.94, Subdivision 5; and 325.941, by adding subdivisions.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

S. F. No. 1847, A bill for an act relating to Blue Earth County; authorizing the county to contract for the completion of the improvement of county ditch No. 27; setting limits on the expenditure of money for the improvement; providing for financing; amending Laws 1975, Chapter 249, Section 1, Subdivision 1, as amended; and Section 2, as amended.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

S. F. No. 1963, A bill for an act relating to taxation; property tax administration; eliminating mandatory assessors meetings; amending Minnesota Statutes 1978, Sections 273.03, Subdivision 1; 273.04; and Minnesota Statutes, 1979 Supplement, Sections 270.06; and 273.061, Subdivision 8.

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

S. F. No. 1322, A bill for an act relating to local government; providing for municipal planning; authorizing regulation of subdivisions; providing a penalty; amending Minnesota Statutes 1978, Sections 462.351; 462.352, by adding subdivisions; 462.355, Subdivision 4; 462.358, by adding subdivisions; 462.36, Subdivision 1; 505.14; repealing Minnesota Statutes 1978, Sections 462.352, Subdivision 4; and 462.358, Subdivisions 1, 2, 3 and 4.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

S. F. No. 1633, A bill for an act relating to veterans; modifying the duties, authority and scope of operations of the department of veterans affairs; authorizing the commissioner of veterans affairs to accept uncompensated voluntary services; entitling uncompensated voluntary workers to the benefits of workers' compensation; providing for the appointment of the commissioner of veterans affairs as the guardian of an estate; revising the veterans home eligibility requirements; amending Minnesota Statutes 1978, Sections 196.05; 196.051; 197.06; 198.01; and Minnesota Statutes, 1979 Supplement, Section 176.011, Subdivision 9.

The bill was read for the first time and referred to the Committee on General Legislation and Veterans Affairs.

S. F. No. 1658, A bill for an act relating to intoxicating liquor; permitting holders of both on-sale wine and on-sale non-intoxicating malt beverages licenses to sell intoxicating malt beverages; amending Minnesota Statutes 1978, Section 340.11, Subdivision 20.

The bill was read for the first time and referred to the Committee on Commerce, Economic Development and Housing.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by the Conference Committee was reported to the House on the following bills: S. F. Nos. 572, 74 and 801.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Eken, from the Committee on Rules and Legislative Administration, pursuant to Rule 1.9, designated the following bills as a Special Order to be acted upon immediately following Special Orders pending for Monday, March 17, 1980:

H. F. Nos. 1534, 2191, 2314, 2369, 1190, 1661, 1706, 1727, 1730, 1743, 1794, 1825, 1835, 1890, 1930, 1949, 2040 and 2067.

POINT OF ORDER

The pending point of order raised by Voss on Tuesday, March 11, 1980, relating to rule 1.15 and printed in the journal of the House on page 4784 for the 76th Day was reported to the House. The Speaker ruled the point of order well taken and the Halberg motion out of order.

Halberg appealed the decision of the chair.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

On the motion of Halberg and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Voss
Waldorf
Weaver

Welch
Welker
Wenzel

Wieser
Wigley
Wynia

Zubay

Spkr. Norton

Halberg moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" The roll was called and there were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kelly	Nelsen, M.	Sieben, H.
Anderson, B.	Eken	Kostohryz	Nelson	Sieben, M.
Anderson, G.	Elioff	Kroening	Novak	Simoneau
Anderson, I.	Ellingson	Lehto	Osthoff	Stoa
Battaglia	Faricy	Long	Otis	Swanson
Begich	Greenfield	Mann	Patton	Tomlinson
Berglin	Hokanson	McCarron	Pehler	Vanasek
Brinkman	Jacobs	McEachern	Peterson, D.	Voss
Byrne	Jaros	Metzen	Prahl	Waldorf
Carlson, L.	Johnson, C.	Minne	Reding	Welch
Cassery	Jude	Moe	Rice	Wenzel
Clark	Kahn	Munger	Rodriguez	Wynia
Clawson	Kalis	Murphy	Sarna	Spkr. Norton

Those who voted in the negative were:

Aasness	Erickson	Jennings	Norman	Sherwood
Ainley	Esau	Johnson, D.	Nysether	Stadum
Albrecht	Evans	Kaley	Olsen	Stowell
Anderson, D.	Ewald	Kempe	Onnen	Sviggum
Anderson, R.	Fjoslien	Knickerbocker	Peterson, B.	Thiede
Berkelman	Forsythe	Kvam	Piepho	Valan
Biersdorf	Friedrich	Laidig	Pleasant	Valento
Blatz	Fritz	Levi	Redalen	Weaver
Carlson, D.	Fudro	Ludeman	Rees	Welker
Crandall	Halberg	Luknic	Reif	Wieser
Dean	Haukoos	McDonald	Rose	Wigley
Dempsey	Heap	Mehrkens	Rothenberg	Zubay
Den Ouden	Heinitz	Nelsen, B.	Schreiber	
Drew	Hoberg	Niehaus	Searles	

So it was the judgment of the House that the decision of the Speaker should not stand and the Halberg motion was in order.

The Halberg motion was reported to the House as follows:

Halberg moved that, pursuant to House Rule 1.15, H. F. No. 1371 be recalled from the Committee on Appropriations, be given its second reading, be advanced to General Orders and be re-referred to the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

The question was taken on the Halberg motion and the roll was called.

Halberg moved that those not voting be excused from voting. The motion did not prevail.

There were 94 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Aasness	Esau	Kaley	Novak	Sherwood
Adams	Evans	Kalis	Nysether	Stadum
Ainley	Ewald	Kelly	Olsen	Stowell
Albrecht	Fjoslien	Kempe	Onnen	Sviggun
Anderson, D.	Forsythe	Knickerbocker	Osthoff	Thiede
Anderson, I.	Friedrich	Kostohryz	Patton	Tomlinson
Anderson, R.	Fritz	Kroening	Peterson, B.	Valan
Berkelman	Fudro	Kvam	Piepho	Valento
Biersdorf	Halberg	Laidig	Pleasant	Vanasek
Blatz	Haukoos	Levi	Redalen	Waldorf
Carlson, D.	Heap	Ludeman	Reding	Weaver
Carlson, L.	Heinitz	Luknic	Rees	Welch
Clawson	Hoberg	McDonald	Reif	Welker
Crandall	Hokanson	McEachern	Rice	Wenzel
Dean	Jacobs	Mehrkins	Rose	Wieser
Dempsey	Jennings	Minne	Rothenberg	Wigley
Den Ouden	Johnson, C.	Nelsen, B.	Sarna	Wynia
Drew	Johnson, D.	Niehaus	Schreiber	Zubay
Erickson	Jude	Norman	Searles	

Those who voted in the negative were:

Anderson, B.	Clark	Kahn	Murphy	Sieben, H.
Anderson, G.	Corbid	Lehto	Nelsen, M.	Sieben, M.
Battaglia	Eken	Long	Nelson	Simoneau
Begich	Eloff	Mann	Otis	Stoa
Berglin	Ellingson	McCarron	Pehler	Swanson
Brinkman	Faricy	Metzen	Peterson, D.	Voss
Byrne	Greenfield	Moe	Prahl	Spkr. Norton
Casserly	Jaros	Munger	Rodriguez	

The motion prevailed.

H. F. No. 1371 was read for the second time and re-referred to the Committee on Rules and Legislative Administration.

CALL OF THE HOUSE LIFTED

Nelsen, B., moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

CONSENT CALENDAR

S. F. No. 1745 was reported to the House.

Stowell moved to amend S. F. No. 1745, as follows:

Page 2, after line 30 insert:

"Sec. 2. Minnesota Statutes 1978, Section 375.26, is amended to read:

375.26 [GIFTS, ACCEPTANCE.] Any county in this state may receive by grant, gift, devise, or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any personal property, and any real property not to exceed 40 acres in any one county, for the use and benefit of the inhabitants of the county or as a park or recreation grounds, and in the encouragement, aid, and maintenance of the county cooperative work and education in agriculture and home economics (, AND IN AID AND FURTHERANCE OF THE OBJECT AND PURPOSE OF THE FARM BUREAU ASSOCIATION IN THE COUNTY). Such county may, from time to time, by resolution of the county board, appropriate from the county revenue fund such sum or sums as may by the board be deemed necessary to suitably maintain, improve, and care for the property for such use and purpose (, NOT EXCEEDING THE SUM OF \$3,500 IN ANY ONE YEAR)."

Amend the title as follows:

Page 1, line 3, after "amending" insert "Minnesota Statutes 1978, Section 375.26; and"

The motion prevailed and the amendment was adopted.

S. F. No. 1745, A bill for an act relating to counties; providing for publication and examination of accounts; amending Minnesota Statutes, 1979 Supplement, Section 375.17.

The bill was read for the third time, as amended, 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	Biersdorf	Eken	Greenfield	Kahn
Adams	Blatz	Elhoff	Halberg	Kaley
Ainley	Byrne	Ellingson	Haukoos	Kalis
Albrecht	Carlson, D.	Erickson	Heap	Kelly
Anderson, B.	Carlson, L.	Esau	Heinitz	Kempe
Anderson, D.	Casserly	Evans	Hoberg	Knickerbocker
Anderson, G.	Clark	Ewald	Hokanson	Kostohryz
Anderson, I.	Clawson	Faricy	Jacobs	Kroening
Anderson, R.	Crandall	Fjoslien	Jaros	Kvam
Battaglia	Dean	Forsythe	Jennings	Laidig
Begich	Dempsey	Friedrich	Johnson, C.	Lehto
Berglin	Den Ouden	Fritz	Johnson, D.	Levi
Berkelman	Drew	Fudro	Jude	Long

Ludeman	Niehaus	Pleasant	Sherwood	Vanasek
Luknic	Norman	Prahl	Sieben, H.	Voss
McCarron	Novak	Redalen	Sieben, M.	Waldorf
McDonald	Nysether	Reding	Simoneau	Weaver
McEachern	Olsen	Rees	Stadum	Welch
Mehrkens	Onnen	Reif	Stoa	Welker
Metzen	Osthoff	Rice	Stowell	Wenzel
Minne	Otis	Rodriguez	Sviggum	Wieser
Moe	Patton	Rose	Swanson	Wigley
Murphy	Pehler	Rothenberg	Thiede	Wynia
Nelsen, B.	Peterson, B.	Sarna	Tomlinson	Zubay
Nelsen, M.	Peterson, D.	Schreiber	Valan	Spkr. Norton
Nelson	Piepho	Searles	Valento	

The bill was passed, as amended, and its title agreed to.

H. F. No. 1723, A bill for an act relating to snowmobiles; authorizing use in trapping related activities in certain counties; amending Minnesota Statutes, 1979 Supplement, Section 100.29, Subdivision 30.

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	Drew	Jude	Nelsen, M.	Searles
Adams	Eken	Kahn	Nelson	Sherwood
Ainley	Elhoff	Kaley	Niehaus	Sieben, H.
Albrecht	Ellingson	Kalis	Norman	Sieben, M.
Anderson, B.	Erickson	Kelly	Novak	Simoneau
Anderson, D.	Esau	Kempe	Nysether	Stadum
Anderson, G.	Evans	Knickerbocker	Olsen	Stoa
Anderson, I.	Ewald	Kostohryz	Onnen	Stowell
Anderson, R.	Faricy	Kroening	Osthoff	Sviggum
Battaglia	Fjoslien	Kvam	Otis	Swanson
Begich	Forsythe	Laidig	Patton	Thiede
Berglin	Friedrich	Levi	Pehler	Tomlinson
Berkelman	Fritz	Long	Peterson, B.	Valan
Biersdorf	Fudro	Ludeman	Peterson, D.	Valento
Blatz	Greenfield	Luknic	Piepho	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
Crandall	Jaros	Moe	Rose	Wigley
Dean	Jennings	Munger	Rothenberg	Wynia
Dempsey	Johnson, C.	Murphy	Sarna	Zubay
Den Ouden	Johnson, D.	Nelsen, B.	Schreiber	Spkr. Norton

The bill was passed and its title agreed to.

H. F. No. 1724 was reported to the House.

Heinitz moved that S. F. No. 1674 be recalled from the Committee on Labor-Management Relations and together with H. F. No. 1724, now on the Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

H. F. No. 1731, A bill for an act relating to labor; regulating certain steam engines and boilers and steam engine and boiler operators; amending Minnesota Statutes 1978, Chapter 183, 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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 1987, A bill for an act relating to local government; regulating financial reports of certain municipal hospitals and nursing homes; amending Minnesota Statutes, 1979 Supplement, Sections 471.697, Subdivision 1; and 471.698, 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 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

H. F. No. 2077, A bill for an act relating to public welfare; clarifying zoning requirements for licensed residential facilities; increasing the required distances between certain facilities; amending Minnesota Statutes 1978, Sections 245.812, Subdivision 2; and 252.28, Subdivision 3.

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 123 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Evans	Jaros	Ludeman
Adams	Carlson, D.	Ewald	Jennings	Luknic
Ainley	Carlson, L.	Faricy	Johnson, C.	Mann
Albrecht	Cassery	Fjoslien	Johnson, D.	McDonald
Anderson, B.	Clark	Forsythe	Jude	McEachern
Anderson, D.	Clawson	Friedrich	Kahn	Mehrkens
Anderson, G.	Crandall	Fritz	Kaley	Metzen
Anderson, I.	Dean	Fudro	Kalis	Minne
Anderson, R.	Dempsey	Greenfield	Kelly	Moe
Battaglia	Den Ouden	Halberg	Kempe	Munger
Begich	Drew	Haukoos	Knickerbocker	Murphy
Berglin	Eken	Heap	Kostohryz	Nelsen, B.
Berkelman	Elioff	Heinitz	Laidig	Nelsen, M.
Biersdorf	Ellingson	Hoberg	Lehto	Nelson
Blatz	Erickson	Hokanson	Levi	Niehaus
Brinkman	Esau	Jacobs	Long	Norman

Novak	Prahl	Searles	Swanson	Welker
Nysether	Redalen	Sherwood	Tomlinson	Wenzel
Olsen	Reding	Sieben, H.	Valan	Wieser
Onnen	Rees	Sieben, M.	Valento	Wigley
Otis	Reif	Simoneau	Vanasek	Wynia
Patton	Rice	Stadum	Voss	Zubay
Pehler	Rodriguez	Stoa	Waldorf	Spkr. Norton
Peterson, D.	Rose	Stowell	Weaver	
Piepho	Rothenberg	Sviggum	Welch	

Those who voted in the negative were:

Kroening

The bill was passed and its title agreed to.

H. F. No. 2152, A bill for an act relating to Carver county; applying the provisions of the municipal housing and redevelopment act to Carver county; providing for local approval of projects.

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

The bill was passed and its title agreed to.

H. F. No. 2197 was reported to the House.

Carlson, D., moved that H. F. No. 2197 be continued on the Consent Calendar for one day. The motion prevailed.

S. F. No. 759, A bill for an act relating to Indian affairs; expanding the term of office for at large intertribal board members from two years to four years; providing for future at large elections; defining the term of office for at large members; amending Minnesota Statutes 1978, Section 3.922, 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 125 yeas and 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin Faricy Greenfield

The bill was passed and its title agreed to.

S. F. No. 1609, A bill for an act relating to education; extending the coverage of a grandfather provision allowing certain pupils to attend school in a school district other than the district in which the pupil resides; amending Minnesota Statutes, 1979 Supplement, Section 120.075.

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 3 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Ainley Faricy Tomlinson

The bill was passed and its title agreed to.

S. F. No. 1729 was reported to the House.

Upon objection of ten members S. F. No. 1729 was stricken from the Consent Calendar and returned to General Orders.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Voss requested immediate consideration of H. F. No. 1781.

H. F. No. 1781 was reported to the House.

Erickson offered an amendment to H. F. No. 1781.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.10 that the Erickson amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Welker moved to amend H. F. No. 1781 as follows:

Page 35, delete lines 29 through 33

Delete page 36

Page 37, delete lines 1 through 10; delete lines 13 through 19

Renumber the subsequent sections.

A roll call was requested and properly seconded.

The question was taken on the amendment and the roll was called. There were 21 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Ainley	Forsythe	Ludeman	Schreiber	Wynia
Albrecht	Fritz	Niehaus	Searles	
Dempsey	Halberg	Piepho	Stowell	
Den Ouden	Heinitz	Pleasant	Waldorf	
Erickson	Kempe	Rothenberg	Welker	

Those who voted in the negative were:

Aasness	Crandall	Kahn	Murphy	Sarna
Adams	Dean	Kaley	Nelsen, B.	Sherwood
Anderson, B.	Drew	Kalis	Nelsen, M.	Sieben, H.
Anderson, D.	Eken	Kelly	Nelson	Sieben, M.
Anderson, G.	Elioff	Kostohryz	Norman	Simoneau
Anderson, I.	Ellingson	Kroening	Novak	Stoa
Anderson, R.	Faricy	Kvam	Nysether	Sviggum
Battaglia	Fjoslien	Laidig	Olsen	Swanson
Begich	Fudro	Lehto	Onnen	Tomlinson
Berglin	Greenfield	Levi	Osthoff	Valan
Berkelman	Haukoos	Long	Otis	Vanasek
Biersdorf	Heap	Luknic	Patton	Voss
Blatz	Hoberg	Mann	Pehler	Weaver
Brinkman	Hokanson	McCarron	Peterson, B.	Welch
Byrne	Jacobs	McEachern	Peterson, D.	Wenzel
Carlson, L.	Jaros	Merhkens	Reding	Wieser
Casserly	Jennings	Metzen	Rees	Wigley
Clark	Johnson, C.	Minne	Rice	Zubay
Clawson	Johnson, D.	Moe	Rodriguez	Spkr. Norton
Corbid	Jude	Munger	Rose	

The motion did not prevail and the amendment was not adopted.

McDonald offered an amendment to H. F. No. 1781.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.9 that the McDonald amendment was not in order. Speaker pro tem Faricy ruled the point of order well taken and the amendment out of order.

McDonald offered a second amendment to H. F. No. 1781.

POINT OF ORDER

Olsen raised a point of order pursuant to rule 3.9 that the McDonald amendment was not in order. Speaker pro tem Faricy ruled the point of order well taken and the amendment out of order.

McDonald appealed the decision of the chair.

The vote was taken on the question "Shall the decision of the Speaker pro tem stand as the judgment of the House?"

It was the judgment of the House that the decision of the Speaker pro tem should stand.

H. F. No. 1781, A bill for an act relating to education; providing for aids to education, tax levies and the distribution of tax revenues; granting certain powers and duties to school districts, the commissioner of education, the department of education and others; aid for education of pupils of limited English proficiency; requiring the establishment of local policies to minimize chemical use problems; appropriating money; amending Minnesota Statutes 1978, Sections 120.095, Subdivision 6; 120.10, Subdivision 2; 121.88, by adding a subdivision; 122.22, Subdivisions 2 and 4; 122.23, Subdivisions 9 and 10; 122.25, Subdivision 1; 122.531, by adding subdivisions; 123.11, Subdivision 7; 123.36, by adding a subdivision; 123.39, Subdivision 3; 123.932, Subdivision 9, and by adding a subdivision; 124.20; 124.214, Subdivision 2; 124.572, Subdivision 7; 126.07; 126.36, Subdivision 3; 126.52, Subdivision 5, and by adding a subdivision; 126.54, Subdivisions 5 and 6; 127.09; 127.11; 127.21; 134.03; 134.08; 275.125, Subdivisions 5 and 5a; 354.05, Subdivision 2; Chapter 124, by adding a section; Chapter 125, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 120.075, Subdivision 4, and by adding a subdivision; 121.912, Subdivision 1; 122.541, Subdivision 5; 123.35, Subdivision 15; 124.01; 124.11, Subdivisions 2a and 2b, and by adding a subdivision; 124.19, Subdivision 4; 124.212, Subdivision 7d; 124.223; 124.225; 124.245, Subdivisions 1 and 2; 124.247, Subdivisions 3 and 4; 126.54, Subdivision 1; 124.561, Subdivision 3a; 124.562, Subdivisions 2, 3 and 4; 124.5621, Subdivision 11; 124.5624, Subdivision 6; 124.5625; 124.565, Subdivision 6; 124.566; 124.572, Subdivision 2; 275.125, Subdivisions 2a, 2b, 7a, 7b, 11a, and 20; 353.01, Subdivision 2b; 354A.011, Subdivision 27; 465.72; Laws 1979, Chapter 69, Sections 2 and 5; Chapter 334, Article VI, Section 35, Subdivision 9; Article VIII, Section 29; repealing Minnesota Statutes 1978, Sections 122.531, Subdivision 3; 125.61, as amended; 126.31 to 126.35; 126.36, Subdivisions 5 and 6; 126.37; 126.38; 126.39, Subdivisions 1, 2, 3, 4, 5, 6, 7, 8 and 9; 126.40, Subdivisions 1 and 2; 126.41, Subdivisions 2, 3, 4, 5, 6 and 7; 126.42; 126.52, Subdivisions 1, 2, 3, 4,

6 and 7; 127.22; Minnesota Statutes, 1979 Supplement, Sections 124.222, Subdivision 3; 126.39, Subdivision 10; 126.41, Subdivision 1; 126.52, Subdivision 10; Laws 1979, Chapter 334, Article V, Section 29.

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 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Sieben, H., moved that the remaining business at the desk for today be continued. The motion prevailed.

ADJOURNMENT

Vanasek moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Tuesday, March 18, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives