

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

NINETY-SECOND DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 2, 1980

The House of Representatives convened at 11:00 a.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	Eken	Kaley	Niehaus	Sieben, H.
Adams	Elioff	Kalis	Norman	Sieben, M.
Ainley	Ellingson	Kelly	Novak	Simoneau
Albrecht	Erickson	Kempe	Nysether	Stadum
Anderson, B.	Esau	Knickerbocker	Olsen	Stowell
Anderson, D.	Evans	Kostohryz	Onnen	Sviggum
Anderson, G.	Ewald	Kroening	Osthoff	Swanson
Anderson, I.	Faricy	Kvam	Otis	Thiede
Anderson, R.	Fjoslien	Laidig	Patton	Tomlinson
Battaglia	Forsythe	Lehto	Pehler	Valan
Begich	Friedrich	Levi	Peterson, B.	Valento
Berglin	Fritz	Long	Peterson, D.	Vanasek
Berkelman	Fudro	Ludeman	Piepho	Voss
Biersdorf	Greenfield	Luknic	Pleasant	Waldorf
Blatz	Halberg	Mann	Redalen	Weaver
Brinkman	Haukoos	McCarron	Reding	Welch
Byrne	Heap	McDonald	Rees	Welker
Carlson, D.	Heinitz	McEachern	Reif	Wenzel
Carlson, L.	Hoberg	Mehrkens	Rice	Wieser
Casserly	Hokanson	Metzen	Rodriguez	Wigley
Clark	Jacobs	Minne	Rose	Wynia
Clawson	Jaros	Moe	Rothenberg	Zubay
Corbid	Jennings	Munger	Sarna	Spkr. Norton
Crandall	Johnson, C.	Murphy	Schreiber	
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Searles	
Drew	Kahn	Nelson	Sherwood	

A quorum was present.

Dean and Prah were excused. Stoa was excused until 2:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly 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. No. 2304 and S. F. Nos. 1638, 2128, 2170, 2217, 2181, 2085, 994, 2281 and 2375 have been placed in the members' files.

S. F. No. 2375 and H. F. No. 2284, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Casserly moved that the rules be so far suspended that S. F. No. 2375 be substituted for H. F. No. 2284 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 1, 1980

The Honorable Fred C. Norton
Speaker of the House
State of Minnesota

Dear Speaker Norton:

I have the honor to inform you that that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 1207, relating to motor vehicles; excluding owners of certain trailers from the requirement to furnish evidence of security;

H. F. No. 1408, relating to motor vehicles; providing for the proration of taxes on certain vehicles on the basis of the registration period; providing for the issuance and use of certain motor vehicle dealer plates; adjusting the bond provisions for certain dealers; authorizing dealers' licenses for the sale of motorized bicycles; specifying grounds for suspension and revocation of dealers' licenses;

H. F. No. 1732, relating to motor vehicle carriers; defining courier services carrier; providing the procedures for granting permits to courier services carriers; excluding courier service carriers from the term regular route common carrier;

H. F. No. 1834, relating to education; adding the commissioner of agriculture to the equalization aid review committee;

H. F. No. 2024, relating to the city of Hibbing; authorizing development and administration of a housing program within the city, including that part of the city which formerly comprised the town of Stuntz.

H. F. No. 2047, relating to state government; raising the limit on the balance allowed to remain in the state auditor's revolving fund; empowering the state auditor to establish a personnel recruitment, hiring, promotional, and salary plan with the approval of the commissioner of the department of personnel.

Sincerely,

ALBERT H. QUIE
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

March 31, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
	593	394	March 31	March 31
	711	395	March 31	March 31
	924	396	March 31	March 31
	942	397	March 31	March 31
	1349	398	March 31	March 31
	1427	399	March 31	March 31

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
	1601	400	March 31	March 31
	1623	401	March 31	March 31
	1695	402	March 31	March 31
	1778	403	March 31	March 31
	1846	404	March 31	March 31
	1985	405	March 31	March 31
	2051	406	March 31	March 31
	2119	407	March 31	March 31
	2135	408	March 31	March 31
	2222	409	March 31	March 31
	2287	410	March 31	March 31
801		411	March 31	March 31
802		412	March 31	March 31
1584		413	March 31	March 31
1633		414	March 31	March 31
1674		415	March 31	March 31
1707		416	March 31	March 31
1709		417	March 31	March 31
1719		418	March 31	March 31
1807		419	March 31	March 31
1815		420	March 31	March 31
1847		421	March 31	March 31
1957		422	March 31	March 31
1963		423	March 31	March 31

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
1979		424	March 31	March 31
2102		425	March 31	March 31

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. No. 2375 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Erickson; Niehaus; Anderson, D.; Mehrkens and Biersdorf introduced:

H. F. No. 2491, A resolution memorializing the President and Congress to take immediate action to provide necessary and adequate credit to the American farmer to ensure timely spring planting.

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

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 File, herewith returned:

H. F. No. 1655, A bill for an act relating to pollution; recognizing the extent and severity of the problem of acid precipitation; appropriating funds and designating state agencies and departments to conduct activities designed to identify, control and abate acid precipitation.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 475, A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1978, Sections 144.55; and 144.50, Subdivision 1.

The Senate has appointed as such committee Messrs. Nelson, Perpich, Kirchner, Sikorski and Mrs. Staples.

House File No. 475 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

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

The Senate has appointed as such committee Mrs. Knaak, Messrs. Merriam and Gunderson.

House File No. 1435 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1453, A bill for an act relating to retirement; authorizing payment of severance pay to retiring employees; validating past payments; amending Minnesota Statutes 1978, Section 356.24; and Minnesota Statutes, 1979 Supplement, Section 465.72.

The Senate has appointed as such committee Messrs. Setzepfandt, Peterson and Ogdahl.

House File No. 1453 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1818, A bill for an act relating to game and fish; authorizing moose seasons in the discretion of the commissioner; granting preference to landowners in obtaining moose licenses; amending Minnesota Statutes 1978, Section 100.27, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 1.

The Senate has appointed as such committee Messrs. Peterson, Lessard and Bernhagen.

House File No. 1818 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 644, A bill for an act relating to health; prohibiting applicants for certain dental licenses who fail a clinical examination twice from further taking the examination without additional education and training; requiring the board of dentistry to promulgate rules establishing requirements for this education and training; requiring licensed dentists, dental hygienists and registered dental assistants to inform the board of dentistry when changing addresses; setting standards for the names under which dentists may practice; authorizing the board of dentistry to promulgate rules governing advertising by dentists; authorizing the board of medical examiners to promulgate rules governing advertising by physicians; establishing penalties; amending Minnesota Statutes 1978, Chapter 147, by adding a section; Sections 150A.06, Subdivisions 1, 2 and 2a; 150A.09, Subdivision 3; and 150A.11, Subdivisions 1 and 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

Berkelman moved that the House refuse to concur in the Senate amendments to H. F. No. 644, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1956, A bill for an act relating to real estate; providing for a state land registration assurance fund; combining the tax forfeited land assurance account with the land registration assurance fund; eliminating separate county assurance funds; appropriating money; amending Minnesota Statutes 1978, Sections 284.28, Subdivisions 8, 9 and 10; 508.75; 508.77; 508.79; 508.82; and 541.024, Subdivision 1; repealing Minnesota Statutes 1978, Section 508.83.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Casserly moved that the House concur in the Senate amendments to H. F. No. 1956 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1956, A bill for an act relating to real estate; providing for a state land registration assurance fund; combining the tax forfeited land assurance account with the land registration assurance fund; eliminating separate county assurance funds; empowering the commissioner of banks to clear certain title defects involving a defunct state agency; appropriating money; amending Minnesota Statutes 1978, Sections 284.28, Subdivisions 8, 9 and 10; 508.75; 508.77; 508.79; 508.82; and 541.024, Subdivision 1; and Laws 1980 Chapter 373, Section 8; repealing Minnesota Statutes 1978, Section 508.83.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Ainley	Anderson, B.	Anderson, G.	Anderson, R.
Adams	Albrecht	Anderson, D.	Anderson, I.	Battaglia

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1895, A bill for an act relating to human rights; further defining certain unfair discriminatory practices related to reprisals; defining the scope of a class for class action suits; increasing a penalty by increasing allowable punitive damages; amending Minnesota Statutes 1978, Sections 363.03, Subdivision 7; 363.071, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 363.06, Subdivision 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Wynia moved that the House concur in the Senate amendments to H. F. No. 1895 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1895, A bill for an act relating to human rights; defining an unfair employment practice; further defining certain unfair discriminatory practices related to reprisals; defining the scope of a class for class action suits; increasing a penalty by increasing allowable punitive damages; amending Minnesota Statutes 1978, Sections 363.03, Subdivisions 1 and 7; 363.071,

Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 363.06, Subdivision 4.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1513, A bill for an act relating to the environment; regulating activities of drillers of exploratory borings; specifying the powers and duties of public officers and agencies; providing penalties; amending Minnesota Statutes 1978, Sections 156A.01; 156A.02, Subdivision 1, and by adding subdivisions; 156A.03, Subdivision 1; 156A.04; 156A.08; and Chapter 156A, by adding a section.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Munger moved that the House concur in the Senate amendments to H. F. No. 1513 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1513, A bill for an act relating to the environment; regulating activities of drillers of exploratory borings; specifying the powers and duties of public officers and agencies; providing penalties; amending Minnesota Statutes 1978, Sections 156A.01; 156A.02, Subdivision 1, and by adding subdivisions; 156A.03, Subdivision 1; 156A.04; 156A.06, Subdivision 1; 156A.08; and Chapter 156A, by adding a section.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 119 yeas and 11 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Fritz	Jennings	McDonald	Searle
Den Ouden	Haukoos	Ludeman	Rees	Welker
Esau				

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1763, A bill for an act relating to education; increasing the bonding authority of the higher education coordinating board; amending Minnesota Statutes, 1979 Supplement, Section 136A.171.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Kroening moved that the House concur in the Senate amendments to H. F. No. 1763 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1763, A bill for an act relating to education; increasing the bonding authority of the higher education coordinating board; amending Minnesota Statutes, 1979 Supplement, Section 136A.171.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Welch
WelkerWenzel
WieserWigley
Wynia

Zubay

Spkr. Norton

Those who voted in the negative were:

Den Ouden Sherwood

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Hokanson moved that the House concur in the Senate amendments to H. F. No. 1942 and that the bill be repassed as amended by the Senate. The motion prevailed.

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, Chapter 626, by adding a section; repealing Minnesota Statutes 1978, Sections 245.813 and 626.555.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage 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
AdamsAinley
AlbrechtAnderson, B.
Anderson, D.Anderson, G.
Anderson, I.Anderson, R.
Battaglia

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1981, A bill for an act relating to public welfare; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; amending Minnesota Statutes 1978, Section 256D.05, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McCarron moved that the House concur in the Senate amendments to H. F. No. 1981 and that the bill be repassed as amended by the Senate. The motion did not prevail.

Berglin moved that the Message from the Senate relating to H. F. No. 1981, as amended by the Senate, be temporarily laid over. The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 160, A bill for an act relating to welfare; changing income disregard provisions for certain medical assistance recipients and certain supplemental aid recipients; appropriating money; amending Minnesota Statutes 1978, Section 256D.37, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 256B.06, Subdivision 1; and 256D.37, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Berglin moved that the House concur in the Senate amendments to H. F. No. 160 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 160, A bill for an act relating to welfare; changing income disregard provisions for certain medical assistance recipients and certain supplemental aid recipients; appropriating money; amending Minnesota Statutes 1978, Section 256D.37, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 256B.06, Subdivision 1; and 256D.37, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Berglin, moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

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 bill as a Special Order to be acted upon immediately preceding Special Orders pending for Wednesday, April 2, 1980:

H. F. No. 2458.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by the Conference Committee was reported to the House on the following bill: H. F. No. 1896.

MESSAGES FROM THE SENATE, Continued

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1981, A bill for an act relating to public welfare; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; amending Minnesota Statutes 1978, Section 256D.05, Subdivision 3.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTION FOR RECONSIDERATION

Faricy moved that the vote whereby the McCarron motion to concur in the Senate amendments to H. F. No. 1981 did not prevail be now reconsidered. The motion prevailed.

CONCURRENCE AND REPASSAGE

McCarron moved that the House concur in the Senate amendments to H. F. No. 1981 and that the bill be repassed as amended by the Senate.

Niehaus moved that the House refuse to concur in the Senate amendments to H. F. No. 1981, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses. The motion did not prevail.

The question recurred on the McCarron motion that the House concur in the Senate amendments to H. F. No. 1981 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1981, A bill for an act relating to public welfare; authorizing certain payments to shelter facilities for battered women; requiring direct payments to shelter facilities from general assistance; providing that the status of marriage or an ongoing voluntary sexual relationship of cohabiting adults shall not be a defense to most prosecution for criminal sexual conduct; amending Minnesota Statutes 1978, Section 256D.05, Subdivision 3; and 609.349.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 102 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kaley	Norman	Sieben, M.
Ainley	Ellingson	Kelly	Novak	Simoneau
Anderson, B.	Evans	Knickerbocker	Nysether	Stadum
Anderson, G.	Farcy	Kostohryz	Olsen	Stoa
Anderson, I.	Fjoslien	Kroening	Otis	Stowell
Anderson, R.	Forsythe	Kvam	Patton	Sviggum
Berglin	Fritz	Laidig	Pehler	Swanson
Berkelman	Fudro	Lehto	Peterson, B.	Tomlinson
Biersdorf	Greenfield	Levi	Peterson, D.	Valan
Blatz	Halberg	Long	Piepho	Vanasek
Brinkman	Haukoos	Luknic	Pleasant	Waldorf
Byrne	Heap	McCarron	Reding	Weaver
Carlson, D.	Hoberg	McDonald	Rees	Welch
Carlson, L.	Hokanson	Mehrkens	Reif	Wenzel
Casserly	Jacobs	Metzen	Rice	Wieser
Clark	Jaros	Minne	Rodriguez	Wynia
Clawson	Jennings	Moe	Rose	Zubay
Corbid	Johnson, C.	Munger	Rothenberg	Spkr. Norton
Crandall	Johnson, D.	Murphy	Schreiber	
Drew	Jude	Nelsen, B.	Searles	
Eken	Kahn	Nelson	Sieben, H.	

Those who voted in the negative were:

Aasness	Dempsey	Kalis	Niehaus	Valento
Albrecht	Den Ouden	Kempe	Onnen	Welker
Anderson, D.	Erickson	Ludeman	Redalen	Wigley
Battaglia	Esau	Mann	Sherwood	
Begich	Heinitz	Nelsen, M.	Thiede	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1138, A bill for an act relating to local government; authorizing local governmental units to establish training programs for local government officials in conjunction with certain organizations; appropriating money; amending Minnesota Statutes 1978, Section 471.59, by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Schreiber moved that the House concur in the Senate amendments to H. F. No. 1138 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1138, A bill for an act relating to local government; authorizing the establishment of local government official training programs; appropriating money; amending Minnesota Statutes 1978, Section 471.59, by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 97 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Adams	Begich	Casserly	Erickson	Heinitz
Ainley	Berglin	Clark	Evans	Hoberg
Albrecht	Berkelman	Clawson	Faricy	Hokanson
Anderson, D.	Blatz	Corbid	Forsythe	Jacobs
Anderson, G.	Brinkman	Crandall	Fudro	Jaros
Anderson, I.	Byrne	Eken	Greenfield	Johnson, C.
Anderson, R.	Carlson, D.	Elioff	Halberg	Johnson, D.
Battaglia	Carlson, L.	Ellingson	Heap	Jude

Kahn	Luknic	Novak	Rothenberg	Valan
Kaley	Mann	Olsen	Sarna	Vanasek
Kalis	McCarron	Onnen	Schreiber	Weaver
Kelly	Mehrkens	Osthoff	Searles	Welch
Kempe	Metzen	Patton	Sieben, H.	Wenzel
Knickerbocker	Minne	Pehler	Sieben, M.	Wigley
Kostohryz	Munger	Peterson, B.	Simoneau	Wynia
Kroening	Murphy	Peterson, D.	Stoa	Zubay
Kvam	Nelsen, B.	Piepho	Stowell	Spkr. Norton
Laidig	Nelsen, M.	Pleasant	Sviggum	
Levi	Nelson	Rodriguez	Swanson	
Long	Norman	Rose	Tomlinson	

Those who voted in the negative were:

Aasness	Fjoslien	McDonald	Rees	Waldorf
Biersdorf	Fritz	McEachern	Reif	Welker
Dempsey	Haukoos	Niehaus	Sherwood	Wieser
Den Ouden	Jennings	Nysether	Stadum	
Drew	Lehto	Redalen	Thiede	
Esau	Ludeman	Reding	Valento	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1443, A bill for an act relating to transportation; providing for a transportation board; providing for transfer of certain duties, powers and functions of the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; appropriating funds; amending Minnesota Statutes 1978, Sections 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3, 4; 218.011, Subdivision 7; 218.021; 218.025; 218.031, Subdivisions 1, 6, 8, 10; 218.041; 218.071; 219.03; 219.14; 219.23; 219.24; 219.25; 219.27; 219.28; 219.383; 219.39; 219.40; 219.41; 219.42; 219.43; 219.46, Subdivision 7; 219.47; 219.51; 219.52; 219.54; 219.55; 219.562, Subdivision 3; 219.65; 219.681; 219.70; 219.71; 219.741; 219.85; 219.86; 219.87; 221.011, Subdivisions 2b, 15; 221.021; 221.031, Subdivision 1; 221.041; 221.051; 221.061; 221.071; 221.081; 221.101; 221.121; 221.131; 221.141, Subdivision 2; 221.151; 221.161; 221.171; 221.181; 221.221; 221.261; 221.271; 221.281; 221.291, Subdivision 1; 221.293; 221.295; 221.296, Subdivisions 2, 3, 4, 8; 221.55; 221.68; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 1; and 221.011, Subdivision 22; repealing Minnesota Statutes 1978, Section 219.742.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Rose moved that the House concur in the Senate amendments to H. F. No. 1443 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1443, A bill for an act relating to transportation; providing for a transportation board; providing for transfer of certain duties, powers and functions of the public service commission and the commissioner of transportation to the transportation regulation board; regulating railroads and other common carriers of persons or property for hire; providing penalties; amending Minnesota Statutes 1978, Sections 15A.081, Subdivision 1; 174.02, Subdivision 4; 174.03, Subdivision 2; 174.10, Subdivisions 1, 3, 4; 218.011, Subdivision 7; 218.021; 218.025; 218.031, Subdivisions 1, 6, 8, 10; 218.041; 218.071; 219.03; 219.14; 219.23; 219.24; 219.25; 219.27; 219.28; 219.383; 219.39; 219.40; 219.41; 219.42; 219.43; 219.46, Subdivision 7; 219.47; 219.51; 219.52; 219.54; 219.55; 219.562, Subdivision 3; 219.65; 219.681; 219.70; 219.71; 219.741; 219.85; 219.86; 219.87; 221.011, Subdivisions 2b, 15, 22; 221.021; 221.031, Subdivision 1; 221.041; 221.051; 221.061; 221.071; 221.081; 221.101; 221.121; 221.131; 221.141, Subdivision 2; 221.151; 221.161; 221.171; 221.181; 221.221; 221.261; 221.271; 221.281; 221.291, Subdivision 1; 221.293; 221.295; 221.296, Subdivisions 2, 3, 4, 8; 221.55; 221.68; repealing Minnesota Statutes 1978, Section 219.742.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage 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	Clark	Halberg	Kvam	Niehaus
Adams	Clawson	Haukoos	Laidig	Norman
Ainley	Corbid	Heap	Lehto	Novak
Albrecht	Crandall	Heinitz	Levi	Nysether
Anderson, B.	Dempsey	Hoberg	Long	Olsen
Anderson, D.	Den Ouden	Hokanson	Ludeman	Onnen
Anderson, G.	Drew	Jacobs	Luknic	Osthoff
Anderson, I.	Eken	Jaros	Mann	Otis
Anderson, R.	Elioff	Jennings	McCarron	Patton
Battaglia	Ellingson	Johnson, C.	McDonald	Pehler
Begich	Erickson	Johnson, D.	McEachern	Peterson, B.
Berglin	Esau	Jude	Mehrkens	Peterson, D.
Berkelman	Evans	Kahn	Metzen	Piepho
Biersdorf	Faricy	Kaley	Minne	Pleasant
Blatz	Fjoslien	Kalis	Moe	Reding
Brinkman	Forsythe	Kelly	Munger	Rees
Byrne	Friedrich	Kempe	Murphy	Reif
Carlson, D.	Fritz	Knickerbocker	Nelsen, B.	Rice
Carlson, L.	Fudro	Kostohryz	Nelsen, M.	Rodriguez
Casserly	Greenfield	Kroening	Nelson	Rose

Rothenberg	Sieben, H.	Sviggum	Vanasek	Wieser
Sarna	Sieben, M.	Swanson	Waldorf	Wigley
Schreiber	Simoneau	Thiede	Weaver	Wynia
Searle	Stadum	Tomlinson	Welch	Zubay
Searles	Stoa	Valan	Welker	Spkr. Norton
Sherwood	Stowell	Valento	Wenzel	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2035, A bill for an act relating to historic sites and monuments; adding property to Split Rock Lighthouse historic site; reestablishing Traverse des Sioux historic site as a state monument; appropriating funds; amending Minnesota Statutes 1978, Sections 138.025, Subdivision 10; and 138.585, by adding a subdivision; repealing Minnesota Statutes 1978, Section 138.55, Subdivision 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Johnson, C., moved that the House concur in the Senate amendments to H. F. No. 2035 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2035, A bill for an act relating to historic sites and monuments; adding property to Split Rock Lighthouse historic site; reestablishing Traverse des Sioux historic site as a state monument; authorizing a memorial to Minnesota's war dead in Arlington National Cemetery; memorializing Congress to pass H.R. 1918, a service pension for veterans of World War One and their surviving spouses; appropriating funds; amending Minnesota Statutes 1978, Sections 138.025, Subdivision 10; and 138.585, by adding a subdivision; repealing Minnesota Statutes 1978, Section 138.55, Subdivision 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage 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	Anderson, D.	Begich	Brinkman	Clark
Adams	Anderson, G.	Berglin	Byrne	Clawson
Ainley	Anderson, I.	Berkelman	Carlson, D.	Corbid
Albrecht	Anderson, R.	Biersdorf	Carlson, L.	Crandall
Anderson, B.	Battaglia	Blatz	Casserly	Dempsey

Den Ouden	Hokanson	Mann	Patton	Stoa
Drew	Jacobs	McCarron	Pehler	Stowell
Eken	Jaros	McDonald	Peterson, B.	Sviggum
Elioff	Jennings	McEachern	Peterson, D.	Swanson
Ellingson	Johnson, C.	Mehrkens	Piepho	Thiede
Erickson	Johnson, D.	Metzen	Pleasant	Tomlinson
Esau	Jude	Minne	Redalen	Valan
Evans	Kahn	Moe	Reding	Valento
Ewald	Kaley	Munger	Reif	Vanasek
Faricy	Kalis	Murphy	Rice	Voss
Fjoslien	Kelly	Nelsen, B.	Rodriguez	Waldorf
Forsythe	Kempe	Nelsen, M.	Rose	Weaver
Friedrich	Knickerbocker	Nelson	Rothenberg	Welch
Fritz	Kostohryz	Niehaus	Sarna	Welker
Fudro	Kroening	Norman	Searle	Wenzel
Greenfield	Kvam	Novak	Searles	Wieser
Halberg	Lehto	Nysether	Sherwood	Wigley
Haukoos	Levi	Olsen	Sieben, H.	Wynia
Heap	Long	Onnen	Sieben, M.	Zubay
Heinitz	Ludeman	Osthoff	Simoneau	Spkr. Norton
Hoberg	Luknic	Otis	Stadum	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 251, A bill for an act relating to local government; permitting self insurance of health benefits; authorizing joint self insurance; amending Minnesota Statutes 1978, Section 471.-616, Subdivision 1; Section 60A.23, by adding a subdivision; and Chapter 471, by adding a section; repealing Minnesota Statutes, 1979 Supplement, Section 471.61, Subdivision 1b.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 251 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 251, A bill for an act relating to local government; permitting self insurance of health benefits; authorizing joint self insurance; amending Minnesota Statutes 1978, Section 471.-616, Subdivision 1; Section 60A.23, by adding a subdivision; and Chapter 471, by adding a section; repealing Minnesota Statutes, 1979 Supplement, Section 471.61, Subdivision 1b.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 262, A bill for an act relating to local government; permitting self insurance for local governments; authorizing insurance pooling; amending Minnesota Statutes 1978, Sections 60A.02, Subdivisions 3 and 4; 79.01, Subdivisions 2 and 3; and Chapter 471, by adding sections.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Brinkman moved that the House concur in the Senate amendments to H. F. No. 262 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 262, A bill for an act relating to local government; permitting self insurance for local governments; authorizing in-

surance pooling; appropriating money; amending Minnesota Statutes 1978, Sections 60A.02, Subdivisions 3 and 4; 79.01, Subdivisions 2 and 3; and Chapter 471, by adding sections.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

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

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 902, A bill for an act relating to pollution; establishing noise limits for motorboats; amending Minnesota Statutes 1978, Section 361.17.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Sieben, M., moved that the House concur in the Senate amendments to H. F. No. 902 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 902, A bill for an act relating to pollution; establishing noise limits for motorboats; appropriating money; amending Minnesota Statutes 1978, Section 361.17.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 97 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kelly	Nelson	Sherwood
Albrecht	Ellingson	Kempe	Norman	Sieben, H.
Anderson, B.	Evans	Knickerbocker	Novak	Sieben, M.
Anderson, G.	Ewald	Kostohryz	Nysether	Simoneau
Anderson, I.	Faricy	Kroening	Olsen	Stoa
Anderson, R.	Fjoslien	Kvam	Otis	Stowell
Battaglia	Forsythe	Lehto	Patton	Swanson
Begich	Friedrich	Levi	Pehler	Tomlinson
Berkelman	Fritz	Long	Peterson, B.	Valan
Biersdorf	Fudro	Luknic	Peterson, D.	Vanasek
Blatz	Greenfield	Mann	Pleasant	Voss
Brinkman	Halberg	McCarron	Reding	Waldorf
Byrne	Hoberg	McEachern	Rees	Weaver
Carlson, D.	Hokanson	Metzen	Reif	Welch
Carlson, L.	Jacobs	Minne	Rice	Wenzel
Casserly	Jaros	Moe	Rodriguez	Wynia
Clark	Johnson, C.	Munger	Rose	Spkr. Norton
Clawson	Johnson, D.	Murphy	Rothenberg	
Corbid	Jude	Nelsen, B.	Sarna	
Drew	Kahn	Nelsen, M.	Schreiber	

Those who voted in the negative were:

Aasness	Erickson	Kaley	Niehaus	Thiede
Ainley	Esau	Kalis	Onnen	Welker
Anderson, D.	Haukoos	Ludeman	Piepho	Wieser
Dempsey	Heinitz	McDonald	Redalen	Wigley
Den Ouden	Jennings	Mehrkins	Svigum	Zubay

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1603, A bill for an act relating to welfare; clarifying certain provisions of the general assistance medical care program; establishing an earned income disregard work incentive in the general assistance program; making various other changes in the general assistance program; appropriating money; amending Minnesota Statutes 1978, Sections 256D.01; 256D.02, Subdivisions 4, 9, 10, 11, 12, and by adding a subdivision; 256D.-

03, Subdivisions 1 and 3; 256D.04; 256D.06, Subdivisions 1 and 2; 256D.08, Subdivision 2; 256D.09, Subdivision 1; 256D.10; 256D.11, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 256D.13, Subdivision 1; 256D.16; and 256D.18, Subdivisions 2 and 4; and Minnesota Statutes, 1979 Supplement, Sections 256D.03, Subdivision 2; 256D.07; and 256D.08, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Greenfield moved that the House concur in the Senate amendments to H. F. No. 1603 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1603, A bill for an act relating to welfare; clarifying certain provisions of the general assistance medical care program; establishing an earned income disregard work incentive in the general assistance program; making various other changes in the general assistance program; appropriating money; amending Minnesota Statutes 1978, Sections 256D.01; 256D.02, Subdivisions 4, 9, 10, 11, 12, and by adding a subdivision; 256D.03, Subdivisions 1 and 3; 256D.04; 256D.06, Subdivisions 1 and 2; 256D.08, Subdivision 2; 256D.09, Subdivision 1; 256D.10; 256D.11, Subdivisions 2, 3, 4, 5, 6, 7, 8 and 9; 256D.13, Subdivision 1; 256D.16; and 256D.18, Subdivisions 2 and 4; and Minnesota Statutes, 1979 Supplement, Sections 256D.03, Subdivision 2; 256D.07; and 256D.08, Subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 74 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kelly	Nelsen, B.	Sieben, M.
Anderson, B.	Eken	Knickerbocker	Nelsen, M.	Simoneau
Anderson, G.	Elioff	Kostohryz	Nelson	Stoa
Anderson, I.	Ellingson	Kroening	Norman	Swanson
Anderson, R.	Evans	Lehto	Novak	Tomlinson
Battaglia	Ewald	Long	Osthoff	Vanasek
Begich	Faricy	Luknic	Otis	Voss
Berkelman	Fudro	Mann	Patton	Waldorf
Blatz	Greenfield	McCarron	Pehler	Weaver
Brinkman	Hokanson	McEachern	Peterson, D.	Welch
Byrne	Jacobs	Metzen	Reding	Wenzel
Carlson, L.	Jaros	Minne	Reif	Wieser
Casserly	Johnson, C.	Moe	Rice	Wynia
Clark	Jude	Munger	Rodriguez	Spkr. Norton
Clawson	Kahn	Murphy	Sarna	

Those who voted in the negative were:

Aasness	Albrecht	Crandall	Den Ouden	Erickson
Ainley	Anderson, D.	Dempsey	Drew	Esau

Fjoslien	Johnson, D.	Mehrkens	Rose	Thiede
Friedrich	Kaley	Niehaus	Rothenberg	Valan
Fritz	Kalis	Nysether	Schreiber	Valento
Halberg	Kempe	Olsen	Searle	Welker
Haukoos	Kvam	Onnen	Searles	Wigley
Heap	Laidig	Piepho	Sherwood	Zubay
Heinitz	Levi	Pleasant	Stadum	
Hoberg	Ludeman	Redalen	Stowell	
Jennings	McDonald	Rees	Svigum	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2353, A bill for an act relating to water resources; continuing the water planning board; changing its membership and duties; appropriating money; amending Minnesota Statutes 1978, Section 105.401; and Laws 1979, Chapter 333, Section 31, Subdivision 5.

PATRICK E. FLAHAVER, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Johnson, C., moved that the House concur in the Senate amendments to H. F. No. 2353 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2353, A bill for an act relating to water resources; continuing the water planning board; changing its membership and duties; appropriating money; amending Minnesota Statutes 1978, Section 105.401; and Laws 1979, Chapter 333, Section 31, Subdivision 5.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 99 yeas and 25 nays as follows:

Those who voted in the affirmative were:

Aasness	Begich	Clawson	Forsythe	Johnson, C.
Adams	Berkelman	Crandall	Fudro	Johnson, D.
Ainley	Blatz	Eken	Greenfield	Jude
Anderson, B.	Brinkman	Elioff	Halberg	Kahn
Anderson, D.	Byrne	Ellingson	Hoberg	Kalis
Anderson, G.	Carlson, L.	Evans	Hokanson	Kelly
Anderson, I.	Casserly	Ewald	Jacobs	Kempe
Battaglia	Clark	Faricy	Jaros	Knickerbocker

Kostohryz	Mehrkens	Onnen	Sarna	Valan
Kroening	Metzen	Osthoff	Schreiber	Valento
Kvam	Minne	Otis	Searles	Vanasek
Laidig	Moe	Patton	Sherwood	Voss
Lehto	Munger	Pehler	Sieben, M.	Waldorf
Levi	Murphy	Peterson, D.	Simoneau	Weaver
Long	Nelsen, B.	Pleasant	Stadum	Welch
Luknic	Nelsen, M.	Reding	Stoa	Wenzel
Mann	Nelson	Rees	Stowell	Wigley
McCarron	Novak	Rice	Swanson	Wynia
McDonald	Nysether	Rodriguez	Thiede	Spkr. Norton
McEachern	Olsen	Rose	Tomlinson	

Those who voted in the negative were:

Albrecht	Erickson	Haukoos	Niehaus	Searle
Anderson, R.	Esau	Heap	Norman	Svigum
Dempsey	Fjoslien	Jennings	Piepho	Welker
Den Ouden	Friedrich	Kaley	Redalen	Wieser
Drew	Fritz	Ludeman	Rothenberg	Zubay

The bill was repassed, as amended by the Senate, and its title agreed to.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON 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; 40.161; 473.121, by adding a subdivision; 473.149; 473.502; 473.516; 473.801, Subdivision 1; 473.802; 473.803; 473.811; 473.813; 473.823, Subdivision 3, and by adding a subdivision; Chapter 400, by adding a section; and Chapter 473, by adding sections; repealing Minnesota Statutes 1978, Sections 116F.02, Subdivisions 3, 4, and 5; 116F.03; 116F.04; 116F.05, Subdivision 2; 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.

April 1, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 2023, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recedes from its amendments and that H. F. No. 2023 be further amended as follows:

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. "Construction debris" means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.

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 hazard" of a waste means the propensity of the waste to migrate in the environment, and thereby to become exposed to the public, and the 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. 15. "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 qualify for permits in accordance with agency rules.

Subd. 16. "Legislative commission on waste management" or "legislative commission" means the commission established in article II, section 11.

Subd. 17. "Local government unit" means cities, towns, and counties.

Subd. 18. "Metropolitan area" has the meaning given it in section 473.121.

Subd. 19. "Metropolitan council" means the council established in chapter 473.

Subd. 20. "Metropolitan waste control commission" or "waste control commission" means the waste control commission established in chapter 473.

Subd. 21. "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, construction debris, mining waste, sludges, tree and agricultural wastes, tires, and other materials collected, processed, and disposed of as separate waste streams.

Subd. 22. "Natural resources" has the meaning given it in chapter 116B.

Subd. 23. "Person" has the meaning given it in section 116.06, but does not include the board.

Subd. 24. "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. 25. "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. 26. "Regional development commission" means a commission established pursuant to sections 462.381 to 462.397.

Subd. 27. "Resource recovery" means the reclamation for sale or reuse of materials, substances, energy, or other products contained within or derived from waste.

Subd. 28. "Resource recovery facility" means a waste facility established and used primarily for resource recovery.

Subd. 29. "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. 30. "Sewage sludge disposal facility" means property owned or leased by a political subdivision and used for interim or final disposal or land spreading of sewage sludge.

Subd. 31. "Solid waste" has the meaning given it in section 116.06, subdivision 10.

Subd. 32. "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.

Subd. 33. "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. 34. "Waste" means solid waste, sewage sludge, and hazardous waste.

Subd. 35. "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. 36. "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 nine permanent mem-*

bers. Temporary members shall be added pursuant to subdivision 3.

Subd. 2. [PERMANENT MEMBERS.] Eight of the permanent members of the board shall be appointed by the governor, with the advice and consent of the senate, to represent diverse areas and interests within the state. One member shall be appointed from each congressional district in accordance with boundaries existing on January 1, 1980. The term of office and compensation of the eight members thus appointed, and the manner of removal and filling of vacancies, shall be as provided in section 15.0575, except that the initial term of all members shall be four years and the rate of compensation shall be \$50 per day spent on board activities. The ninth permanent member of the board shall be the chairperson who shall be appointed by the governor with the advice and consent of the senate. The chairperson shall serve at the pleasure of the governor for a term coterminous with that of the governor, except that the initial term of the chairperson shall be four years. The chairperson shall be the executive and operating officer of the board and shall determine the time and place of meetings, preside at meetings, appoint all board officers and hire and supervise all employees subject to the approval of the board, carry out the policy decisions of the board, and perform all other duties and functions assigned to him by the board or by law. No permanent member of the board shall hold other elected or appointed public office.

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 management 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 5, subdivision 4, and article IV, section 3. The provisions of section 15.075 relating to compensation, removal, and vacancy shall apply to temporary members except that the rate of compensation shall be \$50 per day spent on board activities.

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

Subd. 2. [RULES.] Unless otherwise provided, the board shall promulgate rules in accordance with chapter 15 to govern its activities and implement articles I to VIII.

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

Subd. 4. [ACQUISITION OF SITES FOR HAZARDOUS WASTE FACILITIES.] The board may direct the commis-

sioner 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 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 which provided funds used to acquire the property and to evaluate the eligibility of the property for inclusion in the inventory under section 6 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 to 94.347 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. Where the property is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the property is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of sites and buffer areas under section 6 or as a candidate site under article III or its selection as a site or buffer area.

Subd. 5. [RIGHT OF ACCESS.] Whenever the board or the chairperson acting on behalf of the board deems it necessary to the accomplishment of its purposes, the board or any member, employee, or agent thereof, when authorized by it or the chairperson, 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 chairperson or commissioner of administration on behalf of the board, 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, 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, used, and occupied for public and governmental purposes, and shall be exempt from taxation by the state or any political subdivision of or other governmental unit of or within the state, provided that those properties shall be subject to special assessments levied for a local improvement in amounts proportionate to and not exceeding the special benefit received by the properties from the improvement. No possible use of the properties in any manner different from their use for hazardous waste management at the time shall be considered in determining the special benefit received by the properties.*

Subd. 8. [CONTRACTS.] *The board or the chairperson acting on behalf of 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 or the chairperson acting on behalf of 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 or the chairperson acting on behalf of the board may conduct research studies and programs, collect and analyze data, prepare reports, maps, charts, and tables, and order 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 through its chairperson 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 through its chairperson may require any employee to obtain and file with it an indi-*

vidual 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 chairperson of the board shall inform the state planning agency of the board's activities in accordance with section 4.191. The chairperson shall keep the agency informed of the board's activities, solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency.*

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

Sec. 5. [DUTIES OF THE BOARD; HAZARDOUS WASTE MANAGEMENT REPORTS.] *Subdivision 1. [REPORT ON LIABILITY AND LONG-TERM CARE.] By January 1, 1981, the board through its chairperson 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, in consultation with the chairperson of the board, 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 through its chairperson 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, in consultation with the chairperson of the board, 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 through its chairperson shall report and make recommendations to the legislative commission on actions to develop interstate cooperation in hazardous waste planning and management. The report 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, in consultation with the chairperson of the board, 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; DRAFT MANAGEMENT PLAN AND CERTIFICATION OF NEED.] By January 1, 1982, the board through its chairperson shall report to the legislative commission on hazardous waste management. The report shall include at least:

(a) an evaluation of alternative disposal facilities, disposal facility technologies, and disposal facility design and operating specifications and an explanation of the preliminary design and operating specifications for disposal facilities selected for consideration under article III, section 6;

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

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

(d) an evaluation of feasible and prudent disposal abatement objectives, along with a description of 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 objectives.

The report shall analyze the environmental, social, and economic effects of the alternatives and methods by which unavoidable adverse effects could be mitigated. The report shall

include a draft hazardous waste management plan, based on the analysis in the report and proposed for adoption pursuant to section 8, and a draft certificate or certificates of need proposed for issuance under article III, section 7.

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

Subd. 6. [PREPARATION OF HAZARDOUS WASTE REPORTS; PROCEDURES; PUBLIC INVOLVEMENT.] By January 1, 1981, the board through its chairperson 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 and the chairperson on behalf of the board shall encourage public debate and discussion of the issues relating to the reports. The board and the chairperson on behalf of 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 6. The board and the chairperson on behalf of the board shall follow the procedures set out in article III, section 5, for consulting with citizens in areas affected by the selection of candidate sites for disposal facilities. To assist it in preparing the reports required by subdivisions 4 and 5, the board through its chairperson shall make grants to each local project review committee established for a candidate site for disposal identified under article III. The grants may be used by the committee to employ staff, pay administrative expenses, or contract with affected units of government or qualified consultants. The board and the chairperson on behalf of the board shall request recommendations from the private waste management industry, the board's advisory councils, affected regional development commissions, and the metropolitan council and shall consult with them on the board's intended disposition of the recommendations. The reports of the board shall summarize the comments received and the board's response to the comments.

Sec. 6. [DUTIES OF THE BOARD; INVENTORY OF PREFERRED SITES FOR HAZARDOUS WASTE PROCESSING FACILITIES.] Subdivision 1. [BOARD RESPONSIBILITY.]

By November 1, 1981, the board shall prepare 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. [EVALUATION OF SITES.] The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of sites under this section. The board and the chairperson on behalf of the board shall evaluate the sites in consultation with the board's advisory councils, the affected counties and regions, generators of hazardous waste, and prospective facility developers. The evaluation shall consider at least the consistency of sites with state and federal regulations, local land use and land use controls, the protection of agriculture and natural resources, 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. 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. [PROCEDURES.] The board shall propose the inventory of sites by June 1, 1981, by publication in the state register and newspapers of general circulation in the state and by mail to each regional development commission and local government unit containing a proposed site. Any person objecting to the agency's certification or the board's proposal of a site for inclusion in the inventory shall have 30 days in which to request a hearing. If a hearing is requested, the hearing shall be ordered by the chairperson of the board and shall be conducted by the state office of hearing examiners in a manner determined by the hearing examiner to be consistent with the completion of the proceedings and the examiner's report in the time allowed by this section. At the hearing, any county in which a site is proposed for inclusion in the inventory may propose an alternative site or sites within the county. The hearing examiner may consolidate hearings. 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. No action of the board shall be held invalid by reason of the board's failure to notify any of the entities listed in this subdivision.

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

Sec. 7. [DUTIES OF THE BOARD; HAZARDOUS WASTE FACILITIES; ENCOURAGEMENT OF PRIVATE ENTERPRISE.] The board and the chairperson on behalf of 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 hazardous waste management plan adopted pursuant to section 8. In preparing the reports under section 5 and the inventory of processing facility sites under section 6, in adopting the management plan, and in its actions and decisions under articles III and IV, the board and the chairperson on behalf of 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. 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 6 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. 8. [HAZARDOUS WASTE MANAGEMENT PLAN.] Subdivision 1. [CONTENTS.] By May 1, 1982, the board shall adopt a hazardous waste management plan. The plan shall include at least the following elements:

(a) an estimate of the types and volumes of hazardous waste which will be generated in the state through the year 2000;

(b) specific and quantifiable objectives for reducing to the greatest feasible and prudent extent the need for and practice of disposal, through waste reduction, pretreatment, processing, and resource recovery;

(c) a description of the minimum disposal capacity and capability needed to be developed within the state for use through the year 2000, based on the achievement of the objectives under clause (b).

The plan shall require the establishment of at least one commercial disposal facility in the state.

Subd. 2. [PROCEDURE.] The plan shall be based upon the reports prepared pursuant to section 5. The plan shall not be subject to the rule-making or contested case provisions of chapter 15. Following the submission of the report on hazardous management required under section 5, subdivision 4, the board shall hold a public hearing on the draft plan and draft certificate or certificates of need contained in the report. Notices of the draft plan and the draft certificate or certificates and notice of the hearing shall be published in the state register and newspapers of general circulation in the state. The hearing shall be ordered by the chairperson of the board and shall be conducted by the state office of hearing examiners in a manner consistent with the completion of the proceedings in the time allowed by this section. A majority of the permanent members of the board shall attend the hearing. In connection with the hearing, the chairperson of the board shall provide copies of the studies and reports on which the draft plan and certification of need are based and shall make an affirmative presentation showing the need for and reasonableness of the draft plan and certification of need. Following the hearing, the board shall revise the plan and the certificate or certificates of need as it deems appropriate, shall make a written response to the testimony received at the hearing explaining its disposition of any recommendations made with respect to the plan and certification, and shall finally adopt a plan in accordance with this section and issue a certificate or certificates of need in accordance with article III, section 7.

Sec. 9. [ADVISORY COUNCILS.] Subdivision 1. [SOLID AND HAZARDOUS WASTE MANAGEMENT.] The chairperson of the board shall establish a solid waste management advisory council and a hazardous waste management planning council broadly representative of the geographic areas and interests of the state. The councils shall have not less than 9 nor more than 18 members each. The membership of the solid waste council 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 solid waste council 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 membership of the hazardous waste advisory council 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 chairpersons of the advisory councils shall be appointed by the chairperson of the board. The chairperson of the board shall provide administrative and staff services for the advisory councils. The advisory coun-

cils shall have such duties as are assigned by law or the chairperson of the board. The solid waste advisory council shall make recommendations to the board on its solid waste management activities. The hazardous waste advisory council shall make recommendations to the board on its activities under article II, sections 5, 6, 7, and 8, and article III, sections 3, 4, 6, and 7. Members of the advisory councils shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the chairperson of the board.

Subd. 2. [TECHNICAL ADVISORY COUNCIL.] The chairperson of the board shall establish an interagency technical advisory council to advise the board and the chairperson on such matters as the board, through its chairperson, deems necessary. The members of the council shall be the commissioner of health; the commissioner of agriculture; the commissioner of natural resources; the commissioner of economic development; the director of the pollution control agency; the director of the energy agency; the director of the state planning agency; and such other heads of agency as the chairperson of the board deems necessary; or their designees. The council shall meet at the call of the chairperson of the board who shall serve as chairperson of the council. The members, collectively and individually shall advise the board and the chairperson on matters within their various areas of expertise and shall provide technical assistance and information as requested by the board through its chairperson.

Sec. 10. [BOARD; EXPIRATION.] The board shall cease to exist on June 30, 1987.

Sec. 11. [LEGISLATIVE COMMISSION ON WASTE MANAGEMENT.] Subdivision 1. [CREATION, MEMBERSHIP, VACANCIES.] There is created in the legislative branch a legislative commission on waste management. The commission shall consist of 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. The staff shall be hired and supervised for the commission by the executive director of the legislative commission on Minnesota resources.

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, subject to applicable requirements or restrictions imposed by sections 15.162 to 15.17.*

Subd. 4. [POWERS AND DUTIES.] *The commission shall review the biennial report of the board. The commission shall oversee the activities of the board under articles I to VIII and the activities of the agency under articles V and VI, and direct such changes or additions in the work plan of the board and agency 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. [STUDY.] *The commission shall study alternative methods of insuring that an adequate supply of solid waste will be available to resource recovery facilities and report to the appropriate policy committees of the house of representatives and senate before January 1, 1982. The commission shall, at a minimum, consider the relative merits of the required use provisions described in article VIII, section 9, article IX, section 8, and article X, section 14, and other mechanisms designed to facilitate resource recovery by raising costs of landfill alternatives or lowering costs of disposal at resource recovery facilities.*

Subd. 6. [EXPIRATION.] *The provisions of this section shall expire on June 30, 1987.*

Sec. 12. [STATE GOVERNMENT RESOURCE RECOVERY.] **Subdivision 1. [ESTABLISHMENT OF PROGRAM.]** *There is established within state government a resource recovery program to promote the reduction of waste generated by state agencies, the separation and recovery of recyclable and reusable commodities, the procurement of recyclable commodities and commodities containing recycled materials, and the uniform disposition of recovered materials and surplus property. The program shall be administered by the commissioner of administration.*

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

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

Subd. 4. [STAFF.] *The commissioner of administration shall employ an administrator to manage the resource recovery program and 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 each even numbered year thereafter 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 natural 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 shall not preclude the issuance of permits by the agency pursuant to section 116.07 for disposal facilities at sites not reviewed under this article.*

Sec. 3. [EVALUATION OF SITES.] *The board shall not be required to promulgate rules pursuant to chapter 15 to govern its evaluation and selection of sites for commercial disposal facilities under this article. In evaluating and selecting sites for disposal facilities, the board shall consider at least the following factors:*

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

(b) intrinsic suitability of the sites;

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

(d) 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;

(e) 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;

(f) the adverse effects of a facility at the site on agriculture and natural resources 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. [CANDIDATE SITES.] Subdivision 1. [SELECTION.] By August 1, 1981, the board shall select six locations in the state, no more than one site per county, 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. 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 August 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 through its chairperson 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. The board may 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 assist the evaluation of sites and the selection of candidate sites. By November 1, 1980, the board through its chairperson shall notify each regional development commission, or the metropolitan council, and each local government unit 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 any 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 local government unit on the criteria, standards, and procedures the board should use in selecting candidate sites within the time allowed. The board through

its chairperson shall make a written response to any recommendations, explaining its disposition of the recommendations. By May 1, 1981, the board shall propose at least six locations as candidate sites and shall publish notice in the state register and newspapers of general circulation in the state and shall notify by mail all regional development commissions, or the metropolitan council, and local government units containing a proposed candidate site. Any person objecting to the agency's certification or the board's proposal of a site for candidacy shall have 30 days in which to request a hearing. If a hearing is requested, the hearing shall be ordered by the chairperson of the board and shall be conducted in a manner consistent with the completion of the proceedings and the examiner's report to the agency and board in the time allowed by this section. The hearing examiner may consolidate hearings. No action of the board shall be held invalid by reason of the board's failure to notify any of the entities listed in this subdivision.

Subd. 3. [MORATORIUM.] *A moratorium is hereby imposed on all development, except hazardous waste facilities, within each proposed or 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 on candidate sites and buffer areas shall extend until six months following final action of the board pursuant to this article. No development shall be allowed to occur within a proposed site or buffer area during the period of the moratorium. No land use control of any political subdivision shall permit development, nor shall any political subdivision sanction or approve any subdivision, permit, license, or other authorization which would allow development to occur.*

Sec. 5. [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 reports referred to in subdivision 7, the preliminary specifications under section 6, and the certification of need required under section 7 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 September 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.

Subd. 4. [APPOINTMENT OF TEMPORARY BOARD MEMBERS.] By October 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 through its chairperson shall make grants to the committees to be used to employ staff, pay administrative expenses, or contract with qualified consultants. The board through its chairperson shall ensure the delivery to the committees of technical information and assistance by appropriate state agencies.

Subd. 7. [HAZARDOUS WASTE MANAGEMENT REPORTS.] The chairperson and the board shall prepare and submit the hazardous waste management reports required by article II, section 5, subdivisions 4 and 5, in consultation with the local project review committees. The chairperson and the board shall request recommendations from the local committees and shall consult with the committees on the board's intended disposition of the recommendations. The reports of 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. A majority of the permanent members shall be present at each meeting. 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 facilities, the proposed location, the purpose of the board's report to the legislature, and the subsequent and related activities of the board.

Sec. 6. [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 judgment 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 8. The preliminary design and operating specifications shall not be final and shall not preclude the consideration of other specifications nor foreclose the subsequent addition by the board of other disposal facility alternatives.*

Sec. 7. [CERTIFICATION OF NEED.] *By May 1, 1982, on the basis of and consistent with its hazardous waste management 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, general design and operating specifications, 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. Alternatives that are speculative and conjectural shall not be deemed to be feasible and prudent. The certificate or certificates shall not be subject to the provisions of chapter 15 but shall be the final determination required on the matters decided by the certificate or certificates and shall have the force and effect of law. The certificate or certificates shall not be amended for five years. 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 consistent with 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. 8. [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 on disposal facilities at each candidate site. The statement shall be finally accepted or rejected within 120 days following the issuance of a certificate or certificates of need under section 7.

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. 2. [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. 9. [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, each permitting state agency shall issue a notice of intent to issue permits, indicating the terms, conditions, and requirements of agency approval for all permits needed at each candidate site for the establishment 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. 10. [HEARINGS.] *Subdivision 1. [AGENCY HEARINGS.] Any person objecting to a notice of intent to issue permits shall have 30 days in which to request a hearing. The hearing shall be ordered by the commissioner or director of the agency involved and shall be conducted by the state office of hearing examiners in the manner provided for contested cases in chapter 15. The hearing examiner may consolidate hearings on agency notices as he deems appropriate. The hearing shall be held in the county where the candidate site is located. A majority of the permanent members of the board shall be present at the agency hearing. The proceeding shall be completed and the examiner's report submitted to the permitting agency within 90 days following the issuance of the agency's notice of intent. Within 60 days following the hearing examiner's report and after consulting with the board, facility developers, affected local government units, and the local project review committee, the permitting agency shall revise its notice of intent as it deems appropriate and shall reissue the notice.*

Subd. 2. [BOARD HEARINGS.] Within 90 days following the issuance of agency notice of intent under section 9, the board shall conduct a hearing in each county containing a candidate site, for the purpose of receiving testimony on the sites and facilities to be established. The hearings shall be ordered by the chairperson of the board and shall be conducted concurrently with any agency hearing regarding the site held pursuant to subdivision 1. The subject of the board hearing shall not extend to matters previously decided in the board's certificate of need. The hearing shall be conducted for the board by the state office of hearing examiner's in a manner determined by the hearing examiner to be consistent with the completion of the proceedings in the time allowed. The proceedings shall not be deemed a contested case under chapter 15. A majority of the permanent members of the board shall be present at the hearing.

Sec. 11. [FINAL ACTION.] *Subdivision 1. [DECISION OF BOARD.] Within 60 days following final agency decisions on permits pursuant to section 9 and section 10, subdivision 1, 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. If the chairperson of the board determines that an agency notice of intent has been substantially revised following hearings held pursuant to section 10, subdivision 1, the chairperson shall order a public hearing to receive further testimony on the sites and facilities to be established. The proceeding shall be conducted as provided in section 10, subdivision 2, except that hearings shall not be separately held in the affected counties and the issues relating to all agency notices shall be considered at one hearing. The board's decision and final permit applications shall embody all terms, conditions, and requirements of the permitting agencies, provided that the board may: (a) finally resolve any conflicts between state agencies regarding permit terms, conditions, and requirements, and (b) require more stringent terms, conditions, and requirements respecting the facility as may be consistent with the certification of need and the agency rules and permit conditions. The board's resolution of conflicts under clause (a) shall be in favor of the more stringent terms, conditions, and requirements. The board's decision and the permit applications shall provide for the establishment of facilities consistent with the board's certification of need.*

Subd. 2. [BOARD'S DECISION PARAMOUNT.] The board's decision under subdivision 1 shall be final and shall supersede and preempt requirements of state agencies and political subdivisions, excepting only those terms, conditions, and requirements of permitting agencies embodied in the board's decision and except as provided in subdivision 3. The permitting agencies shall issue permits within 60 days following and in accordance with the board's final decision, and all permits shall conform to the terms, conditions, and requirements 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, operation, expansion, continuance, or closure of a facility in accordance with the final decision of the board and permits issued pursuant thereto.

Subd. 3. [LOCAL REQUIREMENTS.] A political subdivision may impose reasonable requirements respecting the construction, inspection, operation, monitoring, and maintenance of a facility. Any such requirements shall be subject to review by the agency to determine their reasonableness and consistency with the establishment and use of a facility in accordance with the final decision of the board and permits issued pursuant thereto. The agency may approve, disapprove, suspend, modify, or reverse any such requirements. The decision of the agency shall be final.

Sec. 12. [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 11, the board through its chairperson 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 chairperson of the board may request intervention in the review pursuant to subdivisions 2 and 3.

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. 13. [JUDICIAL REVIEW.] Any civil action maintained by or against the agency or board under this article shall be brought in the county where the board 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

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

Sec. 2. [ELIGIBILITY; REQUEST FOR REVIEW.] The following persons shall be eligible to request supplementary review by the board pursuant to this article: (a) a generator of sewage sludge within the state who has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; (b) a political subdivision which has been issued permits by the agency, or a political subdivision acting on behalf of a person who has been issued permits by the agency, for a solid waste facility which is no larger than 250 acres, not including any proposed buffer area, and located outside the metropolitan area; (c) 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 for managing the hazardous wastes

produced by the generator only; (d) 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 6. The metropolitan waste control commission shall not be eligible to request review under clause (a) for a sewage sludge disposal facility. The metropolitan waste control commission shall not be eligible to request review under clause (a) for a solid waste facility with a proposed permitted life of longer than four years. The board may require completion of a plan conforming to the requirements of article V, section 5, before granting review under clause (b). A request for supplementary review 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.

Sec. 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 article, 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 chairperson of 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 chairperson of the waste management board determines the proposed facility would be principally located. If the proposed facility is located in unorganized territory, all six members shall be selected by the governing board of the county. Temporary members shall be residents of the county 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 facility.

Sec. 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, in accordance with the rules of the board, for 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 hold, at the call of the chairperson, at least one public hearing in the county within which the proposed facility would be located. A majority of permanent members of the board shall be present at the hearing. The hearing shall be conducted for the

board by the state office of hearing examiners in a manner determined by the hearing examiner to be consistent with the expeditious completion of the proceedings as required by this article. The hearing shall not be deemed a contested case under chapter 15. 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 meeting. The notice shall describe the proposed facility, its location, the 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 permits, and the board's scope and procedure for review are available for review and where copies may be obtained.

Sec. 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, water, air, and land pollution, and fire or explosion where appropriate, 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 agriculture and natural resources and opportunities to mitigate or eliminate the adverse effects by additional stipulations, conditions, and requirements respecting the proposed facility at the proposed site;*

(d) *the need for the proposed facility, especially its contribution to abating solid and hazardous waste disposal, the availability of alternative sites, and opportunities to mitigate or eliminate need by additional and alternative waste management strategies or actions of a significantly different nature;*

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

Sec. 6. [FINAL DECISION OF BOARD.] *Subdivision 1. [APPROVAL OR DISAPPROVAL.] In its final decision on the proposed facility, the board may either approve or disapprove the proposed facility at the proposed site. The board's approval shall embody all terms, conditions, and requirements of the per-*

mitting agencies, provided that the board may: (a) finally resolve any conflicts between state agencies regarding permit terms, conditions, and requirements, and (b) require more stringent permit terms, conditions, and requirements respecting the design, construction, operation, inspection, monitoring, and maintenance of the proposed facility at the proposed site. The board's resolution of conflicts under clause (a) shall be in favor of the more stringent terms, conditions, and requirements.

Subd. 2. [DECISION PARAMOUNT.] The decision of the board to approve a facility shall be final and shall supersede and preempt requirements of state agencies and political subdivisions, excepting only those terms, conditions, and requirements of permitting agencies embodied in the board's approval and except as provided in subdivision 3. The permitting agencies shall issue or amend the permits for the facility within 60 days following and in accordance with the final decision of the board, and all permits shall conform to the terms, conditions, and requirements 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, operation, expansion, continuance, or closure of the facility in accordance with the final decision of the board and permits issued pursuant thereto.

Subd. 3. [LOCAL REQUIREMENTS.] A political subdivision may impose reasonable requirements respecting the construction, inspection, operation, monitoring, and maintenance of a facility. Any such requirements shall be subject to review by the agency to determine their reasonableness and consistency with the establishment and use of a facility in accordance with the final decision of the board and permits issued pursuant thereto. The agency may approve, disapprove, suspend, modify, or reverse any such requirements. The decision of the agency shall be final.

Sec. 7. [RECONCILIATION PROCEDURES.] Subdivision 1. **[REPORTS TO LEGISLATIVE COMMISSION.]** At least 30 days before making a final decision under section 6 in a review brought pursuant to section 2, clause (d), the board through its chairperson 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 chairperson of the board may request intervention in the review pursuant to subdivisions 2 and 3.

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

Sec. 8. [JUDICIAL REVIEW.] Judicial review with respect to conduct or decisions in supplementary reviews brought pursuant to section 2, clauses (c) or (d), shall be as provided in article III, section 13.

ARTICLE V

SOLID WASTE MANAGEMENT PLANNING ASSISTANCE PROGRAM

Section 1. [ESTABLISHMENT AND ADMINISTRATION.] There is established a planning assistance program to provide technical and financial assistance to political subdivisions of

the state for the purpose of encouraging and improving regional and local solid waste management planning activities and efforts. The program shall be administered by the agency pursuant to rules promulgated under chapter 15, except in the metropolitan area where the program shall be administered by the metropolitan council pursuant to chapter 473. The agency and the metropolitan council shall ensure conformance with 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 political subdivisions located in two or more contiguous 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.] *Political subdivisions preparing plans under this article are encouraged to consult with persons presently providing solid waste collection, processing, and disposal services in the preparation of the plan. 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 alternatives, including capital and operating costs, and the effects of the 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 management districts where appropriate. The plans shall address 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. [ESTABLISHMENT; PURPOSES AND PRIORITIES.] 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 feasible and prudent alternatives to disposal, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program shall be administered by the agency and the board in accordance with the requirements of article VI and rules promulgated by the agency and the board pursuant to chapter 15. In administering the program, the agency and the board shall give priority to areas where natural geologic and soil conditions are unsuitable for land disposal of solid waste and areas where the capacity of existing solid waste disposal facilities is determined by the agency or the board to be less than five years. In areas outside the metropolitan area, the agency and the board shall also give priority to projects serving more than one local government unit.

Sec. 2. [ELIGIBLE RECIPIENTS.] *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 under sections 4 and 5 on behalf of other persons.*

Sec. 3. [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 evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators. The agency or the board may require completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5, before accepting an application.*

Sec. 4. [TECHNICAL ASSISTANCE FOR DEMONSTRATION PROJECTS.] *The agency and the board shall ensure the delivery of the technical assistance necessary for proper implementation of each demonstration project funded under the program. The agency and the board may contract for the delivery of technical assistance by any state or federal agency, a regional development commission, the metropolitan council, or private consultants and may use program funds to reimburse the agency, commission, council, or consultants. The agency and the board shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The agency and the board shall ensure statewide benefit from projects assisted under the demonstration program by developing exchange and training programs for local officials and employees and by using the experience gained in demonstration projects to provide technical assistance and education for other solid waste management projects in the state.*

Sec. 5. [WASTE REDUCTION AND SEPARATION PROJECTS.] *The agency shall provide technical assistance and grants to projects which demonstrate waste reduction; waste separation by generators, collectors, and other persons; and collection systems for separated waste. Activities eligible for assistance under this section include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the implementation of the project. Preliminary planning and development, feasibility study, and conceptual design costs shall also be eligible activities, but no more than 20*

percent of program funds shall be used to fund those activities. The rules of the agency shall prescribe the level or levels of local funding required for grants under this section.

Sec. 6. [WASTE PROCESSING FACILITIES.] *Subdivision 1. [PURPOSES; PUBLIC INTEREST; DECLARATION OF POLICY.] The legislature finds that the establishment of waste processing facilities and transfer stations serving such facilities 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 the facilities and transfer stations are not being fully realized by individual political subdivisions or by agreements among subdivisions; and that therefore it is necessary to provide capital assistance to stimulate and encourage the acquisition and betterment of the facilities and transfer stations.*

Subd. 2. [ADMINISTRATION; ASSURANCE OF FUNDS.] The board shall provide technical and financial assistance for the acquisition and betterment of the facilities and transfer stations from revenues derived from the issuance of bonds authorized by article VII, section 2. Of money appropriated 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. No grant or loan shall be disbursed to any recipient until the board has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.

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

or other moneys pledged for payment under the loan agreement. Each loan made to a recipient shall be secured by resolutions adopted by the board and the governing body of the recipient, obligating the recipient to repay the loan to the state treasurer in annual installments including both principal and interest. Installments shall be in an amount sufficient to pay the principal amount within the period required by the 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 areas, as authorized by article II, section 3, subdivision 4, and money to be granted or loaned to political subdivisions pursuant to the waste processing facility capital assistance program created by article VI, section 6. The commissioner of finance and state treasurer shall deposit in the fund as received (a) all proceeds of Minnesota state waste management bonds, except accrued interest and premiums received upon the sale of the bonds; (b) all other money appropriated by law for purposes stated in article VII, and (c) all money granted to the state for those purposes by the federal government or any agency thereof. All the receipts are annually appropriated for the purposes of the fund, and shall remain available until expended.*

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

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

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

Subd. 2. [ISSUANCE OF BONDS.] Upon request by the board and upon authorization as provided in subdivision 1, the commissioner of finance shall sell Minnesota state waste management bonds. The bonds shall be in the aggregate amount requested, and sold upon sealed bids upon the notice, at the price, in the form and denominations, bearing interest at the rate or rates, maturing in the amounts and on the dates (without option of prepayment or subject to prepayment upon the notice and at the times and prices), payable at the bank or banks within or outside the state (with provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds), and in accordance with any further provisions as the commissioner of finance shall determine. The sale is subject to the approval of the attorney general, but not subject to the provisions of Minnesota Statutes, Sections 15.0411 to 15.0422. The bonds shall be executed by the commissioner of finance and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The commissioner of finance shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

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

Subd. 4. [DEBT SERVICE ACCOUNT IN THE STATE WASTE MANAGEMENT FUND.] The commissioner of finance shall maintain in the Minnesota state waste management fund a separate account to be called the state waste management debt service account. It shall record receipts of premium and accrued interest, loan repayments, project revenue or other money transferred to the fund and income from the investment of the money and record any disbursements to pay the principal and interest on waste management bonds. Income from invest-

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

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

Sec. 3. [BOND AUTHORIZATION AND APPROPRIATION OF PROCEEDS.] The commissioner of finance is authorized, upon request of the board, to sell Minnesota state waste management bonds in the amount of up to \$8,800,000 for the purpose of the waste processing facility capital assistance program under article VI, section 6, and in the amount of up to \$6,200,000 for the purpose of acquiring real property and interests in real property for hazardous waste facility sites and buffer areas as authorized by article II, section 3, subdivision

4. The bonds shall be sold in the manner and upon the conditions prescribed in article VII, section 2, and in the Minnesota Constitution, Article XI, Sections 4 to 7. The proceeds of the bonds, except as provided in article VII, section 2, subdivision 5, are appropriated to the Minnesota state waste management fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the waste management fund equal to the aggregate amount of the loans and grants then approved and not previously disbursed, plus the amount of the loans and grants to be approved in the current and the following fiscal year, as estimated by the board.

ARTICLE VIII

SOLID WASTE MANAGEMENT DISTRICTS

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

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

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

Subd. 3. [RESTRICTIONS.] *No waste district shall be established within the boundaries of the Western Lake Superior Sanitary District established by Laws 1971, Chapter 478, as amended. No waste district shall be established wholly within one county. The board shall not establish a waste district within or extending into the metropolitan area, nor define or alter the powers or boundaries of a district, without the approval of the metropolitan council. The council shall not approve a district unless the articles of incorporation of the district require that the district will have the same procedural and substantive responsi-*

bilities, duties, and relationship to the metropolitan agencies as a metropolitan county. The board shall not establish a district unless the petitioners demonstrate that they are unable to fulfill the purposes of a district through joint action under Minnesota Statutes, Section 471.59. The board shall require the completion of a comprehensive solid waste management plan conforming to the requirements of article V, section 5, by petitioners seeking to establish a district.

Sec. 3. [PROCEDURE FOR ESTABLISHMENT AND ALTERATION.] Subdivision 1. [LOCAL PETITION.] Waste districts shall be established and their powers and boundaries defined or altered by the board only after petition requesting the 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 the information the board may require, including at least the following:

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

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

Subd. 3. [LOCAL REVIEW AND COMMENT.] At least 60 days before submitting the petition to the board, the petitioners shall publish notice of the petition in newspapers of gen-

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

Subd. 4. [REVIEW PROCEDURES.] Upon receipt of the petition, the chairperson of the board shall determine whether the petition conforms in form and substance to the requirements of law and rule. If the petition does not conform to the requirements, the chairperson shall return it immediately to the petitioners with a statement describing the deficiencies and the amendments necessary to rectify them. If the petition does conform to the requirements, and if comments have been received objecting to the establishment or alteration of the district as proposed, the chairperson shall request the office of hearing examiners to conduct a hearing on the petition. The hearing shall be conducted in the proposed district in the manner provided in chapter 15 for contested cases. If no comments have been received objecting to the establishment of the district as proposed, the board may proceed to grant or deny the petition without the necessity of conducting a contested case hearing. If the petition conforms to the requirements of law and rule, the chairperson shall also immediately submit the petition to the solid waste and the technical advisory councils of the board for review and recommendation and shall forward the petition to the director of the agency, who shall prepare and submit to the board a report containing recommendations on the disposition of the petition. The director's report shall contain at least the director's findings and conclusions on whether the proposed boundaries, purposes, powers, and management plans of the district or alteration thereto serve the purposes of waste resource districts, are appropriately related to the waste generation, collection, processing, and disposal patterns in the area, and are generally consistent with the purposes of the agency's regulatory program.

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

Subd. 6. [BOARD ORDER.] After considering the reports of the hearing examiner, if a contested case hearing has been held, and the recommendations of the advisory councils director of the agency, the board shall make a final decision on the petition. If the board finds and determines that the establishment or alteration of a district as proposed in the petition would not

be in the public interest and would not serve the purposes of article VIII, it shall give notice to the petitioners of its intent to deny the petition. If a contested case hearing has not been held, the petitioners may request a hearing within 30 days of the notice of intent to deny the petition. The request shall be granted. Following the hearing and the report of the hearing examiner, the board shall make a final decision on the petition and mail a copy of its decision to the governing body of each affected political subdivision. If the board finds and determines that the establishment or alteration of a district as proposed in the petition would be in the public interest and would serve the purposes of article VIII, it shall, by order, establish the district, define its boundaries, and give it a corporate name by which, in all proceedings, it shall thereafter be known. The order shall include articles of incorporation stating the powers of the district and the location of its registered office. Upon the filing of a certified copy of the order of the board with the secretary of state, the district shall become a political subdivision of the state and a public corporation, with the authority, power, and duties prescribed in article VIII and the order of the board. At the time of filing, a copy of the order shall be mailed by the board to the governing body of each political subdivision wholly or partly within the district or affected by the alteration of the district.

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

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

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

Subd. 3. [HEARING; DECISION.] If objection is made to the board against the petition for termination, a contested case hearing on the petition shall be held in the waste district pursuant to chapter 15. If the board determines that the termi-

nation of the district as proposed in the petition would not be in the public interest, the board shall give notice to the petitioner of its intent to deny the petition. If a contested case hearing has not been held, the petitioner may request a hearing within 30 days of the notice of intent to deny the petition. The request shall be granted. Following the hearing and the report of the hearing examiner, the board shall make a final decision on the petition. If the petition is dismissed all costs of the proceeding shall be assessed against the petitioner. If the board determines that the existence of the district is no longer in the public interest, the board shall by its findings and order terminate the district. Upon the filing of a certified copy of the findings and order with the secretary of state the district shall cease to be a public corporation and a political subdivision of the state.

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

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

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

Sec. 7. [REGISTERED OFFICE.] Every district shall maintain an office in this state to be known as its registered office. When a district desires to change the location of its registered office, it shall file with the secretary of state, the board, and the director of the agency, a certificate stating the new location by city, town, or other community and the 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, used, or occupied by the district for any authorized purpose is declared to be acquired, owned, 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 Minnesota Statutes, 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. The district shall contract with private persons for the construction, maintenance, and operation of facilities and services where the facilities and services are adequate and available for use and competitive with other means of providing the same service.

Subd. 8. [RATES; CHARGES.] The district may establish and collect rates and charges for the facilities and services provided by the district and may negotiate and collect rates and charges for facilities and services contracted for by the district. The board of directors of the district may agree with the holders of district obligations which are secured by revenues of the district as to the maximum or minimum amounts which the district shall charge and collect for services provided by the district. Before establishing or raising any rates and charges the board of directors shall hold a public hearing regarding the proposed rates and charges. Notice of the hearing shall be published at least once

in a legal newspaper of general circulation throughout the area affected by the rates and charges. Publication shall be no more than 45 days and no less than 15 days prior to the date of the hearing.

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

Subd. 10. [DISPOSITION OF PRODUCTS AND ENERGY.] *The district may use, sell, or otherwise dispose of all of the products and energy produced by its facilities. The district may, on a competitive basis, enter into short or long term contracts, make spot sales, solicit bids, enter into direct negotiations, deal with brokers, or use such other methods of disposal as it chooses, provided that the dealings of the district shall be on a competitive basis so as not to create an unfair or unreasonable advantage or restraint of trade on the part of the district. The district shall give particular consideration to the needs of purchasers in this state and shall actively promote sales to such purchasers so long as this can be done at prices and under conditions that meet constitutional requirements and that are consistent with the district's object of being financially self supporting to the greatest extent possible.*

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

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

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

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

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

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

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 or a transfer station serving a facility designated by the district.*

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

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

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

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

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

(e) *all other feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed designation have been considered and the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators have been compared and evaluated.*

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, landfill operators, and licensed solid waste collectors 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.*

No designation shall be invalid by reason of the district's failure to provide written notice to any of the entities listed in this subdivision.

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 POWERS.] **Subdivision 1. [GENERAL.]** *A district may exercise the bonding powers provided in this section to the extent the powers are authorized by the order*

of the waste management board establishing the district and by its articles of incorporation.

Subd. 2. [DEBT.] The district's bonds shall be sold, issued, and secured in the manner provided in chapter 475 for revenue bonds and the district shall have the same powers and duties as a municipality and its governing body in issuing revenue 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 waste management bonds issued under article 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.

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 board.

ARTICLE IX

NONMETROPOLITAN COUNTIES

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

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

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

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

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

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

Subd. 4. [MANAGEMENT AND SERVICE CONTRACTS.] A county may enter into contracts for the construction, installa-

tion, 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 sewage 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 may issue permits or licenses for solid waste facilities and may require that such facilities be registered with an appropriate county office. The county shall adopt the 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. No permit or license shall be issued for a mixed municipal solid waste facility unless the applicant has demonstrated to the satisfaction of the county board the availability of 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. *The county may require such procedures and payments with respect to any facilities or services regulated pursuant to this section.* 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 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 a transfer station serving such a facility, provided that the designation is approved by the waste management board. The board may require the county to complete a comprehensive solid waste management plan conforming to the requirements of article V, section 5. In establishing, continuing, and terminating the designation, the county shall be governed by all standards, exemptions, procedures, and other requirements provided in article VIII, section 9, subdivisions 2 to 6.*

ARTICLE X

SOLID WASTE AND SEWAGE SLUDGE MANAGEMENT: METROPOLITAN AREA

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

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

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

473.149 [SOLID WASTE COMPREHENSIVE 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 (COLLECTION 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 (SECTION 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 1b. 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 section 473.803, subdivision 1a. If a county does not have an approved inventory, the council shall adopt the required inventory for the county, following investigations by the council and public hearings as the council deems appropriate. The council's inventory shall satisfy all requirements and standards described in section 473.803, subdivision 1a, 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 1a, shall extend until October 1, 1983.

Subd. 2c. [REPORT ON LOCAL EFFECTS OF SOLID WASTE DISPOSAL FACILITIES; REPORT TO LEGISLATURE.] 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.] By January 1, 1983, after considering county land disposal abatement proposals submitted pursuant to section 473.803, subdivision 1b, 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 16. 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 16. 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, as defined in section 16, 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 2e, 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 14 to 16, 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 2c and the land disposal abatement plan required by subdivision 2d, 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 council's disposal site inventory, and that counties containing three sites have at least two additional members and counties containing one or two sites have at least one additional member. 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, the protection of agriculture and natural resources, 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 anticipated 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 4, 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 candidate sites for acquisition and development by the commission as a solid waste

disposal facility. Before its selection the council shall consult with the advisory committee and affected counties, cities, and towns.

Subd. 7. [EXEMPTIONS.] 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 landspreading sewage sludge for a period no longer than four years. Any property currently used by the commission and permitted by the agency for disposing of the commission's solid waste may continue to be used for that purpose by the commission, as permitted by the agency, for a period not to exceed 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 as defined*

in section 16, 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. 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, where the facilities are adequate and available for use and competitive with other means of providing the same service.

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 5c, 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 and sites. Each permit shall require a regular monitoring and testing program to be carried out by the waste

control commission. A regular inspection program shall be conducted by the agency or a county under contract to the agency. The commission shall reimburse the agency quarterly for the cost of the program, and the amounts reimbursed are hereby appropriated to the agency for the purposes 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 14 to 17 the terms defined in this section have the meanings given them.

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

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

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

473.803 [METROPOLITAN COUNTY PLANNING.] Subdivision 1. [COUNTY MASTER PLANS; GENERAL RE-

QUIREMENTS.] 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 four 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, the protection of agriculture and natural resources, 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 address at least waste reduction, 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, as defined in section 16, 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 16, 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. Except as provided in this subdivision, a metropolitan county may acquire a site and buffer area 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 2e, and the provisions of section 16, and the county may establish and operate or contract for the establishment or operation of a disposal facility at the a site without complying with local ordinances, if the council certifies need under section 13. With the approval of the council, local government units may impose and enforce reasonable conditions respecting the construction, operation, inspection, monitoring, and maintenance of the disposal facilities. No local government unit shall prevent the establishment or operation of any solid waste facility in accordance with the council's decision under section 12, 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.*

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 14. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 14. 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, and disposal of hazardous waste, and (d) (THE ULTIMATE DISPOSAL SITE OF HAZARDOUS WASTE, AND (E)) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, (AND) processing, and disposal of hazardous waste and shall require registration with a county office. (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 14 to 17, 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 14 to 17.

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 14 to 17. 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 14 to 17 shall be paid into the county treasury, placed in a special fund designated as the county solid and hazardous waste fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

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

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

Subd. 2. Before a city, county, or town (MAY ENTER) enters into any contract pursuant to subdivision 1 (, WHICH

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

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

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

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

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

Subd. 5. [REVIEW OF WASTE PROCESSING FACILITIES.] A metropolitan county may establish a waste processing 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 procedures 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 agricultural and natural resources 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 adopted pursuant to section 473.803 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 either approve or disapprove the proposed facility at the proposed site. The council's approval shall embody all terms, conditions, and requirements of the permitting state agencies, provided that the council may require more stringent permit terms, conditions, and requirements respecting the design, construction, operation, inspection, monitoring, and maintenance of the proposed facility at the proposed site.

Sec. 13. Minnesota Statutes 1978, Section 473.823, is amended by adding a subdivision to read:

Subd. 6. [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 to the extent 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. Alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. 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 board except that the approval of the board shall be required if the solid waste required to be delivered is generated outside of the metropolitan area.*

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

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

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

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

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

(e) *the applicant has considered the feasible and prudent waste processing alternatives for accomplishing the purposes of the proposed project and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the 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 designating 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, disposal facility operations, and licensed solid waste collectors 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. No action of the council pursuant to this subdivision shall be held invalid by reason of the council's failure to provide written notice to persons listed in this subdivision. 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 16 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. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.*

Subd. 2. [USE OF PROCEEDS.] *The proceeds of bonds issued under subdivision 1 shall be used pursuant to section 16, 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 16, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e.*

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. [DEFINITION.] "Develop-*

ment right" as used in this section means the right of the owner of the fee interest in land to change the use of the land from its existing use to any other use.

Subd. 2. [REQUIREMENT.] Each metropolitan county shall select and acquire sites and buffer areas 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 2e.

Subd. 3. [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 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 or any part of a site or buffer area. The chairman of the county board shall be the chairman of the site selection authority. If a site selection authority has not selected the requisite number of sites in accordance with the council's standards, criteria, and procedures by June 1, 1983, the council shall make the selection.

Subd. 4. [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 3. 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. The owner of any property for which development rights are to be or have been acquired pursuant to this subdivision may elect by written notice at any time up to 90 days following the issuance of a permit by the agency for a facility to have the county acquire

fee title to the property. Fee title shall be acquired by counties for buffer areas only at the election of the owner of the fee.

Subd. 5. [COMPENSATION.] Where the development right or fee is acquired by means other than through eminent domain proceedings, as by direct purchase or gift, the land owner's compensation shall be determined by the agreement of the parties involved. Where the fee is acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property. Where the development rights are acquired through eminent domain proceedings, the land owner's compensation shall be the fair market value of the property less the value of the land as restricted to the use to which it is devoted at the time of the acquisition. An award of compensation in a condemnation proceeding shall not be increased or decreased by reason of any increase or decrease in the value of the property caused by its designation in the inventory of disposal sites and buffer areas or its selection as a site or buffer area. Where the fee is subsequently condemned after the acquisition of the development rights, the land owner's compensation shall be based on the value of the property as restricted to the use permitted at the date of the subsequent acquisition.

Subd. 6. [DISPOSITION.] 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. 7. [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 facility is operating after January 1, 1980, shall be permanently exempt from the payments required by this section, if the facility is a commercial facility disposing of mixed municipal solid waste under an agency permit.

Subd. 2. [ALLOCATION OF DEBT SERVICE.] The annual debt service on the council's solid waste bonds, issued under article X, section 15, shall be annually apportioned by the council to each city and town in the metropolitan area, in the proportion that the assessed value of all taxable property within such city or town bears to 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.

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 the auditor of each county the amount to be levied within each city and town in the metropolitan area 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. [SECURITY.] In addition to the power to require payments and tax levies under subdivisions 3 and 4 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 read:

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

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

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

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

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

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

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

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

Subd. 9g. "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 unrea-

sonable 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. *In implementing its hazardous waste rules, the pollution control agency shall give high priority to providing planning and technical assistance to hazardous waste generators. The agency shall assist generators in investigating the availability and feasibility of both interim and long term hazardous waste management methods. The methods shall include waste reduction, waste separation, waste processing, resource recovery, and temporary storage.*

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

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

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

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

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

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

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

Subd. 4b. [PERMITS; HAZARDOUS WASTE FACILITIES.] *The agency shall provide to the waste management board established in article II, section 1, 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. Except as otherwise provided in article III, the agency shall commence any environmental review required under chapter 116D within 120 days of its acceptance of a completed preliminary permit application. 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. 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; TEMPORARY 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 a temporary storage facility for hazardous waste generated within the state. The application shall demonstrate: (a) that no permitted commercial waste facility is reasonably available to accept the waste, and (b) that the proposed storage facility will be used for storing the hazardous waste generated exclusively by the applicant. The agency shall give highest priority to and shall expedite consideration of such applications. Within 60 days of receipt of a completed application, the agency shall either deny a permit or give notice of its intent to issue a permit. The agency shall publish the notice in the state register and shall notify directly the board and the affected county and city or town. If no hearing is requested on the permit within 30 days following the notice of intent, the agency shall issue the permit. If a hearing is requested, the hearing shall be ordered by the director of the agency and shall be conducted by the state office of hearing examiners in a manner determined by the hearing examiner to be consistent with the expeditious completion of the proceedings as required by this subdivision. The examiner shall give highest priority to and shall expedite the proceedings. The hearing shall be conducted within 45 days of the request, the examiner's report shall be submitted to the agency within 15 days of the hearing, and the agency shall make a final decision on the permit within 30 days of the report. The permit shall be issued for a period not to exceed one year but shall be renewable for four successive one year periods if at the time of each annual renewal the agency determines that there continues to be no permitted commercial waste facility reasonably available to accept the waste and that the facility has been operated in a way that does not cause pollution, impairment or destruction of the environment. Notwithstanding any law or requirement to the contrary, the permit shall be the only permit or approval required. Upon submission of an application for temporary storage facilities and until the permit is issued, the applicant shall store its hazardous wastes in the manner set forth in the application. A temporary storage permit issued or contract entered into for the purposes of a storage permit issued pursuant to this subdivision shall not affect the individual generator's ownership of and responsibility for the waste or the responsibility of the individual generator for removal and final processing or disposal in a permitted hazardous waste facility. The agency shall not be required to promulgate rules pursuant to chapter 15 governing its activity under this subdivision.

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 the owner or operator of any system or facility related to the storage, collection, transportation, processing, 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 order 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, section 1.* 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 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 by rule 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, in consultation with the department of health, the agency shall prepare and submit a report on sewage sludge disposal to the legislative commission. The report shall be based on available information and shall recommend appropriate strategies, procedures, and programs to abate potential health hazards resulting from sewage sludge disposal facilities. The report shall: (a) analyze the potential public health hazards resulting from sewage sludge disposal facilities and methods of abatement; (b) 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; (c) analyze the need and potential effects of state regulations on concentrations of toxic and hazardous substances in industrial wastewater effluent; (d) summarize the duties and relationships among government entities responsible for sewage and sewage sludge treatment and regulation.

ARTICLE XII

APPROPRIATIONS

Section 1. [APPROPRIATION.] Subdivision 1. The sum of \$2,900,000 is appropriated from the general fund, and the sum of \$15,000,000 is appropriated from the state waste management fund, to the agencies and for the purposes indicated in this section. Except as otherwise indicated in this section, appropriations are from the general fund and are available from the effective date of this act through the fiscal year ending June 30, 1981. Appropriations from the waste management fund are available until expended.

Subd. 2. [REAPPROPRIATED FUNDS.] The joint committee on solid and hazardous waste is abolished. The amount remaining from the appropriations in Laws 1979, Chapter 333, Section 2, Subdivision 3, for the joint committee shall be reappropriated in accordance with this subdivision. All reports required by this subdivision shall be prepared in consultation with the chairperson of the waste management board and shall be submitted to the legislative commission on waste management at the time of their submittal to the waste management board.

(a) Legislative Commission on Waste Management. \$65,000

This amount shall be available for expenditure by the commission on the effective date of this act.

(b) Commissioner of Economic Development. 10,000

Up to this amount shall be available on the effective date of this act for expenditure by the commissioner of economic development for the preparation of the reports to the waste management board required in article II, section 5, subdivisions 1 and 2.

(c) Director of the State Planning Agency. 15,000

Up to this amount shall be available on the effective date of this act for expenditure by the director of the state planning agency for preparation of the report to the board required in article II, section 5, subdivision 3, and for the preparation of a report to the board, by July 1, 1980, on public education and public participation in hazardous waste management planning. The report on public participation and education shall be prepared in consultation with the en-

vironmental quality board and shall contain analysis and recommendations on the purposes, the components, and the expeditious implementation of comprehensive public education and participation programs in hazardous waste management planning.

(d) Minnesota Geological Survey. 15,000

Up to this amount shall be available on the effective date of this act for expenditure by the Minnesota geological survey for preparation of a report to the board, by July 1, 1980, assessing the geologic and hydrogeologic suitability of land in the state for hazardous waste facility search areas and sites required to be selected under article II, section 6, and article III, section 4. The report by the geological survey shall be based on readily available data and shall be prepared in consultation with the United States geological survey, the pollution control agency, and the departments of health and natural resources.

(e) Waste Management Board.

The amount remaining on June 30, 1980, shall be reappropriated and added to the amount appropriated to the waste management board in subdivision 3, clause (a).

Subd. 3. [WASTE MANAGEMENT BOARD.] 15,718,000

This appropriation is available for the following purposes:

(a) General Operations and Management. 718,000

Approved Complement—14.

These positions are in the unclassified service and their continuation is dependent upon the availability of money from appropriations in this subdivision. When these appropriations have been expended the positions shall be cancelled and the approved complement reduced accordingly. The annual salary of the full-time chairperson of the board shall be \$45,000.

(b) Acquisition of Sites and Buffer Areas for Hazardous Waste Facilities. 6,200,000

This appropriation is from the state waste management fund, to be spent pursuant to article II, section 3, subdivision 4. Up to \$1,200,000 is available

for expenditure before June 30, 1981 for costs of staff and independent professional services needed for the selection and acquisition of sites.

(c) *Waste Processing Facility Demonstration Program.* 8,800,000

This appropriation is from the state waste management fund, to be spent pursuant to article VI, sections 4 and 6. Up to 5 percent is available for administration and technical and professional services.

Subd. 4. [POLLUTION CONTROL AGENCY.] 1,969,000

Approved Complement — 14.

Ten of these positions shall be for the purposes of clause (a) and four for the purposes of clause (b). These positions are in the unclassified service and their continuation is dependent upon the availability of money from this appropriation. When the appropriation has been expended the positions shall be cancelled and the approved complement reduced accordingly. This appropriation is available for the following purposes.

(a) *General Operations and Management.* 408,000

This appropriation is for the responsibilities of the agency under articles II, III, IV, VIII, IX, X, and XI. The agency shall submit to the legislative commission summaries of its work plans for implementing the provisions of these articles.

(b) *Solid Waste Planning Assistance and Waste Reduction and Separation Projects.* 570,000

This appropriation is to be spent pursuant to article V and article VI, sections 4 and 5. Up to 20 percent is available for administration and technical and professional services. It is a condition of the acceptance of this appropriation that the agency shall submit work programs and semi-annual progress reports in the form determined by the legislative commission on waste management. None of the moneys provided may be expended unless the commission has approved the work program.

(c) *Metropolitan Solid Waste Management.* 991,000

This appropriation is for a grant to the metropolitan council to implement chapter 473 and article X. Up to five percent is available for administration and up to \$65,000 is available to prepare reports by the council required by article X, section 2, subdivisions 2a and 2c. The remainder is available for grants to metropolitan counties for solid waste inventories and plans required under chapter 473 and article X.

Subd. 5. [ATTORNEY GENERAL.] 133,000

Approved Complement — 5.

Three of these positions shall be for attorneys and two for legal secretaries. These positions are in the unclassified service and their continuation is dependent upon the availability of money from this appropriation. When the appropriation has been expended the positions shall be cancelled and the approved complement reduced accordingly. This appropriation is available for legal services required by the waste management board and the pollution control agency in carrying out the provisions of this act.

Subd. 6. [ADMINISTRATION.] 80,000

Approved Complement — 3.

Two of these positions are in the unclassified service and their continuation is dependent upon the availability of money from this appropriation. When the appropriation has been expended the two positions shall be cancelled and the approved complement reduced accordingly. This appropriation is for transfer 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 resources recovery program under article II, section 12.

ARTICLE XIII

Section 1. Minnesota Statutes 1978, Section 272.02, Subdivision 1, is amended to read:

272.02 [EXEMPT PROPERTY.] Subdivision 1. Except as provided in other subdivisions of this section or in section 272.025, all property described in this section to the extent herein limited shall be exempt from taxation:

- (1) All public burying grounds;

- (2) All public schoolhouses;
- (3) All public hospitals;
- (4) All academies, colleges, and universities, and all seminaries of learning;
- (5) All churches, church property, and houses of worship;
- (6) Institutions of purely public charity;
- (7) All public property exclusively used for any public purpose;
- (8) All natural cheese held in storage for aging by the original Minnesota manufacturer;

(9) (a) Class 2 property of every household of the value of \$100, maintained in the principal place of residence of the owner thereof. The county auditor shall deduct such exemption from the total valuation of such property as equalized by the revenue commissioner assessed to such household, and extend the levy of taxes upon the remainder only. The term "household" as used in this section is defined to be a domestic establishment maintained either (1) by two or more persons living together within the same house or place of abode, subsisting in common and constituting a domestic or family relationship, or (2) by one person.

(b) During the period of his active service and for six months after his discharge therefrom, no member of the armed forces of the United States shall lose status of a householder under paragraph (a) which he had immediately prior to becoming a member of the armed forces.

In case there is an assessment against more than one member of a household the \$100 exemption shall be divided among the members assessed in the proportion that the assessed value of the Class 2 property of each bears to the total assessed value of the Class 2 property of all the members assessed. The Class 2 property of each household claimed to be exempt shall be limited to property in one taxing district, except in those cases where a single domestic establishment is maintained in two or more adjoining districts.

Bonds and certificates of indebtedness hereafter issued by the state of Minnesota, or by any county or city of the state, or any town, or any common or independent school district of the state, or any governmental board of the state, or any county or city thereof, shall hereafter be exempt from taxation; provided, that nothing herein contained shall be construed as exempting such bonds from the payment of a tax thereon, as provided for by section 291.01, when any of such bonds constitute, in whole or in

part, any inheritance or bequest, taken or received by any person or corporation.

(10) Farm machinery manufactured prior to 1930, which is used only for display purposes as a collectors item;

(11) The taxpayer shall be exempted with respect to, all agricultural products, inventories, stocks of merchandise of all sorts, all materials, parts and supplies, furniture and equipment, manufacturers material, manufactured articles including the inventories of manufacturers, wholesalers, retailers and contractors; and the furnishings of a room or apartment in a hotel, rooming house, tourist court, motel or trailer camp, tools and machinery which by law are considered as personal property, and the property described in section 272.03, subdivision 1 (c), except personal property which is part of an electric generating, transmission, or distribution system or a pipeline system transporting or distributing water, gas, or petroleum products or mains and pipes used in the distribution of steam or hot or chilled water for heating or cooling buildings and structures.

(12) Containers of a kind customarily in the possession of the consumer during the consumption of commodities, the sale of which are subject to tax under the provisions of the excise tax imposed by Extra Session Laws 1967, Chapter 32;

(13) All livestock, poultry, all horses, mules and other animals used exclusively for agricultural purposes;

(14) All agricultural tools, implements and machinery used by the owners in any agricultural pursuit.

(15) Real and personal property used primarily for the abatement and control of air, water, or land pollution to the extent that it is so used, *other than real property used primarily as a solid waste disposal site.*

Any taxpayer requesting exemption of all or a portion of any equipment or device, or part thereof, operated primarily for the control or abatement of air or water pollution shall file an application with the commissioner of revenue. Any such equipment or device shall meet standards, regulations or criteria prescribed by the Minnesota Pollution Control Agency, and must be installed or operated in accordance with a permit or order issued by that agency. The Minnesota Pollution Control Agency shall upon request of the commissioner furnish information or advice to the commissioner. If the commissioner determines that property qualifies for exemption, he shall issue an order exempting such property from taxation. Any such equipment or device shall continue to be exempt from taxation as long as the permit issued by the Minnesota Pollution Control Agency remains in effect.

Sec. 2. [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; and 473.823, Subdivisions 1, 2, and 4; and Laws 1978, Chapter 728, Section 7, are repealed.*

Sec. 3. [EFFECTIVE DATE.] *Except as otherwise provided in this section, this act is effective the day following final enactment. Section 1 of this article is effective for taxes levied in 1980 and thereafter, payable in 1981 and thereafter. Article VIII, section 9, article IX, section 8, and article X, section 14, are effective July 1, 1982."*

Amend the title as follows:

Page 1, line 9, after "requiring" insert "solid and"

Page 1, line 10, after "establishing" insert "state and metropolitan"

Page 1, line 12, after the first semicolon insert "providing that certain solid waste disposal facilities are not exempt from real property taxes; authorizing the acquisition of property by purchase and eminent domain;"

Page 1, line 17, after "116.41;" insert "272.02, Subdivision 1;"

Page 1, line 22, delete "a subdivision" and insert "subdivisions"

We request adoption of this report and repassage of the bill.

House Conferees: JAMES R. CASSERLY, WILLIAM SCHREIBER and JAMES C. PEHLER.

Senate Conferees: GENE MERRIAM, ROBERT G. DUNN and GERALD L. WILLET.

Cassarly moved that the report of the Conference Committee on H. F. No. 2023 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

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 116F.02, Subdivisions 3, 4, and 5; 116F.03; 116F.04; 116F.05, Subdivision 2; 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.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 99 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Aasness	Faricy	Kostohryz	Otis	Sieben, M.
Adams	Fjoslien	Kroening	Patton	Simoneau
Ainley	Forsythe	Lehto	Pehler	Stadum
Anderson, B.	Friedrich	Levi	Peterson, B.	Stoa
Anderson, D.	Fritz	Long	Peterson, D.	Stowell
Anderson, G.	Fudro	Luknic	Piepho	Svigum
Berkelman	Greenfield	Mann	Pleasant	Swanson
Blatz	Halberg	McCarron	Reding	Tomlinson
Byrne	Heap	McDonald	Rees	Valan
Carlson, D.	Hoberg	Mehrkens	Reif	Valento
Carlson, L.	Hokanson	Metzen	Rice	Vanasek
Casserly	Jacobs	Munger	Rodriguez	Waldorf
Clark	Jaros	Murphy	Rose	Weaver
Clawson	Johnson, C.	Nelsen, B.	Rothenberg	Welch
Corbid	Johnson, D.	Nelson	Sarna	Wenzel
Crandall	Kahn	Norman	Schreiber	Wieser
Dempsey	Kaley	Novak	Searle	Wynia
Ellingson	Kelly	Nysether	Searles	Zubay
Evans	Kempe	Olsen	Sherwood	Spkr. Norton
Ewald	Knickerbocker	Osthoff	Sieben, H.	

Those who voted in the negative were:

Albrecht	Brinkman	Haukoos	McEachern	Thiede
Anderson, I.	Den Ouden	Jennings	Minne	Welker
Anderson, R.	Drew	Jude	Nelsen, M.	Wigley
Battaglia	Elioff	Kalis	Niehaus	
Begich	Erickson	Kvam	Onnen	
Biersdorf	Esau	Ludeman	Redalen	

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS

H. F. No. 2458, A resolution memorializing the President and Congress of the United States to block a plan of the Department of Energy to adopt rules prohibiting the weekend use of motor-boats during the present energy crisis.

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 86 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Aasness	Den Ouden	Knickerbocker	Norman	Sieben, M.
Adams	Elioff	Kostohryz	Novak	Simoneau
Ainley	Erickson	Kroening	Nysether	Stadum
Anderson, B.	Esau	Kvam	Olsen	Stowell
Anderson, D.	Evans	Laidig	Onnen	Sviggum
Anderson, G.	Ewald	Ludeman	Osthoff	Swanson
Anderson, I.	Fjoslien	Luknic	Pehler	Thiede
Anderson, R.	Fritz	Mann	Peterson, B.	Valento
Battaglia	Fudro	McCarron	Peterson, D.	Weaver
Begich	Halberg	McDonald	Piepho	Welker
Berkelman	Heap	McEachern	Rees	Wenzel
Biersdorf	Hoberg	Mehrkens	Reif	Wieser
Brinkman	Hokanson	Metzen	Rodriguez	Wynia
Byrne	Jacobs	Minne	Rose	Spkr. Norton
Carlson, D.	Jennings	Murphy	Sarna	
Carlson, L.	Jude	Nelsen, B.	Schreiber	
Clark	Kaley	Nelsen, M.	Sherwood	
Dempsey	Kempe	Niehaus	Sieben, H.	

Those who voted in the negative were:

Blatz	Greenfield	Kalis	Pleasant	Tomlinson
Corbid	Haukoos	Kelly	Redalen	Waldorf
Drew	Jaros	Lehto	Reding	Wigley
Faricy	Johnson, D.	Long	Searle	Zubay
Friedrich	Kahn	Patton	Stoa	

The bill was passed and its title agreed to.

H. F. No. 1619, A bill for an act proposing an amendment to the Minnesota Constitution, Article V, Section 3; removing the requirement that notaries public be approved by the senate; amending Minnesota Statutes 1978, Section 359.01.

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 124 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht Knickerbocker

The bill was passed and its title agreed to.

S. F. No. 1708 was reported to the House.

Rice moved to amend S. F. No. 1708 as follows:

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

"Section 1. Minnesota Statutes 1978, Chapter 79, is amended by adding a section to read:

[79.43] [CHARACTER OF DATA REQUIRED.] *Data required to be submitted to the commissioner by the rating association or by its individual members pursuant to this chapter shall be data reflecting its members' Minnesota experience exclusively, except where Minnesota data would be actuarially insufficient for rate-making, as determined by the commissioner, in which case Minnesota data may be supplemented by non-Minnesota data, but only to the extent that Minnesota data are actuarially insufficient. In the case that Minnesota data are actuarially insufficient, the Minnesota data shall nonetheless be provided in a format which allows it to be separated from other data provided."*

Page 6, after line 2, insert a new section to read:

"Sec. 4. [EFFECTIVE DATE.] Section 1 is effective the day following final enactment."

Renumber the sections accordingly

Further, amend the title as follows:

Page 1, line 4, after the semi-colon insert "imposing certain restrictions on data submitted by insurers;"

Page 1, line 5, after "amending" insert "Minnesota Statutes 1978, Chapter 79, by adding a section;"

The motion prevailed and the amendment was adopted.

S. F. No. 1708, 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.

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 123 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed, as amended, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

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 File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1012, A bill for an act relating to housing; prohibiting unfair treatment in housing and real property on the basis of familial status; amending Minnesota Statutes 1978, Sections 363.01, Subdivision 24, and by adding subdivisions; 363.02, Subdivision 2; 363.03, Subdivision 2; 363.05, Subdivision 1; 363.11; 363.115; and 363.12, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Clark moved that the House concur in the Senate amendments to H. F. No. 1012 and that the bill be repassed as amended by the Senate.

CALL OF THE HOUSE

On the motion of Clark and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Faricy 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 question recurred on the Clark motion that the House concur in the Senate amendments to H. F. No. 1012 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1012, A bill for an act relating to housing; prohibiting unfair treatment in housing and real property on the basis of familial status; providing for restrictions on eviction on the basis of familial status; appropriating money; amending Minnesota Statutes 1978, Sections 363.01, Subdivision 24, and by adding subdivisions; 363.02, Subdivision 2; 363.03, Subdivision 2; 363.05, Subdivision 1; 363.11; 363.115; 363.12, Subdivision 1; and Chapter 504, by adding a section.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 69 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kempe	Nelsen, M.	Sieben, H.
Anderson, B.	Elioff	Kostohryz	Nelson	Sieben, M.
Anderson, G.	Ellingson	Kroening	Novak	Simoneau
Anderson, I.	Faricy	Lehto	Otis	Stadum
Battaglia	Greenfield	Long	Patton	Stoa
Begich	Hoberg	Luknic	Pehler	Tomlinson
Berkelman	Hokanson	Mann	Peterson, D.	Valan
Blatz	Jacobs	McCarron	Pleasant	Vanasek
Brinkman	Jaros	McEachern	Reding	Voss
Byrne	Johnson, C.	Metzen	Reif	Waldorf
Carlson, L.	Jude	Minne	Rice	Wenzel
Cassery	Kahn	Moe	Rodriguez	Wynia
Clark	Kalis	Munger	Rothenberg	Spkr. Norton
Clawson	Kelly	Murphy	Sarna	

Those who voted in the negative were:

Aasness	Esau	Johnson, D.	Nysether	Sherwood
Ainley	Evans	Kaley	Olsen	Stowell
Albrecht	Ewald	Knickerbocker	Onnen	Sviggum
Anderson, D.	Fjoslien	Kvam	Osthoff	Swanson
Anderson, R.	Forsythe	Laidig	Peterson, B.	Thiede
Biersdorf	Friedrich	Levi	Piepho	Valento
Carlson, D.	Fritz	Ludeman	Redalen	Weaver
Crandall	Fudro	McDonald	Rees	Welker
Dempsey	Halberg	Mehrkens	Rose	Wieser
Den Ouden	Haukoos	Nelsen, B.	Schreiber	Wigley
Drew	Heap	Niehaus	Searle	Zubay
Erickson	Jennings	Norman	Searles	

The bill was repassed, as amended by the Senate, and its title agreed to.

SPECIAL ORDERS

CALL OF THE HOUSE LIFTED

McDonald moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

S. F. No. 2166 was reported to the House.

Long moved to amend S. F. No. 2166 as follows:

Page 8, line 20 after the period insert:

"The city council shall not exercise the powers contained in Minnesota Statutes, Chapter 462 prior to the initial adoption of an ordinance provided for in section 2, subdivision 1, or this subdivision."

Page 10, line 27, delete *"defined"* and insert *"provided"*

Page 14, line 27, delete *"provided"* and insert *"defined"*

The motion prevailed and the amendment was adopted.

Waldorf moved that S. F. No. 2166, as amended, be continued temporarily. The motion prevailed.

S. F. No. 407 was reported to the House.

Cassery moved to amend S. F. No. 407, the unofficial engrossment, as follows:

Page 1, line 13, strike *"February"* and insert *"August"*

The motion prevailed and the amendment was adopted.

S. F. No. 407 was given its third reading as amended.

Sherwood moved to amend S. F. No. 407, the unofficial engrossment, as follows:

Page 2, line 31 to page 2, line 33, delete *"For purposes of this section the population of a county does not include the population of a municipality within the county."*

Page 3, delete lines 26 to 28, Subdivision 3 from the bill

Sieben, H., moved that the House recess subject to the call of the Chair.

POINT OF ORDER

Halberg raised a point of order that the Sieben, H., motion was not in order. The Speaker ruled the point of order not well taken and the motion in order.

Sieben, H., withdrew his motion to recess.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Eken from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2085, A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state and university of Minnesota employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; repealing duty of the revisor of statutes regarding certain collective bargaining agreements; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.05, by adding a subdivision; 43.111; 43.18, Subdivision 4; 43.19, Subdivision 1; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivisions 7 and 8; 179.64, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivisions 2 and 3; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.05, Subdivision 2; 43.067, Subdivision 1; 43.19, Subdivision 1; 43.50, Subdivision 1; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Sections 114 and 116; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7.

Reported the same back with the following amendments:

Page 4, line 15, after *"employees"* insert *"who are"*

Page 4, line 17, delete *"otherwise established by"* and insert *"provided for by section 43.064 or other"*

Page 6, line 8, delete the colon and insert *"to be designated"*

Page 7, line 12, strike *"personnel"*

Page 9, line 11, after "services" insert "and the public employment relations board"

Page 13, line 8, delete "or department"

Page 13, line 27, strike "personnel"

Page 14, lines 10 and 15, strike "personnel"

Page 15, line 3, strike "service" and insert "services"

Page 22, delete lines 6 to 12 and insert:

"The exclusions of clauses (e) and (f) of this subdivision shall not apply to:

(1) an employee hired by a school district to replace an absent teacher who at the time of his absence is a "public employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 30 working days as a replacement for that teacher; and

(2) an employee hired by a school district for a teaching position created by increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons.

Employees included as "public employees" pursuant to clauses (1) and (2) shall not be included under master contracts expiring June 30, 1981, for purposes of salary or fringe benefits;"

Page 23, line 22, to page 25, line 16, delete Section 22 and insert:

"Sec. 22. Minnesota Statutes 1978, Section 179.64, is amended by adding a subdivision to read:

Subd. 1a. [STRIKES AUTHORIZED.] Except as otherwise provided by sections 31 and 32, public employees, other than confidential, essential, managerial and supervisory employees and other than principals and assistant principals, may strike only under the following circumstances:

(1) (a) The collective bargaining agreement between their exclusive representative and their employer has expired; and

(b) The exclusive representative and the employer have participated in mediation over a period of at least 30 days, provided that, in the case of teachers, they shall have participated in mediation over a period of at least 30 days following the expiration date of the collective bargaining agreement. For the purposes of this sub-clause the mediation period commences on the

day following receipt by the director of a request for mediation; and

(c) Written notification of intent to strike was served on the employer and the director by the exclusive representative on or after the expiration date of the collective bargaining agreement and at least ten days prior to the commencement of the strike, provided that if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification; or

(2) The requirements of clause 1 have been satisfied and a request for binding arbitration has been rejected pursuant to section 179.69; or

(3) The employer violates section 179.68, subdivision 2, clause (9); or

(4) In the case of state employees,

(a) The legislative commission on employee relations has not given interim approval to a negotiated agreement or arbitration award pursuant to section 179.74, subdivision 5, within 30 days after its receipt; or

(b) The entire legislature rejects or fails to ratify a negotiated agreement or arbitration award, which has been approved by the legislative commission on employee relations, at a special legislative session called to consider it, or at its next regular legislative session, whichever occurs first.

Written notification of intent to strike, under clauses (3) or (4), shall be served on the employer and the director by the exclusive representative at least ten days prior to the commencement of the strike, provided that if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification.

Except as authorized in this subdivision, all strikes by public employees shall be illegal. Except as provided in this subdivision, no unfair labor practice or violation of sections 179.61 to 179.76 by a public employer shall give public employees a right to strike. Those factors may be considered, however, by the court in mitigation of or retraction of any penalties provided by this section.

During the period after contract expiration and prior to the date when the right to strike matures, and for additional time if agreed, the terms of an existing contract shall continue in effect and shall be enforceable upon both parties."

Page 30, lines 28 and 29, reinstate the stricken language

Page 30, lines 29 to 31, delete the new language and insert *"However, for other than essential employees, mediation conferences following the expiration date of a collective bargaining agreement, or in the case of teachers following mediation over a period of 30 days after the expiration date of a collective bargaining agreement, shall continue only for durations agreeable to both parties."*

Page 31, delete lines 1 to 25 and insert:

"Subd. 3. [BINDING ARBITRATION PETITIONS FOR NON-ESSENTIAL EMPLOYEES.] *For all public employees except those specified in subdivision 3a, the director shall only certify a matter to the board for binding arbitration pursuant to section 179.72 if:*

(a) the director has determined that further mediation efforts under subdivision 1 would serve no purpose and has certified an impasse, or, the collective bargaining agreement has expired, and,

(b) within 15 days of a request by one party for binding arbitration the other party has accepted the request. A request for arbitration is deemed rejected if the other party has not responded within 15 days of the request.

Subd. 3a. [BINDING ARBITRATION PETITIONS FOR ESSENTIAL EMPLOYEES.] *For all public employees defined as essential pursuant to section 179.73, subdivision 11, or treated as though they were essential pursuant to section 179.65, subdivision 6, the director shall only certify a matter to the board for binding arbitration pursuant to section 179.72 when either or both parties (, EXCEPT FOR ESSENTIAL EMPLOYEES,) petition for binding arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 would serve no purpose. (UPON SUCH PETITION AND DETERMINATION BY THE MEDIATOR, THE PARTIES SHALL EACH SUBMIT THEIR RESPECTIVE FINAL POSITIONS ON MATTERS NOT AGREED UPON. IF THE EMPLOYER HAS PETITIONED FOR BINDING ARBITRATION AND THE DIRECTOR HAS DETERMINED THAT AN IMPASSE HAS BEEN REACHED SAID PROCEEDINGS SHALL BEGIN WITHIN 15 DAYS THEREOF AND BE BINDING ON BOTH PARTIES. THE DIRECTOR SHALL DETERMINE THE MATTERS NOT AGREED UPON BASED UPON HIS EFFORTS TO MEDiate THE DISPUTE. IF THE EMPLOYEE REPRESENTATIVE HAS PETITIONED FOR BINDING ARBITRATION THE EMPLOYER SHALL HAVE 15 DAYS AFTER THE DIRECTOR OF MEDIATION HAS DETERMINED THAT AN IMPASSE HAS BEEN REACHED TO REJECT THE RE-*

QUEST OR AGREE TO SUBMIT MATTERS NOT AGREED UPON TO BINDING ARBITRATION. IF THE EMPLOYER DOES NOT RESPOND WITHIN 15 DAYS IT SHALL BE REGARDED AS A REJECTION AND SAID REJECTION SHALL BE A REFUSAL BY THE EMPLOYER WITHIN THE MEANING OF SECTION 179.64, SUBDIVISION 7. UNDER A PETITION BY EITHER PARTY THE PARTIES MAY STIPULATE THOSE AGREED UPON ITEMS TO BE EXCLUDED FROM ARBITRATION.)

Subd. 3b. [PROCEDURE.] When the director has certified a matter to the board for binding arbitration pursuant to subdivision 3 or 3a, within 15 days the parties shall each submit their respective final positions on matters not agreed upon. Under a petition by either party the parties may stipulate those agreed upon items to be excluded from arbitration."

Page 31, delete lines 28 to 33 and insert:

"[179.691] If a new or different exclusive representative is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, the provisions of subclauses (a) and (b) of clause (1) of section 22 shall not apply. In those cases, the employer and the exclusive representative of the teacher shall execute a written contract or memorandum of contract as provided in section 179.70 no later than 45 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative fail to execute a contract by 45 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation sessions called pursuant to section 179.69 over a period of no less than 30 days."

Page 32, delete lines 1 to 12

Page 32, line 16, delete "at any time"

Page 32, delete line 17

Page 32, line 18, delete everything before the comma

Page 32, line 19, delete "involving the"

Page 32, line 20, delete everything before "is"

Page 32, line 21, delete "179.691" and insert "179.64, subdivision 1a, clause 1, sub-clause (a)"

Page 33, delete lines 5 to 16

Page 34, after line 14, insert

"(a) (RETAIN) *provide* mediation (JURISDICTION OVER) *services as requested by* the parties for purposes of this subdivision until (SUCH TIME AS) the parties reach agreement; provided, however, he may continue to assist parties after the parties have submitted their final positions as provided or required under section 179.72, subdivision 6; or section 179.69 (, SUBDIVISION 6);

(b) issue notices, subpoenas and orders as may be required by law to carry out his duties under sections 179.61 to 179.77. Issuance of orders shall include those orders of the Minnesota public employment relations board;

(c) certify to the Minnesota public employment relations board those items of dispute between parties to be subject to the action of the Minnesota public employment relations board under section 179.69, subdivision 3;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted pursuant to sections 179.61 to 179.77;"

Page 35, line 14, after "Minnesota" insert "employee"

Page 35, line 31, delete "subdivision 3,"

Page 40, delete lines 1 to 7

Page 40, line 11, before "All" insert "Subject to the provisions of section 41, subdivision 5,"

Page 42, line 28, after "physicians," insert "professional employees of the higher education coordinating board who are compensated pursuant to section 43.064,"

Page 43, line 11, delete "the unit" and insert "their units"

Page 44, line 18, after "non-professional" insert "and service"

Page 45, line 27, delete everything after "the" and insert "period between September 1 and November 1"

Page 45, line 28, delete "by rule"

Page 46, line 12, after the period insert "*The employer shall serve a copy of the petition on the exclusive representatives of the affected employees*"

Page 46, line 20, after "court" insert "*which shall hear the matter on an expedited basis*"

Page 46, line 21, after "9" insert "each"

Page 47, line 6, delete "30" and insert "60"

Page 47, line 7, delete "60 day period commencing" and insert "*period between September 1 and November 1*"

Page 47, delete line 8

Page 47, line 9, delete "*the units*"

Page 50, line 25, delete "Until June 30, 1981" and insert "*Notwithstanding the provisions of section 40, the*"

Page 50, line 32, after "rights" insert "*until June 30, 1981*"

Page 51, line 3, delete "and shall" and insert ". *They shall also*"

Page 51, line 25, delete ", if such"

Page 51, delete line 26

Page 51, line 27, delete everything before the period

Page 52, line 10, after the period insert "*When no agreement can be reached between the employer and petitioning employee organizations on the confidential status of a state employee, the commission of employee relations may petition the director for a determination. The commissioner shall serve a copy of the petition on the exclusive representatives of the affected employees.*"

Page 52, line 11, after "supervisory" insert "or confidential"

Page 52, line 12, after "nonsupervisory" insert "or nonconfidential"

Page 52, line 28, delete "determination" and insert "determination"

Page 53, line 29, delete "1981-1983" and insert "*next*"

Page 53, line 30, delete "64" and strike the comma

Page 54, lines 5 to 13, delete section 46

Page 54, line 17, delete "*personnel*" and insert "*approved*"

Page 55, line 2, after "*affiliation*" insert "*of an exclusive representative*"

Renumber the sections accordingly

Correct internal references

And when so amended the bill be re-referred to the Committee on Appropriations without further recommendation.

The report was adopted.

Sieben, H., moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

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 File, herewith returned:

H. F. No. 1878, A bill for an act relating to no-fault automobile insurance; coordinating benefits with medicare and workers' compensation; extending eligibility for the assigned claims plan; eliminating certain mandatory offers; amending Minnesota Statutes 1978, Sections 65B.46, Subdivision 2; 65B.61, Subdivisions 1 and 2, and by adding subdivisions; 65B.64, Subdivision 1; re-

pealing Minnesota Statutes 1978, Section 65B.49, Subdivisions 5 and 6.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2289, A bill for an act proposing an amendment to the Minnesota Constitution, Article XIV, Section 11; removing certain restrictions on highway bonds.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 729, A bill for an act relating to public welfare; increasing personal needs allowance for residents of certain facilities; restricting the use of allowances by third parties; providing for a civil action and damages; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 256B.35.

The Senate has appointed as such committee Messrs. Vega, Nelson and Keefe, J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1931, A bill for an act relating to Ramsey County; simplifying the numbering of the county code; amending Laws 1974, Chapter 435, Articles I to IV, as amended.

The Senate has appointed as such committee Messrs. Stumpf, Hughes and Mrs. Brataas.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1662, A bill for an act relating to state government; providing for a demonstration job-sharing project in state government; appropriating money.

The Senate has appointed as such committee Mrs. Staples, Messrs. Nelson and Ogdahl.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2470, A bill for an act relating to public improvements; authorizing alteration, repair, rehabilitation, equipping, and replacement of equipment of public buildings with certain conditions; authorizing purchase and sale of public lands and buildings; appropriating money.

The Senate has appointed as such committee Messrs. Moe, Tennesen, Humphrey, Kleinbaum and Keefe, J.

House File No. 2470 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1302, A bill for an act relating to financial institutions; permitting banks and trust companies to take junior liens

under certain circumstances; amending Minnesota Statutes 1978, Section 48.19, Subdivision 1.

The Senate has appointed as such committee Messrs. Bang, Laufenburger and Johnson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the house for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1534, A bill for an act relating to real estate; increasing certain fees charged by the county recorder and registrar of titles; providing that the county recorder be notified of deferred assessments; amending Minnesota Statutes 1978, Sections 273.111, Subdivision 11; 357.18, Subdivision 1; 375.14; 429.061, Subdivision 2; 462.358, by adding a subdivision; and 508.82.

The Senate has appointed as such committee Messrs. Strand, Lessard and Frederick.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1847, A bill for an act relating to public welfare; providing for a study of revisions to the nursing home rate reimbursement formula; appropriating money.

The Senate has appointed as such committee Messrs. Sikorski, Nelson and Keefe, J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1612, A bill for an act relating to metropolitan government; providing for metropolitan area agricultural preserves; providing property tax relief; excepting the conveyance of certain land from restrictions on the filing and recording of conveyances; modifying the policy statement for municipal planning and development; appropriating money; amending Minnesota Statutes 1978, Sections 462.351; and 462.358, Subdivision 4.

The Senate has appointed as such committee Messrs. Sikorski, Merriam and Engler.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1201, A bill for an act relating to waters; providing for watercraft licensing and safe operation; altering certain definitions; changing license fees; authorizing a temporary certificate; stating the evidentiary effect of certain blood tests; altering certain safety requirements and motor noise limits; providing an outline for distributing water safety enforcement funds; appropriating money; amending Minnesota Statutes 1978, Sections 361.02, by adding subdivisions; 361.03, Subdivisions 3 and 12, and by adding a subdivision; 361.10; 361.12; 361.13, Subdivision 1; 361.141, Subdivision 1; 361.15, Subdivision 1; 361.16, Subdivision 1; 361.18; 361.20; 361.21, Subdivision 2, and by adding a subdivision; 361.215; 361.24; 361.27, Subdivision 1; and 361.29, Subdivision 4; repealing Minnesota Statutes 1978, Section 361.15, Subdivision 2.

The Senate has appointed as such committee Messrs. Dunn, Nichols and Peterson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1816, A bill for an act relating to local correctional facilities; updating provisions concerning county jails, city lock-ups and workhouses; clarifying provisions penalizing the possession of contraband in local correctional facilities; repealing provisions concerning correctional or work farms; providing for establishing and organizing court administrative structure; budgeting and operation of court services, probation, juvenile detention and correctional facilities by counties; amending Minnesota Statutes 1978, Sections 401.02, Subdivision 3; 641.01; 641.04; 641.06; 641.14; 641.15; 641.16; 641.165, Subdivision 2; 641.18; 641.21; 641.22; 642.02, Subdivision 2; 642.03 642.07; 642.12; 643.01; 643.02; and 643.29; repealing Laws 1925, Chapter 12; Laws 1927, Chapter 142; Minnesota Statutes 1945, Sections 643.21; 643.22; 643.23; 643.24; 643.25; 643.26; 643.27; 643.28; and Minnesota Statutes 1978, Sections 641.17; 641.27; 641.28; 641.29; 641.30; 641.31; 641.32; 641.33; 641.34; 641.35; 641.36; 641.37; 641.38; 642.14; 643.03; 643.04; 643.05; 643.06; 643.07; 643.08; 643.09; 643.10; 643.11; 643.12; 643.13; 643.14; 643.15; 643.16; 643.17; 643.19; and 643.20.

The Senate has appointed as such committee Messrs. Solon, Nelson and Vega.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2040, A bill for an act relating to government data; providing definitions; classifying data as public, private, confidential, non-public, or protected non-public; amending Minnesota Statutes 1978, Sections 15.162, by adding subdivisions; 15.165, Subdivision 3; 600.23, Subdivision 3; and Chapter 15, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 15.162, Subdivision 2a; 15.163, Subdivisions 3, 5, and 9; 15.1642, Subdivisions 1 and 5; 15.166, Subdivision 4; 15.1692, Subdivision 2, and by adding a subdivision; 15.1693, by adding a subdivision; 15.1698, Subdivision 1, and by adding subdivisions; repealing Minnesota Statutes, 1979 Supplement, Section 15.1692, Subdivision 4.

The Senate has appointed as such committee Messrs. Tennes-
sen, Keefe, J. and Stern.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of
the House for the appointment of a Conference Committee on
the amendments adopted by the Senate to the following House
File:

H. F. No. 2082, A bill for an act relating to elections; provid-
ing 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 sub-
division.

The Senate has appointed as such committee Messrs. Schaaf,
Keefe, S., Johnson, Ueland, A. and Jensen.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the
House for the appointment of a Conference Committee on the
amendments adopted by the Senate to the following House File:

H. F. No. 1095, A bill for an act relating to courts; authorizing
certain actions against state officers to be tried in a county other
than where the cause of action arose; providing for procedure
for removal; amending Minnesota Statutes 1978, Sections 542.-
03; and 542.18.

The Senate has appointed as such committee Messrs. Han-
son, Bernhagen and Merriam.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of
the House for the appointment of a Conference Committee on

the amendments adopted by the Senate to the following House File:

H. F. No. 2187, A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

The Senate has appointed as such committee Messrs. Luther, Stern and Keefe, J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 874, A bill for an act relating to state government; changing certain administrative procedures; amending Minnesota Statutes 1978, Sections 15.0411, Subdivision 2; 15.0412, Subdivisions 2, 4, 5, and by adding subdivisions; 15.0413, Subdivisions 1 and 2; 15.0418; 15.0419, Subdivisions 1 and 4; 15.0422; 15.0424, Subdivision 6; and 15.052, Subdivisions 1, 2, 5, 7, 8 and 9; repealing Minnesota Statutes 1978, Sections 5.21, and 15.0423.

The Senate has appointed as such committees Messrs. Schaaf, Dieterich and Keefe, J.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

SPECIAL ORDERS

S. F. No. 407, as amended earlier today on Special Orders, was reported to the House.

MOTION FOR RECONSIDERATION

Welker moved that the action whereby S. F. No. 407, as amended, was given its third reading be now reconsidered.

Casserly moved that S. F. No. 407, as amended, be continued temporarily. The motion prevailed.

S. F. No. 2166, continued temporarily earlier today, as amended, was reported to the House.

Pleasant offered an amendment to S. F. No. 2166.

POINT OF ORDER

Sieben, H., raised a point of order pursuant to rule 3.9 that the amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Pleasant appealed the decision of the chair.

A roll call was requested and properly seconded.

Simoneau was excused for the remainder of today's session.

CALL OF THE HOUSE

On the motion of Sieben, H., and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

Sieben, H., 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?" and the roll was called.

Sieben, H., moved that those not voting be excused from voting. The motion prevailed.

There were 67 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Adams	Corbid	Kalis	Murphy	Stoa
Anderson, B.	Eken	Kelly	Nelsen, M.	Stowell
Anderson, G.	Elioff	Kempe	Nelson	Swanson
Anderson, I.	Ellingson	Kostohryz	Novak	Tomlinson
Battaglia	Faricy	Kroening	Otis	Vanasek
Begich	Friedrich	Lehto	Patton	Voss
Berglin	Fudro	Long	Pehler	Waldorf
Berkelman	Greenfield	Mann	Peterson, D.	Welch
Brinkman	Hokanson	McCarron	Reding	Wenzel
Byrne	Jacobs	McEachern	Rice	Wynia
Carlson, L.	Jaros	Metzen	Rodriguez	Spkr. Norton
Casserly	Johnson, C.	Minne	Sarna	
Clark	Jude	Moe	Sieben, H.	
Clawson	Kahn	Munger	Sieben, M.	

Those who voted in the negative were:

Aasness	Esau	Kaley	Onnen	Searles
Ainley	Evans	Knickerbocker	Osthoff	Sherwood
Albrecht	Fjoslien	Kvam	Peterson, B.	Stadum
Anderson, D.	Forsythe	Laidig	Piepho	Svigum
Anderson, R.	Fritz	Levi	Pleasant	Thiede
Biersdorf	Halberg	Ludeman	Redalen	Valan
Blatz	Haukoos	Luknic	Rees	Valento
Carlson, D.	Heap	McDonald	Reif	Weaver
Crandall	Heinitz	Mehrkins	Rose	Welker
Dempsey	Hoberg	Nelsen, B.	Rothenberg	Wieser
Den Ouden	Jennings	Niehaus	Schreiber	Wigley
Drew	Johnson, D.	Olsen	Searle	Zubay

So it was the judgment of the House that the decision of the Speaker should stand.

S. F. No. 2166, A bill for an act relating to the cities of Minneapolis, Bloomington and Winona; authorizing the creation of an economic development and redevelopment agency or department; granting powers of the port authority to the city of Bloomington; providing powers and conditions of debt for the port authority of Winona; providing for hearings for the issuance of industrial revenue bonds; amending Minnesota Statutes 1978, Section 458.192, Subdivision 1, and by adding subdivisions; and Minnesota Statutes, 1979 Supplement, Sections 462C.07, Subdivision 3; and 474.01, Subdivision 7b.

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.

Faricy moved that those not voting be excused from voting. The motion prevailed.

There were 117 yeas and 12 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Albrecht	Fritz	Johnson, D.	Redalen	Wigley
Drew	Haukoos	Kvam	Thiede	
Fjoslien	Jennings	Niehaus		

The bill was passed, as amended, and its title agreed to.

S. F. No. 407, continued temporarily earlier today, as amended, was reported to the House.

UNANIMOUS CONSENT

Casserly requested unanimous consent to offer an amendment. The request was granted.

Casserly moved to amend S. F. No. 407, the unofficial engrossment, as follows:

Page 3, line 27, delete "*five years*" insert "*30 months*"

The motion prevailed and the amendment was adopted.

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.

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 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Lehto

The bill was passed, as amended, and its title agreed to.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1818

A bill for an act relating to game and fish; authorizing moose seasons in the discretion of the commissioner; granting preference to landowners in obtaining moose licenses; amending Minnesota Statutes 1978, Section 100.27, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 1.

April 2, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1818, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 97.40, Subdivision 7, is amended to read:

Subd. 7. "Fur bearing animals" includes all protected mammals, except bear, deer, moose, elk and caribou.

Sec. 2. Minnesota Statutes 1978, Section 97.49, is amended by adding a subdivision to read:

Subd. 1a (a) For purposes of this subdivision, "deer license" means a license issued by the commissioner under the provisions of section 98.46, subdivision 2, clauses (2) and (3) and subdivision 14, clauses (2) and (3).

(b) It is the policy of this state that at least \$1 from each deer license issued by the commissioner shall be used for the purpose of deer habitat improvement.

Sec. 3. [98.455] [BEAR HUNTING GUIDE LICENSE.] *No person shall for compensation engage in the business or occupation of placing bait for bear or guiding hunters in seeking to take bear without an annual license from the commissioner. The commissioner shall promulgate rules governing qualifications for, issuance and administration of licenses required by this section. No license shall be issued under this section after the day prior to the opening of the season for taking bear by firearms, and all license agents shall return all stubs and unsold license blanks to the county auditor at a time and in a manner to be determined by the commissioner.*

Sec. 4. Minnesota Statutes 1978, Section 98.46, Subdivision 4, is amended to read:

Subd. 4. Fees for the following licenses, to be issued to residents only, shall be:

(1) To trap fur bearing animals, except beaver, \$5;

(2) To buy or sell raw furs anywhere within the state including the privilege of selling to resident manufacturers or to unlicensed non-residents, representing unlicensed non-residents as a broker or agent, or conducting a fur auction wherein sales are made to unlicensed non-residents or resident manufacturers, \$50, provided that any employee, partner or officer buying or selling at the established place of business only for such licensee may secure a supplemental license for \$20;

(3) To trap beaver during an open season or by permit when doing damage, \$2.50;

(4) To guide bear hunters, \$50.

Sec. 5. Minnesota Statutes 1978, Section 98.46, Subdivision 16, is amended to read:

Subd. 16. (FEE) Fees for the following (LICENSE) licenses, to be issued to non-residents, shall be:

To buy or sell raw furs, \$400, except that a license shall not be required to buy from those licensed under subdivision 4, clause (2).

To guide bear hunters, \$400.

Sec. 6. Minnesota Statutes 1978, Section 98.46, Subdivision 22, is amended to read:

Subd. 22. No deer (OR), moose, or bear taken in this state shall be transported or possessed unless a tag of a type prescribed by the commissioner bearing the license number of the owner, the year of its issue, and such other information as the commissioner may require has been affixed to its carcass in a manner prescribed by the commissioner. The tag must be so affixed at the time the deer (OR), moose, or bear is brought into any hunting camp, dwelling, farm yard, or other place of abode of any kind occupied overnight, or before being placed wholly or partially on a motor vehicle of any kind, or upon a conveyance towed by a motor vehicle of any kind. Provided, that deer taken by bow and arrow and moose shall be tagged by a conservation officer or other authorized agent as may be prescribed by the commissioner, in addition to the tag herein provided for.

Sec. 7. Minnesota Statutes 1978, Section 98.47, Subdivision 7, is amended to read:

Subd. 7. (NO LICENSE TO TRAP BEAVER SHALL BE ISSUED TO ANY PERSON TO WHOM A FUR BUYER'S LICENSE SHALL HAVE BEEN ISSUED AND IN FORCE, AND) No license to take fish commercially in international waters extending from Pigeon Point West to the North Dakota boundary line shall be issued to any person or member of his household, or employee, engaged in the business of conducting a summer resort.

Sec. 8. Minnesota Statutes 1978, Section 98.47, Subdivision 15, is amended to read:

Subd. 15. A permanent license to take fish shall be issued (AT THE PREVAILING FEE FOR AN INDIVIDUAL RESI-

DENT LICENSE) *without charge* to any citizen of Minnesota, 16 years of age or older, who is mentally retarded and whose parent or guardian furnishes satisfactory evidence of the disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Sec. 9. Minnesota Statutes 1978, Section 98.47, Subdivision 16, is amended to read:

Subd. 16. A permanent license to take fish shall be issued (AT THE PREVAILING FEE FOR AN INDIVIDUAL RESIDENT LICENSE) *without charge* to any Minnesota veteran as defined in section 197.447, who has a 100 percent service connected disability as defined by the United States veterans administration, and furnishes satisfactory evidence of his disability to the county auditor or a subagent of the county auditor, acting under the provisions of section 98.50.

Sec. 10. Minnesota Statutes 1978, Section 100.27, Subdivision 2, is amended to read:

Subd. 2. Deer, moose and bear may be taken in such areas of the state, under such restrictions and on such dates within the periods hereafter prescribed as the commissioner may, by order, provide:

(1) Deer and bear by bow and arrow; legal muzzle loading firearms as defined in section 100.29, subdivision 3, clause (2), or both, between September 1 and December 31 and in any areas of the state designated by the commissioner. Legal muzzle loading firearms shall be permitted by the commissioner on public lands only;

(2) Deer, by legal firearms and with bow and arrow, between November 1 and December 15, with the length of the season to be determined by the commissioner; and

(3) Moose, between January 1 and December 31 (IN ANY OF THE CALENDAR YEARS 1976 THROUGH 1979) as determined by the commissioner, by legal firearms and with bow and arrow, in areas of the state, and under such restrictions and on such dates as the commissioner may by order provide; for purposes of this section a split season in any one calendar year shall be considered as one season.

Sec. 11. Minnesota Statutes, 1979 Supplement, Section 100.27, Subdivision 4, is amended to read:

Subd. 4. Muskrats may be taken for a period not exceeding (60) 90 days in the aggregate for the area, otter for a period not exceeding 15 days, only by trapping, and mink for a period not exceeding 90 days, in the areas of the state, during the times be-

tween October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe. Beaver may be taken, by trapping only, in the areas of the state, during the times between October 25th and April 30th of the following year and subject to any other restrictions which the commissioner shall prescribe.

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 1, is amended to read:

100.271 [MOOSE OR TURKEY; LICENSES.] Subdivision 1. At the time of issuing the order setting the dates of a moose or turkey season, the commissioner shall include in the same order the number of licenses to be issued for that season. Those eligible to receive a license shall be determined by the commissioner according to the provisions of this section and such rules as the commissioner may provide. The commissioner may, if he deems it advisable, conduct a separate selection for not to exceed 20 percent of the licenses to be issued for any one area; for which selection the only eligible applicants *for turkey licenses* will be persons who live as owners or tenants on 40 acres or more of *agricultural or grazing land within the prescribed area, and the only eligible applicants for moose licenses shall be persons who are owners of or live as tenants on not less than 160 acres of agricultural or grazing land within the prescribed area.* Landowners or tenants who are unsuccessful in (THIS) *these separate (SELECTION) selections* shall be included in the (SELECTION) *selections* for the remaining licenses.

Any landowner or tenant who is successful in the commissioner's separate selection shall permit turkey hunting on his land during the turkey season.

Sec. 13. Minnesota Statutes 1978, Section 100.29, Subdivision 1, is amended to read:

100.29 [RESTRICTIONS AND PROHIBITIONS.] Subdivision 1. It shall be unlawful to take protected wild animals, except raccoon *and fox*, with the use of a gun or bow and arrows between (SUNSET AND ONE HALF HOUR BEFORE SUNRISE) *the evening and morning times established by the commissioner by order.* It shall be unlawful to take pheasants between (SUNSET) *the evening time established by the commissioner by order* and 9 a.m.

Sec. 14. Minnesota Statutes 1978, Section 101.41, Subdivision 2, is amended to read:

Subd. 2. Except as otherwise provided, the following fish may be taken only by angling with a single line except that not more than two lines and two baits may be used to take fish through the ice, transported and possessed, subject to all other provisions of chapters 97 to 102, between the dates set opposite each species:

Species

Large and small mouthed black bass

Dates — May 15th and (FEB. 15th) *the third Monday in February*

Trout

Dates — As the commissioner may by order prescribe between Jan. 1st and Oct. 31st

Lake trout (land-locked salmon)

Dates — Jan. 1st and Oct. 31st

Wall-eyed pike

Dates — May 15th and (FEB. 15th) *the third Monday in February*

Sauger (sand pike)

Dates — May 15th and (FEB. 15th) *the third Monday in February*

Great Northern pike and pickerel

Dates — May 15th and (FEB. 15th) *the third Monday in February*

Muskellunge

Dates — May 15th and (FEB. 15th) *the third Monday in February*

Rock bass and white bass

Dates — No closed season

Crappies

Dates — No closed season

Sunfish and blue gill

Dates — No closed season

Catfish

Dates — No closed season

Bullheads

Dates — No closed season

Carp, dogfish, redhorse, sheepshead, suckers, eelpout, garfish, perch, whitefish, tullibees, buffalofish

Dates — No closed season

Sec. 15. Minnesota Statutes 1978, Section 100.29, Subdivision 31, is amended to read:

Subd. 31. *Any person placing bait for bear shall display a tag as prescribed by the commissioner at each site where bait is placed and register the location of the bait in a manner prescribed by the commissioner. It shall be unlawful to take bear by using solid waste containing bottles, cans, plastic, paper, metal or any other materials that are not readily biodegradable as a bait or a lure for the purpose of attracting the bear.*

Sec. 16. Minnesota Statutes 1978, Section 100.30, is amended to read:

100.30 [POSSESSION, SALE, TRANSPORTATION.] The skins of all fur bearing animals, the hides of *bear*, deer or moose, *the claws of bear*, and the flesh of beaver, muskrat, raccoon, rabbits and hares, legally taken and bearing such seals or tags as may be required by chapters 97 to 102, may be bought, sold, and transported at any time, provided the flesh of animals enumerated herein, except muskrats, shall not be transported outside of the state of Minnesota.

Sec. 17. [EFFECTIVE DATE.] *Sections 8, 9, and 11 are effective for the license seasons beginning March 1, 1981."*

Further, amend the title by deleting it in its entirety and inserting:

"A bill for an act relating to game and fish; excluding bears from the definition of fur bearing animals; providing that a portion of deer license fees shall be used for the purpose of deer habitat improvement; requiring licenses of persons providing guide services for bear hunters; specifying fees; requiring tagging of bears taken in the state; removing certain restrictions on the trapping of beaver; providing for free fishing licenses for certain mentally retarded and disabled residents; authorizing moose seasons at the discretion of the commissioner;

granting landowners preference for moose licenses; extending the muskrat trapping season; changing the times of day during which certain wild animals may be taken; regulating bear baiting; allowing sale of bear hides and claws; altering the end date of certain fishing seasons; amending Minnesota Statutes 1978, Sections 97.40, Subdivision 7; 97.49, by adding a subdivision; 98.46, Subdivisions 4, 16 and 22; 98.47, Subdivisions 7, 15 and 16; 100.27, Subdivision 2; 100.29, Subdivisions 1 and 31; 100.30; 101.41, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 100.27, Subdivision 4; and 100.271, Subdivision 1."

We request adoption of this report and repassage of the bill.

House Conferees: LEO J. REDING, DOUGLAS W. CARLSON and RICHARD J. KOSTOHRYZ.

Senate Conferees: COLLIN C. PETERSON, BOB LESSARD and JOHN BERNHAGEN.

Reding moved that the report of the Conference Committee on H. F. No. 1818 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1818, A bill for an act relating to game and fish; authorizing moose seasons in the discretion of the commissioner; granting preference to landowners in obtaining moose licenses; amending Minnesota Statutes 1978, Section 100.27, Subdivision 2; and Minnesota Statutes, 1979 Supplement, Section 100.271, Subdivision 1.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Byrne	Evans	Jaros	Long
Adams	Carlson, D.	Ewald	Jennings	Ludeman
Ainley	Carlson, L.	Faricy	Johnson, C.	Luknic
Albrecht	Cassery	Fjoslien	Johnson, D.	Mann
Anderson, B.	Clark	Forsythe	Jude	McCarron
Anderson, D.	Clawson	Friedrich	Kahn	McDonald
Anderson, G.	Corbid	Fritz	Kaley	McEachern
Anderson, I.	Crandall	Fudro	Kalis	Mehrkens
Anderson, R.	Dempsey	Greenfield	Kelly	Metzen
Battaglia	Den Ouden	Halberg	Kempe	Minne
Begich	Drew	Haukoos	Knickerbocker	Moe
Berglin	Eken	Heap	Kostohryz	Munger
Berkelman	Elioff	Heinitz	Kvam	Murphy
Biersdorf	Ellingson	Hoberg	Laidig	Nelsen, B.
Blatz	Erickson	Hokanson	Lehto	Nelsen, M.
Brinkman	Esau	Jacobs	Levi	Nelson

Niehaus	Peterson, D.	Rothenberg	Stowell	Welch
Norman	Piepho	Sarna	Swanson	Welker
Novak	Pleasant	Schreiber	Thiede	Wenzel
Olsen	Redalen	Searle	Tomlinson	Wieser
Onnen	Reding	Searles	Valan	Wigley
Osthoff	Rees	Sherwood	Valento	Wynia
Otis	Reif	Sieben, H.	Vanasek	Zubay
Patton	Rice	Sieben, M.	Voss	Spkr. Norton
Pehler	Rodriguez	Stadum	Waldorf	
Peterson, B.	Rose	Stoa	Weaver	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1727

A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivision 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; 259.27, Subdivision 4; and Chapter 259, by adding a section; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

April 1, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1727, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1727, be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 144.218, Subdivision 1, is amended to read:

144.218 [NEW CERTIFICATES OF BIRTH.] Subdivision 1. Upon receipt of a certified copy of an order, decree, or certificate of adoption, the state registrar shall register a supplementary certificate in the new name of the adopted person. The original certificate of birth and the certified copy are confidential pursuant to section 15.162, subdivision 2a, and shall

not be disclosed except pursuant to court order or section 144.-1761. A *certified copy of the original birth certificate from which the registration number has been deleted and which has been marked "Not for Official Use," or the information contained on the original birth certificate, except for the registration number, shall be provided on request to a parent who is named on the original birth certificate.* Upon the receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the file.

Sec. 2. Minnesota Statutes 1978, Section 144.225, Subdivision 2, is amended to read:

Subd. 2. Disclosure of information pertaining to births out of wedlock or information from which it can be ascertained, shall be made only to the guardian of the person, the person to whom the record pertains when the person is 18 years of age or older, *a parent of the person born out of wedlock as provided by section 1,* or upon order of a court of competent jurisdiction. The birth and death records of the commissioner of health shall be open to inspection by the commissioner of public welfare and it shall not be necessary for him to obtain an order of the court in order to inspect records or to secure certified copies thereof.

Sec. 3. Minnesota Statutes 1978, Chapter 257, is amended by adding a section to read:

[257.34] [DECLARATION OF PARENTAGE.] *Subdivision 1. The mother and father of an illegitimate child may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any illegitimate child born to the mother on or before ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:*

(a) *Have the same consequences as an acknowledgement by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;*

(b) *Be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111 and 197.09 to 197.11;*

(c) *Have the same consequences as an acknowledgement by the father of paternity of the child for the purposes of sections 257.251 and 257.252;*

(d) *When timely filed with the division of vital statistics of the Minnesota department of health as provided in section 259.261, qualify as an affidavit stating the intention of the*

signatories to retain parental rights as provided in section 259.261 if it contains the information required by section 259.261 or rules promulgated thereunder;

(e) Have the same consequences as a writing declaring paternity of the child for the purposes of section 525.172; and

(f) Be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Subd. 2. The declaration authorized by subdivision 1 shall be conclusive evidence of all the matters stated therein and shall have the same effect as an adjudication of paternity for the purposes of the statutory provisions described in subdivision 1.

Subd. 3. The declaration authorized by subdivision 1 shall not affect the rights or duties arising out of a parent-child relationship of any person not a signatory to the declaration claiming to be the parent of the child nor shall the declaration impair any rights of the child arising out of a parent-child relationship against any person not a signatory to the declaration.

Sec. 4. Minnesota Statutes 1978, Section 259.24, Subdivision 2, is amended to read:

Subd. 2. [PARENTS, GUARDIAN.] If a parent who consents to the adoption of an illegitimate child is under 18 years of age, the consent of his parents or guardian, if any, also shall be required; if either or both the parents are disqualified for any of the reasons enumerated in subdivision 1, the consent of such parent shall be waived, and the consent of the guardian only shall be sufficient; and, if there be neither parent nor guardian qualified to give such consent, the consent may be given by the commissioner. *The agency overseeing the adoption proceedings shall ensure that the minor parent is offered the opportunity to consult with an attorney, a clergyman or a physician before consenting to adoption of the child. The advice or opinion of the attorney, clergyman or physician shall not be binding on the minor parent. If the minor parent cannot afford the cost of consulting with an attorney, clergyman or physician, the county shall bear that cost.*

Sec. 5. Minnesota Statutes 1978, Section 259.24, Subdivision 5, is amended to read:

Subd. 5. [EXECUTION.] All consents to an adoption, except those by the commissioner, his agent, a licensed child-placing agency, or the child's parent when that parent is either a co-petitioner in the adoption proceeding or does not have custody of the child, shall be executed before a representative of the commissioner, his agent or a licensed child-placing agency. In addition all consents to an adoption shall be in writing (,) and

shall contain notice to the parent of the substance of section 6, providing for the right to withdraw consent. Consents shall be executed before two competent witnesses and acknowledged by the consenting party. Consents shall be filed in the adoption proceedings at any time before the matter is heard provided, however, that a consent executed and acknowledged outside of this state, either in accordance with the law of this state or in accordance with the law of the place where executed, is valid.

Sec. 6. Minnesota Statutes 1978, Section 259.24, is amended by adding a subdivision to read:

Subd. 6a. [WITHDRAWAL OF CONSENT.] A parent's consent to adoption may be withdrawn for any reason within ten working days after the consent is executed and acknowledged. Written notification of withdrawal of consent must be received by the agency to which the child was surrendered no later than the tenth working day after the consent is executed and acknowledged. On the day following the tenth working day after execution and acknowledgement, the consent shall become irrevocable, except upon order of a court of competent jurisdiction after written findings that consent was obtained by fraud. In proceedings to determine the existence of fraud, the adoptive parents and the child shall be made parties. The proceedings shall be conducted to preserve the confidentiality of the adoption process. There shall be no presumption in the proceedings favoring the natural parents over the adoptive parents.

Sec. 7. Minnesota Statutes 1978, Section 259.25, Subdivision 1, is amended to read:

259.25 [AGREEMENT CONFERRING AUTHORITY TO PLACE FOR ADOPTION.] Subdivision 1. **[CONSENTS REQUIRED.]** The parents and guardian, if there be one, of a legitimate child may enter into a written agreement with the commissioner of public welfare or an agency, giving the commissioner or such agency authority to place the child for adoption. The parents of an illegitimate child also may enter into such written agreement, but, if he is under the age of 18 years the written consent of his parents and guardian, if any, also shall be required; if either or both of the parents are disqualified from giving such consent for any of the reasons enumerated in section 259.24, subdivision 1, then the written consent of the guardian shall be required. Such agreement and consent shall be in the form prescribed by the commissioner and shall contain notice to the parent of the substance of section 8 providing for the right to revoke the agreement. The agreement shall be executed by the commissioner or agency, or one of their authorized agents, and all other necessary parties, and shall be filed, together with the consent, in the proceedings for the adoption of the child.

Sec. 8. Minnesota Statutes 1978, Section 259.25, is amended by adding a subdivision to read:

Subd. 2a. A parent's agreement to authorize placing a child for adoption may be revoked for any reason within ten working days after the agreement is executed. Written notification of revocation must be received by the agency which was given authority to place the child no later than the tenth working day after the agreement is executed. On the day following the tenth working day after execution the agreement shall become irrevocable, except upon order of a court of competent jurisdiction after written findings that the agreement was obtained by fraud. Proceedings to determine the existence of fraud shall be conducted as provided in section 6 for proceedings to determine fraud in obtaining consent.

Sec. 9. Minnesota Statutes 1978, Section 259.27, Subdivision 4, is amended to read:

Subd. 4. [PREADoption RESIDENCE.] No petition shall be granted until the child shall have lived (SIX) three months in the proposed home, subject to a right of visitation by the commissioner or an agency or their authorized representatives.

Sec. 10. Minnesota Statutes 1978, Section 260.221, is amended to read:

260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.] The juvenile court may, upon petition, terminate all rights of (PARENTS) a parent to a child in the following cases:

(a) With the written consent of (PARENTS) a parent who for good cause (DESIRE) desires to terminate (THEIR) his parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the (PARENTS HAVE) parent has abandoned the child; or

(2) That the (PARENTS HAVE) parent has substantially (AND), continuously, or repeatedly refused or neglected to (GIVE THE CHILD NECESSARY PARENTAL CARE AND PROTECTION) comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental or emotional health and development, if the parent is physically and financially able; or

(3) That (, ALTHOUGH THE PARENTS ARE FINANCIALLY ABLE, THEY HAVE SUBSTANTIALLY AND CONTINUOUSLY NEGLECTED TO PROVIDE THE CHILD

WITH NECESSARY SUBSISTENCE, EDUCATION, OR OTHER CARE NECESSARY FOR HIS PHYSICAL OR MENTAL HEALTH OR MORALS OR HAVE NEGLECTED TO PAY FOR SUCH SUBSISTENCE, EDUCATION OR OTHER CARE WHEN LEGAL CUSTODY IS LODGED WITH OTHERS) *a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or*

(4) That (THE PARENTS ARE UNFIT BY REASON OF DEBAUCHERY, INTOXICATION OR HABITUAL USE OF NARCOTIC DRUGS, OR REPEATED LEWD AND LASCIVIOUS BEHAVIOR, OR OTHER CONDUCT FOUND BY THE COURT TO BE LIKELY TO BE DETRIMENTAL TO THE PHYSICAL OR MENTAL HEALTH OR MORALS OF THE CHILD) *a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be permanently detrimental to the physical or mental health of the child; or*

(5) That following upon a determination of neglect or dependency, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That in the case of an illegitimate child the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental rights under section 259.261 or that such notice has been successfully challenged; or

(7) That the child is neglected and in foster care.

Sec. 11. Minnesota Statutes 1978, Section 260.241, Subdivision 1, is amended to read:

260.241 [TERMINATION OF PARENTAL RIGHTS; EFFECT.] Subdivision 1. If, after a hearing, the court finds *by clear and convincing evidence* that one or more of the conditions set out in section 260.221 exist, it may terminate parental rights. (IF THE COURT TERMINATES PARENTAL RIGHTS OF BOTH PARENTS, OR OF THE MOTHER IF THE CHILD IS ILLEGITIMATE, OR OF THE ONLY LIVING PARENT, THE COURT SHALL ORDER GUARDIANSHIP AND LEGAL CUSTODY OF THE CHILD TRANSFERRED TO:)

((A) THE COMMISSIONER OF PUBLIC WELFARE;
OR)

((B) A LICENSED CHILD PLACING AGENCY; OR)

((C) A REPUTABLE INDIVIDUAL OF GOOD MORAL CHARACTER.)

Upon the termination of parental rights all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, visitation, or support existing between the child and parent shall be severed and terminated and the parent shall have no standing to appear at any further legal proceeding concerning the child. Provided, however, that a parent whose parental rights are terminated shall remain liable for the unpaid balance of any support obligation owed under a court order upon the effective date of the order terminating parental rights.

Sec. 12. Minnesota Statutes 1978, Section 260.241, Subdivision 2, is amended to read:

(SUBD. 2. (A) A GUARDIAN APPOINTED UNDER THE PROVISIONS OF SUBDIVISION 1 HAS LEGAL CUSTODY OF HIS WARD UNLESS THE COURT WHICH APPOINTS HIM GIVES LEGAL CUSTODY TO SOME OTHER PERSON. IF THE COURT AWARDS SUCH CUSTODY TO A PERSON OTHER THAN SUCH GUARDIAN, THE GUARDIAN NONETHELESS HAS THE RIGHT AND RESPONSIBILITY OF REASONABLE VISITATION, EXCEPT AS LIMITED BY COURT ORDER.)

((B) SUCH GUARDIAN MAY MAKE MAJOR DECISIONS AFFECTING THE PERSON OF HIS WARD, INCLUDING BUT NOT LIMITED TO GIVING CONSENT (WHEN SUCH CONSENT IS LEGALLY REQUIRED) TO THE MARRIAGE, ENLISTMENT IN THE ARMED FORCES, MEDICAL, SURGICAL, OR PSYCHIATRIC TREATMENT, OR ADOPTION OF THE WARD. WHEN, PURSUANT TO CLAUSE (A) OF SUBDIVISION 1, THE COMMISSIONER OF PUBLIC WELFARE IS APPOINTED SUCH GUARDIAN, HE MAY DELEGATE TO THE WELFARE BOARD OF THE COUNTY IN WHICH, AFTER SUCH APPOINTMENT, THE WARD RESIDES, THE AUTHORITY TO ACT FOR HIM IN DECISIONS AFFECTING THE PERSON OF HIS WARD, INCLUDING BUT NOT LIMITED TO GIVING CONSENT TO THE MARRIAGE, ENLISTMENT IN THE ARMED FORCES, MEDICAL, SURGICAL, OR PSYCHIATRIC TREATMENT OF THE WARD.)

((C) A GUARDIANSHIP CREATED UNDER THE PROVISIONS OF SUBDIVISION 1 SHALL NOT IN ITSELF INCLUDE THE GUARDIANSHIP OF ANY ESTATE OF THE WARD.) *An order terminating the parent and child relationship shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States, nor shall any action under this section be deemed to affect any rights and benefits that a child derives from the child's descent from a member of a federally recognized Indian tribe.*

Sec. 13. Minnesota Statutes 1978, Chapter 260, is amended by adding a section to read:

[260.242] [GUARDIAN.] *Subdivision 1. If the court terminates parental rights of both parents or of the only known living parent, the court shall order the guardianship and the legal custody of the child transferred to:*

- (a) *The commissioner of public welfare; or*
- (b) *A licensed child placing agency; or*
- (c) *An individual who is willing and capable of assuming the appropriate duties and responsibilities to the child.*

Subd. 2. (a) A guardian appointed under the provisions of subdivision 1 has legal custody of his ward unless the court which appoints him gives legal custody to some other person. If the court awards custody to a person other than the guardian, the guardian nonetheless has the right and responsibility of reasonable visitation, except as limited by court order.

(b) The guardian may make major decisions affecting the person of his ward, including but not limited to giving consent (when consent is legally required) to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment, or adoption of the ward. When, pursuant to subdivision 1, clause (a), the commissioner of public welfare is appointed guardian, he may delegate to the welfare board of the county in which, after the appointment, the ward resides, the authority to act for him in decisions affecting the person of his ward, including but not limited to giving consent to the marriage, enlistment in the armed forces, medical, surgical, or psychiatric treatment of the ward.

(c) A guardianship created under the provisions of subdivision 1 shall not of itself include the guardianship of the estate of the ward.

Sec. 14. Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6, and 259.25, Subdivision 2, are repealed.

Sec. 15. Sections 1 to 3 are effective the day following final enactment. Sections 4 to 9 are effective August 1, 1980 for consents to adoption, agreements to placement and pre-adoption residences commenced on or after that date. Sections 10 to 13 are effective August 1, 1980."

Further amend the title by deleting it in its entirety and inserting:

A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth

certificate; authorizing a multi-purpose declaration of parentage; providing counsel for certain minor parents; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; changing certain procedures and criteria for termination of parental rights; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivisions 2 and 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; 259.27, Subdivision 4; 260.221; 260.241, Subdivisions 1 and 2; and Chapters 257 and 260, by adding sections; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

We request adoption of this report and repassage of the bill.

House Conferees: RAY W. FARICY, MICHAEL R. SIEBEN and TERRY M. DEMPSEY.

Senate Conferees: JACK DAVIES, RON SIELOFF and HOWARD A. KNUTSON.

Faricy moved that the report of the Conference Committee on H. F. No. 1727 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1727, A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivision 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; 259.27, Subdivision 4; and Chapter 259, by adding a section; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage 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	Berglin	Corbid	Ewald	Heinitz
Adams	Berkelman	Crandall	Faricy	Hoberg
Ainley	Biersdorf	Dempsey	Fjoslien	Hokanson
Albrecht	Blatz	Den Ouden	Forsythe	Jacobs
Anderson, B.	Brinkman	Drew	Friedrich	Jaros
Anderson, D.	Byrne	Eken	Fritz	Jennings
Anderson, G.	Carlson, D.	Elioff	Fudro	Johnson, C.
Anderson, I.	Carlson, L.	Ellingson	Greenfield	Johnson, D.
Anderson, R.	Cassery	Erickson	Halberg	Jude
Battaglia	Clark	Esau	Haukoos	Kahn
Begich	Clawson	Evans	Heap	Kaley

Kalis	McDonald	Olsen	Rothenberg	Valan
Kelly	McEachern	Onnen	Sarna	Valento
Kempe	Mehrkens	Otis	Schreiber	Vanasek
Knickerbocker	Metzen	Patton	Searle	Voss
Kostohryz	Minne	Pehler	Searles	Waldorf
Kroening	Moe	Peterson, B.	Sherwood	Weaver
Kvam	Munger	Peterson, D.	Sieben, H.	Welch
Laidig	Murphy	Piepho	Sieben, M.	Welker
Lehto	Nelsen, B.	Pleasant	Stadum	Wenzel
Levi	Nelsen, M.	Redalen	Stoa	Wieser
Long	Nelson	Reding	Stowell	Wigley
Ludeman	Niehaus	Rees	Sviggum	Wynia
Luknic	Norman	Reif	Swanson	Zubay
Mann	Novak	Rodriguez	Thiede	Spkr. Norton
McCarron	Nysether	Rose	Tomlinson	

The bill was repassed, as amended by Conference, and its title agreed to.

SPECIAL ORDERS, Continued

S. F. No. 1358, A bill for an act relating to insurance; clarifying provisions regarding acquisition of control of domestic insurers; changing the time period after which a hearing must be held under the insurance holding company systems act; changing the time period under which discovery must be completed for these hearings; eliminating an exemption from the insurance holding company systems act; amending Minnesota Statutes 1978, Section 60D.02, Subdivisions 4 and 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 6 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kostohryz	Levi	Searles	Sieben, H.	Stowell
Lehto				

The bill was passed and its title agreed to.

S. F. No. 1662 was reported to the House.

There being no objection, S. F. No. 1662 was continued on Special Orders for one day.

S. F. No. 1802, A bill for an act relating to foreign corporations; removing certain deficiencies and ambiguities; defining certain activities that do not constitute transacting business in the state; and removing limitations on engaging in the business of making real estate loans; amending Minnesota Statutes 1978, Sections 303.02, Subdivision 3; 303.03; 303.04; and 303.25.

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 22 yeas and 101 nays as follows:

Those who voted in the affirmative were:

Brinkman	Knickerbocker	McDonald	Rees	Weaver
Erickson	Kvam	Metzen	Searle	Wigley
Forsythe	Laidig	Nelsen, B.	Searles	
Halberg	Levi	Olsen	Sieben, H.	
Hoberg	Long	Peterson, B.	Sieben, M.	

Those who voted in the negative were:

Aasness	Corbid	Jaros	Murphy	Stadum
Adams	Crandall	Jennings	Nelsen, M.	Stoa
Ainley	Dempsey	Johnson, C.	Nelson	Sviggun
Albrecht	Den Ouden	Johnson, D.	Niehaus	Swanson
Anderson, B.	Drew	Jude	Norman	Thiede
Anderson, D.	Eken	Kahn	Novak	Tomlinson
Anderson, G.	Elioff	Kaley	Nysether	Valan
Anderson, I.	Ellingson	Kalis	Onnen	Valento
Anderson, R.	Esau	Kelly	Osthoff	Vanasek
Battaglia	Evans	Kempe	Otis	Voss
Begich	Faricy	Kostohryz	Pehler	Waldorf
Berglin	Fjoslien	Kroening	Peterson, D.	Welch
Berkelman	Friedrich	Lehto	Piepho	Welker
Biersdorf	Fritz	Ludeman	Redalen	Wenzel
Blatz	Fudro	Luknic	Reding	Wieser
Byrne	Greenfield	Mann	Reif	Wynia
Carlson, D.	Haukoos	McEachern	Rice	Zubay
Carlson, L.	Heap	Mehrkens	Rodriguez	
Casserly	Heinitz	Minne	Rose	
Clark	Hokanson	Moe	Rothenberg	
Clawson	Jacobs	Munger	Sarna	

The bill was not passed.

Sieben, H., moved that the remaining bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued one day. The motion prevailed.

There being no objection the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Voss from the Committee on Appropriations to which was referred:

S. F. No. 2085, A bill for an act relating to public employees; creating a state department of employee relations; establishing appropriate units for state and university of Minnesota employees; providing for a right to strike; providing for interim contract approval by the legislative commission on employee relations; clarifying civil service laws; providing for health benefits; providing for a study of promotional systems; repealing duty of the revisor of statutes regarding certain collective bargaining agreements; appropriating money; amending Minnesota Statutes 1978, Sections 43.001; 43.01, Subdivision 8; 43.05, by adding a subdivision; 43.111; 43.18, Subdivision 4; 43.19, Subdivision 1; 43.245; 43.321; 43.45; 43.46; 179.63, Subdivisions 7 and 8; 179.64, Subdivisions 2, 3, 4, and 5, and by adding a subdivision; 179.67, Subdivision 4; 179.69, Subdivisions 1 and 3; 179.71, Subdivisions 3 and 5; 179.72, Subdivision 6; 179.74, Subdivisions 2 and 3; and Chapters 43 and 179, by adding sections; and Minnesota Statutes, 1979 Supplement, Sections 3.855; 43.05, Subdivision 2; 43.067, Subdivision 1; 43.19, Subdivision 1; 43.50, Subdivision 1; 62D.22, Subdivision 7; 179.63, Subdivision 11; 179.65, Subdivision 6; and 179.74, Subdivisions 4 and 5; and Laws 1979, Chapter 332, Article I, Sections 114 and 116; repealing Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes, 1979 Supplement, Section 3.855, is amended to read:

3.855 [LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS.] Subdivision 1. [ESTABLISHMENT.] There is created the legislative commission on employee relations. The

commission shall consist of six members of the senate and six members of the house of representatives. The senate members shall include the (MAJORITY) leader of the majority caucus of the senate, the (MINORITY) leader of the minority caucus of the senate, the chairman of the governmental operations committee, the chairman of the finance committee, the chairman of the (TAX) committee on taxes and tax laws, and an additional member designated by the (MINORITY) leader (, OR THEIR DESIGNEES) of the minority caucus. The house members shall include the speaker, the (MINORITY) leader of the minority caucus of the house, the chairman of the governmental operations committee, the chairman of the appropriations committee, the chairman of the (TAX) taxes committee, and an additional member designated by the (MINORITY) leader (, OR THEIR DESIGNEES) of the minority caucus. In the event that the membership of the house is evenly divided, the house members shall be selected pursuant to the rules of the house. Any member of the commission may resign by providing notice to the chairman. In the event of a resignation by a member of the: (1) senate, a replacement shall be selected from among the members of the senate by the committee on rules; (2) house, a replacement shall be selected from among the members of the house pursuant to house rules. The commission shall elect its own officers who shall serve for terms of two years. The chairmanship of the commission shall alternate between a member of the senate and a member of the house.

Subd. 2. [STATE EMPLOYEE NEGOTIATIONS.] (PRIOR TO THE COMMENCEMENT OF COLLECTIVE BARGAINING ACTIVITIES WITH STATE EMPLOYEES, THE COMMISSION SHALL CONDUCT HEARINGS AT WHICH PUBLIC EMPLOYEES, REPRESENTATIVES OF PUBLIC EMPLOYEES AND THE COMMISSIONER OF PERSONNEL SHALL BE ALLOWED TO TESTIFY AS TO THEIR BEGINNING NEGOTIATING POSITIONS.) The commissioner of (PERSONNEL) employee relations shall regularly advise the commission on the progress of collective bargaining activities with state employees pursuant to the state public employment labor relations act. During the course of the negotiations, the commission may make recommendations to the commissioner as it deems appropriate but no recommendation shall impose any obligation or grant any right or privilege to the parties. The commissioner shall submit to the chairman of the commission any negotiated agreements or arbitration awards (WHICH THE COMMISSIONER HAS APPROVED WITHIN FIVE DAYS OF THE MAKING THEREOF). Approved negotiated agreements shall be submitted within five days of the date of approval by the commissioner or the date of approval by the affected state employees whichever occurs later. Arbitration awards shall be submitted within five days of their receipt by the commissioner. If the commission disapproves of any agreement or award, the commission shall specify in writing to the parties those portions with which it disagrees and the reasons therefor. (UPON

RECEIPT OF THE NOTICE OF DISAPPROVAL FROM THE COMMISSION, THE COMMISSIONER OF PERSONNEL WILL REOPEN THE NEGOTIATIONS.) If the commission approves of an agreement or award, it shall cause the matter to be submitted to the legislature to be accepted or rejected pursuant to section 179.74, *subdivision 5*. Failure of the commission to disapprove of (AFFECTED PORTIONS OF) an agreement or award within 30 days of its receipt shall be deemed approval. Approval or disapproval by the commission shall not be binding on the entire legislature.

After adjournment of the legislature in an odd numbered year, the commission may give interim approval to a negotiated agreement or arbitration award. It shall submit the negotiated agreement or arbitration award to the entire legislature for ratification as provided in section 179.74, subdivision 5.

Subd. 3. [OTHER DUTIES.] In addition to the duties specified in subdivision 2, the commission shall perform the following:

(a) *Review and approve, reject, or modify a plan for compensation, terms and conditions of employment prepared and submitted by the commissioner of employee relations pursuant to section 10 covering all state employees who are not represented by an exclusive bargaining representative and whose compensation is not provided for by section 43.064 or other law;*

(b) *Continually monitor the state's civil service system (,) as provided for in chapter 43, rules of the commissioner of employee relations and the collective bargaining process (,) as provided for in sections 179.61 to 179.76, as applied to state employees;*

((B)) (c) *Research and analyze the need for improvements in those statutory sections; (AND)*

((C)) (d) *Adopt rules not inconsistent with this section relating to the scheduling and conduct of commission business and other organizational and procedural matters; and*

(e) *Perform such other related functions as are delegated to it by the legislature.*

Sec. 2. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.0001] *The name of the department of personnel is changed to the department of employee relations. The title of the commissioner of personnel is changed to the commissioner of employee relations. Subject to applicable laws, the department of employee relations, with its commissioner and officers, shall con-*

tinue to exercise all the powers and duties vested in or imposed upon the department and commissioner of personnel immediately prior to the effective date of this section.

Sec. 3. Minnesota Statutes 1978, Section 43.001, is amended to read:

43.001 [DEPARTMENT OF EMPLOYEE RELATIONS; CREATION.] Subdivision 1. The department of (PERSONNEL) *employee relations* is hereby created under the control and supervision of a commissioner of (PERSONNEL) *employee relations*, which office is hereby established.

Subd. 2. The commissioner of (PERSONNEL) *employee relations* is appointed by the governor under the provisions of section 15.06. (HE SHALL HAVE BROAD EXPERIENCE IN A MANAGERIAL POSITION INCLUDING ABOUT FIVE YEARS AS AN EXECUTIVE PERSONNEL MANAGER IN ONE OR MORE ORGANIZATIONS ESSENTIALLY SIMILAR IN COMPLEXITY TO STATE GOVERNMENT.) *The commissioner shall be knowledgeable in executive personnel management and shall have background in labor relations.*

Subd. 3. The commissioner may appoint (ONE DEPUTY COMMISSIONER AND) a confidential secretary, (EACH OF WHOM) *who* shall serve at the pleasure of the commissioner in the unclassified service.

Subd. 4. Subject to (THE PROVISIONS OF LAWS 1973, CHAPTER 507 AND TO OTHER) applicable laws (GOVERNING A STATE DEPARTMENT OR AGENCY), the commissioner shall organize the department and employ (SUCH) other officers, employees, and agents (AS HE MAY DEEM) necessary to discharge the functions of (HIS) *the* department, define the duties of (SUCH) *these* officers, employees, and agents and (TO) delegate to them any (OF HIS) powers, duties, and responsibilities subject to (HIS) *the* commissioner's control and under (SUCH) conditions as (HE) *the* commissioner may prescribe. Personnel employed pursuant to this subdivision are in the classified service of the state civil service.

Subd. 5. *The department of employee relations shall be organized into two divisions to be designated the division of personnel and the division of labor relations. Each division shall be under the immediate charge of a deputy commissioner.*

Subd. 6. *The deputy commissioners for the divisions of personnel and labor relations shall be appointed by and serve at the pleasure of the commissioner, and shall be in the unclassified service of the state. The deputy commissioner for the division of labor relations shall have extensive background in labor relations and shall have experience in dealing with contracts similar in*

complexity to those negotiated between the state and exclusive representatives of state employees.

Subd. 7. Each division of the department of employee relations shall be responsible for administering the duties and functions that are assigned to it by law and by the commissioner of employee relations. Insofar as the duties of the divisions are not mandated by law, the commissioner may establish and revise the assignments of either division.

Subd. 8. The division of labor relations shall perform the duties assigned to the commissioner of employee relations by sections 3.855, 43.05, subdivision 3 and chapter 179.

The deputy commissioner for the division of labor relations shall be the chief state labor negotiator for purposes of negotiating and administering agreements with exclusive representatives of state employees.

Subd. 9. The division of personnel shall perform the duties assigned to the commissioner by section 43.05, subdivision 2.

Sec. 4. Minnesota Statutes 1978, Section 43.01, Subdivision 8, is amended to read:

Subd. 8. [COMMISSIONER.] "Commissioner" means the commissioner of (PERSONNEL) *employee relations.*

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 43.05, Subdivision 2, is amended to read:

Subd. 2. [SPECIFIED DUTIES.] The commissioner shall:

(1) Attend all meetings of the board;

(2) Promulgate (PERSONNEL) rules for the purpose of carrying out the provisions of this chapter; these rules shall provide, among other things, for current records of efficiency, and standards of performance, for all employees subject to the provisions of this chapter; the manner of completing appointments and promotions; rejection of eligible candidates; examinations; retention of examination records under the provisions of section 138.163; creation of eligible lists, with successful candidates ranked according to their ratings in the examinations; (LEAVES OF ABSENCE WITH AND WITHOUT PAY;) transfers (,) and reinstatements (, LAYOFFS, VACATIONS, AND HOURS OF WORK); public notice of examinations; (PROCEDURE FOR CHANGES IN RATES OF PAY;) compulsory retirement at fixed ages; and other conditions of employment (, IF A RULE IS MADE CONCERNING SICK LEAVE FOR ILLNESS IN THE IMMEDIATE FAMILY OF AN EMPLOYEE, THE TERM "IMMEDIATE FAMILY" SHALL BE LIMITED

TO THE SPOUSE, MINOR OR DEPENDENT CHILDREN, OR PARENT WHERE THE PARENT HAS NO OTHER PERSON TO PROVIDE THE NECESSARY NURSING CARE, LIVING IN THE HOUSEHOLD OF THE EMPLOYEE);

(3) Operate an information system from which data can be retrieved concerning employees in agencies under his jurisdiction showing their employment histories including the date of appointment, demotion, reinstatement, increases or decreases in pay, the compensation and title of the position, changes in title, transfers, and separations from the service; and the commissioner shall have access to all public and private personnel data kept by an appointing authority, the examination of which will aid in the discharge of his duties;

(4) Prepare, in accordance with the provisions of this chapter and the rules adopted hereunder, examinations, eligible lists, and ratings of candidates for appointment;

(5) Make certifications for appointment within the classified service, in accordance with the provisions of this chapter;

(6) Make investigations concerning all matters touching the enforcement and effect of the provisions of this chapter and the personnel rules prescribed hereunder;

(7) Discharge such duties as are imposed upon him by this chapter;

(8) Establish, publish and continually review logical career paths in the classified civil service;

(9) Consider all requests for other than state appropriated funds from any state department or agency for personnel purposes all of which shall be submitted to him for comment before any such request is made of a federal, local, or private agency; and

(10) Prepare rules regulating the temporary designation of positions in the unclassified civil service;

(11) Review, establish or change titles for the positions in the unclassified civil service in the executive branch of state government except those established by law or by the constitution, to make titles descriptive of positions and consistent throughout the state service; and

(12) In conformance with the rule making provisions of chapter 15, promulgate a code of ethics establishing standards of conduct to be observed by state employees in the performance of their official duties.

Sec. 6. Minnesota Statutes 1978, Section 43.05, is amended by adding a subdivision to read:

Subd. 3. The commissioner, through the division of labor relations, shall:

(a) Represent the state at hearings conducted by the director of the bureau of mediation services and the public employment relations board relating to state employees;

(b) Represent the state in all collective bargaining between the state and exclusive representatives, and represent the state in mediation and arbitration of collective bargaining disputes;

(c) Report to the legislative commission on employee relations pursuant to section 3.855;

(d) Be responsible for state management interpretation of all collective bargaining agreements between the state and exclusive representatives and provide state management personnel with training in the interpretation and application of these collective bargaining agreements;

(e) Oversee the administration of all written grievances arising under collective bargaining agreements between the state and an exclusive representative. The commissioner shall establish procedures which appointing authorities shall follow to enable the commissioner to monitor the grievance procedure at all steps;

(f) Have final authority to decide if a grievance shall be submitted to arbitration or if it shall be settled without arbitration;

(g) Represent the state at all grievance arbitrations;

(h) Collect and analyze all information necessary to carry out the responsibilities of this subdivision.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 43.067, Subdivision 1, is amended to read:

43.067 [SALARY LIMITS.] Subdivision 1. [AGENCY HEADS AND DEPUTIES.] The base salary of the head of any state department or other agency in the executive branch shall serve as the upper limit of compensation in the agency. (THE BASE SALARY OF THE CHANCELLOR OF THE STATE UNIVERSITY SYSTEM IS THE UPPER LIMIT OF COMPENSATION OF STATE UNIVERSITY PRESIDENTS.) The base salary of the commissioner of labor and industry is the upper limit of compensation of employees in the bureau of mediation services. (WITHIN THE AGENCY, NO PERSON

OTHER THAN THE AGENCY HEAD SHALL BE PAID MORE THAN THE BASE SALARY THAT IS OR WOULD BE PAID A DEPUTY AGENCY HEAD PURSUANT TO SECTION 15A.081 WHETHER OR NOT THERE IS A DEPUTY AGENCY HEAD POSITION FOR THAT AGENCY.)

Sec. 8. Minnesota Statutes 1978, Section 43.111, is amended to read:

43.111 [POLICY.] It is the public policy of the state of Minnesota that an efficient and well trained work force be maintained to carry out the work ordained by the legislature. It is further directed that modern methods of selection, training and salary administration be established and maintained. The standards of selection shall be (OF SUCH A NATURE AS TO) *based on merit and provide for the proper level of preparation and experience.* Recognizing the cost of excessive employee turnover, it is directed that priority be given to the maintenance of a steady work force. To this end, training, by way of in-service programs and stipend allowances shall be encouraged. It is also established as the policy of the state of Minnesota that employees be paid a total compensation which is competitive with that paid for like positions in other private and public employment. Proper attention (WILL ALSO) *shall be given to equitable internal (PAY) compensation relationships between related job classes and among the various levels within the same job family or department, with the understanding that the collective bargaining relationship between the state and its employees established through the provisions of chapter 179 must take precedence.* Continuing analysis of pay rates (AND), supplementary pay practices (SHALL BE CARRIED ON, AS WELL AS) *and analyses of jobs to determine comparability of job content shall be carried on.*

Sec. 9. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.112] [COMPENSATION, TERMS, AND CONDITIONS OF EMPLOYMENT.] *Subdivision 1. [REPRESENTED EMPLOYEES.] To the extent they are lawfully covered by a collective bargaining agreement, the compensation, terms and conditions of employment for all state employees represented by an exclusive representative certified pursuant to chapter 179 shall be governed by the collective bargaining agreement executed by the parties and approved by the legislature.*

Subd. 2. [NON-REPRESENTED EMPLOYEES.] The compensation, terms and conditions of employment of all state employees not represented by an exclusive representative certified pursuant to chapter 179 shall be solely governed by statute, rule and the plan developed by the commissioner and approved by the legislature pursuant to sections 3.855 and 179.74, subdivision 5, and section 10.

Subd. 3. [MERIT SYSTEM TO CONTROL.] The provisions of chapter 43 governing the recruitment, classification and selection of state employees on the basis of their relative ability, knowledge and skills, including sections 43.111, 43.12, subdivision 1, 43.13 to 43.15, 43.17, 43.18, subdivisions 1 to 3, 43.19, subdivisions 2 and 3, 43.20, and 43.30, shall not be modified, waived or abridged by any contract executed by the state pursuant to chapter 179.

Sec. 10. Minnesota Statutes 1978, Chapter 43, is amended by adding a section to read:

[43.113] [PLAN FOR COMPENSATION, TERMS AND CONDITIONS OF EMPLOYMENT FOR NON-REPRESENTED EMPLOYEES.] *Subdivision 1. The commissioner of employee relations shall periodically submit to the legislative commission on employee relations a plan to govern the compensation, terms and conditions of employment for all state employees who are not represented by an exclusive representative certified pursuant to chapter 179 and whose compensation is not provided for by section 43.064 or other law. The commission shall review the plan and submit it to the legislature along with any recommendations it deems appropriate. The plan need not be adopted in accordance with the rulemaking provisions of chapter 15. The plan shall not take effect until approved by the legislature, provided that the legislative commission may give interim approval to a plan and subsequently submit it to the entire legislature for ratification in the same manner as provided for negotiated agreements and arbitration awards under section 179.74, subdivision 5.*

Subd. 2. In establishing and recommending compensation for any position within the plan, the commissioner of employee relations shall assure that:

(1) Compensation in the classified and unclassified service bear equitable relationships to one another;

(2) Compensation for state positions bears equitable relationships to compensation for similar positions outside state service; and

(3) Compensation for management positions bears equitable relationships to compensation of represented employees managed.

(4) Compensation for positions within the classified service bear equitable relationships among related job classes and among various levels within the same job family.

Compensations bear equitable relationships to one another within the meaning of this subdivision if compensation for positions which require comparable knowledge, abilities, duties,

responsibilities and accountabilities are comparable and if compensation for positions which require differing knowledge, abilities, duties, responsibilities and accountabilities are proportional to the knowledge, abilities, duties and responsibilities required.

Sec. 11. Minnesota Statutes 1978, Section 43.18, Subdivision 4, is amended to read:

Subd. 4. [APPOINTMENT; PROBATION.] The appointing authority shall appoint on probation, with sole reference to merit and fitness, one of the said candidates, whose name is certified in the manner above set forth, to fill such vacancy, except as provided in section 43.23. Seniority (IN LENGTH OF SERVICE SHALL) *may* also be one of the factors in an appointment in the manner as provided by (PERSONNEL) rule. The provisions of this section shall not apply when the employment situation is among those listed in section 43.20, for which competitive examinations are not required.

Sec. 12. Minnesota Statutes, 1979 Supplement, Section 43.19, Subdivision 1, is amended to read:

43.19 [VACANCIES; PROMOTIONS; DISMISSALS.] Subdivision 1. [VACANCIES FILLED BY PROMOTION.] (1) Vacancies in positions shall be filled, so far as practicable, by promotion from among persons holding positions in the executive branch of the state civil service, or the legislative branch of state civil service, and classified positions on the staff of the legislative auditor, Minnesota state retirement system and teachers retirement association and, subject to (SUCH) *those* exceptions as the commissioner may provide, from the lower class and in accordance with section 43.18 and (PERSONNEL) rules. Except as provided in clause (2), promotions shall be based upon merit and fitness, to be ascertained by competitive examinations in which the employee's efficiency and job-related conduct shall constitute a factor. For positions defined by (PERSONNEL) rule as "non-managerial" seniority (SHALL) *may* also constitute a factor.

(2) The commissioner may authorize the appointing authority of any state agency to promote any employee in that agency to a higher class provided his position has been reallocated as the result of gradual changes in the job which have occurred over a period of time and his had performed satisfactorily in the position.

(3) *On or before January 1, 1981, the commissioner shall submit a report to the legislative commission on employee relations recommending methods of improving the state's efforts to insure equal employment opportunity pursuant to section 43.15. The report shall include recommendations with respect to both hiring and promotions along with an analysis of the effects of seniority requirements on promotional practices.*

Sec. 13. Minnesota Statutes 1978, Section 43.245, is amended to read:

43.245 [PERFORMANCE APPRAISAL SYSTEM.] The commissioner shall design and implement an employee performance appraisal system for the classified and unclassified (SERVICE) services. This system shall be based on uniform position description and results oriented performance standards formats. The commissioner, in consultation with the departments, shall develop criteria and content as necessary so long as the system is uniform for all departments. The commissioner shall establish and enforce rules with respect to the utilization of the results of this performance appraisal system in all decisions relating to the status of employees. (THE COMMISSIONER MAY FURTHER BY RULE PRESCRIBE THE EXTENT TO WHICH THESE REPORTS SHALL BE OPEN TO INSPECTION BY THE PUBLIC AND BY THE AFFECTED EMPLOYEE.) Each employee in the classified and unclassified service in the executive branch shall be evaluated and counseled at least once a year on his work performance. Individual pay increases for all state employees not represented by an exclusive representative certified pursuant to chapter 179 shall be based on (SUCH) the evaluation and other factors the commissioner includes, and the legislature approves, in the plan developed pursuant to section 10. Collective bargaining agreements entered into pursuant to chapter 179 may, and are encouraged to, provide for pay increases based on employee performance.

Sec. 14. Minnesota Statutes 1978, Section 43.321, is amended to read:

43.321 [GRIEVANCE PROCEDURE.] The commissioner shall promulgate by (PERSONNEL) rule procedures relating to grievances of any state officer or employee in the executive branch and provide the circumstances under which the grievance procedure is available, except that no state employee may avail himself of more than one grievance procedure on any one complaint or use the procedure set forth in the rule if he is a member of a bargaining unit that has a collective bargaining agreement entered into pursuant to chapter 179 which provides for methods and procedures to resolve that type of grievance.

Sec. 15. Minnesota Statutes 1978, Section 43.45, is amended to read:

43.45 [CONTRACTING AUTHORITY.] Subdivision 1. The commissioner is authorized to request bids from carriers or to negotiate with carriers and to enter into contracts with carriers which in the sole judgment of the commissioner are best qualified to underwrite and service the benefit plans. The commissioner shall consider (SUCH) factors such as the cost and conversion options relating to the contracts as well as the service capabilities, character, financial position, and reputation (WITH RESPECT TO SUCH) of the carriers and any other

factors which the commissioner (MAY DEEM) deems appropriate. Each (SUCH) benefit contract shall be for a uniform term of at least one year, but may be made automatically renewable from term to term in the absence of notice of termination by either party. *Effective October 1, 1980, the commissioner shall, to the extent feasible, make basic hospital and medical benefits available from at least three carriers at least one each of whom shall be licensed to do business pursuant to chapters 62A, 62C and 62D. The commissioner need not provide health maintenance service to an employee who resides in an area which is not served by a licensed carrier. The commissioner may elect not to offer all three types of carriers if there are no bids or no acceptable bids by that type of carrier or if the offering of additional carriers would result in excessive additional administrative costs. Any carrier licensed pursuant to chapter 62A shall be exempt from the tax imposed by section 60A.15 on premiums paid to it by the state.*

Subd. 2. Each contract under sections 43.42 to 43.49 shall contain a detailed statement of benefits offered and shall include (SUCH) any maximums, limitations, exclusions, and other definitions of benefits as the commissioner may deem necessary or desirable. *Each contract shall provide benefits at least equal to those required by section 62E.06, subdivision 2.*

Subd. 3. The commissioner shall make available, through (SUCH) any carriers as (IT) the commissioner may authorize, as many optional coverages as (IT DEEMS) deemed feasible and advantageous to eligible state employees and their dependents which (SAID) the employees may pay for at their own expense (TO BE PAID FOR) through payroll deductions.

Subd. 4. *The commissioner shall appoint and serve as chairman of an insurance advisory council consisting of eleven members. Two members shall be selected from names submitted by exclusive representatives of state employees. One member shall be selected from names submitted by exclusive representatives of employees of the university of Minnesota. One member shall be selected from names submitted by organizations representing retired state employees. One member shall be selected from names submitted by the regents of the university of Minnesota. The commissioners of administration, insurance, health and finance, and the deputy commissioner for labor relations or their designees, shall serve as the other members. Except as provided in this section, the provisions of section 15.059 shall apply to the members of the council. The council shall advise the commissioner in the selection of carriers and the implementation of collective bargaining agreements. Evidence of discussions, recommendations or decisions by the council shall not be submitted to any court or arbitrator in any matter involving state or university of Minnesota employees.*

Sec. 16. Minnesota Statutes 1978, Section 43.46, is amended to read:

43.46 [CONTRIBUTIONS BY STATE.] *Subdivision 1. The total contribution by the state for each state employee (UNDER SECTIONS 43.42 TO 43.49) and for dependents of state employees shall be (OTHERWISE) prescribed by law (AND WHICH), rule, a plan prepared pursuant to section 10, or a collective bargaining agreement. The contribution shall be applied to provide basic hospital benefits, basic medical benefits, basic dental benefits (, AN ANNUAL HEALTH EVALUATION AND SCREENING PROGRAM) and basic life insurance (OF SUCH) in amounts as may be determined from time to time by the commissioner or in a collective bargaining agreement.*

Subd. 2. [EMPLOYEE COVERAGE.] The amount of premium paid by the state for represented employees for state employees' basic hospital benefits, basic medical benefits and basic dental benefits coverage shall be negotiated between the state and exclusive representatives of state employees. Except as provided in this subdivision, the amount paid for each state employee's coverage shall be uniform for all employees in the same bargaining unit. Employees who select a carrier whose premium is in excess of the state payment shall be required to pay the difference. Employees who select a carrier whose premium is less than the state payment shall be given the option of using the difference to obtain benefits in addition to the standard negotiated packages or being paid the difference as additional compensation.

Subd. 3. [DEPENDENT COVERAGE.] The amount of premium paid by the state for state employees' dependents' basic hospital benefits, basic medical benefits and basic dental benefits coverage shall be negotiated between the state and exclusive representatives of state employees. Except as provided in this subdivision, the amount paid for each state employee's dependent coverage shall be uniform for all employees in the same bargaining unit. Employees who select a carrier whose premium is in excess of the state payment shall be required to pay the difference. Employees who select a carrier whose premium is less than the state payment shall be given the option of using the difference to obtain benefits in addition to the standard negotiated packages or being paid the difference as additional compensation.

Subd. 4. [UNREPRESENTED EMPLOYEES.] The commissioner shall establish the level of state payment of premiums paid by the state for all state employees who do not have an exclusive representative and for their dependents. The levels of payment shall be included in the plan prepared pursuant to section 10. Payments shall be made in the manner provided for in subdivisions 2 and 3.

Sec. 17. Minnesota Statutes, 1979 Supplement, Section 43.50, Subdivision 1, is amended to read:

43.50 [PAYMENT OF PREMIUMS.] Subdivision 1. Each department of the state government shall pay the amounts due for basic life insurance, basic dental insurance, (AND) basic (HEALTH) *hospital benefits and basic medical* benefits coverage authorized for eligible state employees (AS PROVIDED BY) *pursuant to this chapter.* (EFFECTIVE JULY 1, 1979, EACH DEPARTMENT OF THE STATE GOVERNMENT SHALL CONTRIBUTE UP TO \$64 PER YEAR TOWARD THE COST OF THE APPROVED ANNUAL HEALTH EVALUATION AND SCREENING PROGRAM FOR EACH ELIGIBLE EMPLOYEE WHO ELECTS TO PARTICIPATE AND WHO ELECTS HEALTH INSURANCE COVERAGE UNDER BLUE CROSS AND BLUE SHIELD OF MINNESOTA. ELIGIBLE EMPLOYEES WHO ELECT COVERAGE UNDER A HEALTH MAINTENANCE ORGANIZATION SHALL ONLY BE ELIGIBLE TO RECEIVE THIS BENEFIT IF THE HEALTH MAINTENANCE ORGANIZATION IN WHICH THE EMPLOYEE IS ENROLLED DOES NOT MAKE AVAILABLE WITHOUT ADDITIONAL COST, ON AN ANNUAL BASIS, THE TESTS PERFORMED FOR STATE EMPLOYEES BY THE APPROVED PROGRAM.)

(ADDITIONALLY, AND NOTWITHSTANDING ANY LAW TO THE CONTRARY, EFFECTIVE THE FIRST DAY OF THE FIRST PAYROLL PERIOD COMMENCING ON OR AFTER JULY 1, 1979, EACH DEPARTMENT OF THE STATE GOVERNMENT SHALL CONTRIBUTE UP TO \$60 PER MONTH OR 90 PERCENT OF THE COST, WHICHEVER IS GREATER, TOWARD THE COST OF DEPENDENT HOSPITAL MEDICAL INSURANCE COVERAGE PREMIUMS FOR THEIR ELIGIBLE EMPLOYEES WHO HAVE ELIGIBLE DEPENDENTS. EACH DEPARTMENT SHALL ALSO CONTRIBUTE ONE-HALF THE DIFFERENCE BETWEEN SINGLE AND FAMILY DENTAL COVERAGE PER MONTH FOR ALL ELIGIBLE EMPLOYEES CARRYING DEPENDENT DENTAL INSURANCE COVERAGE. TO ENABLE EMPLOYEES TO RECEIVE BENEFIT FROM THIS PROVISION, OPEN ENROLLMENT PERIODS FROM AUGUST 15 THROUGH SEPTEMBER 30, 1979 AND FROM AUGUST 15 THROUGH SEPTEMBER 30, 1980, ARE ESTABLISHED. DURING OPEN ENROLLEMENT PERIODS EMPLOYEES MAY ENROLL THEIR DEPENDENTS IN DENTAL COVERAGE AND HOSPITAL MEDICAL COVERAGE WITHOUT PROOF OF INSURABILITY. EFFECTIVE JANUARY 1, 1981.) The (CHANGED) benefits provided in this section shall apply to eligible members of the legislature and their eligible dependents *when they become eligible for the benefits.* Each of the departments shall pay (SUCH) *the* amounts from accounts and funds from which the department receives its revenues, including appropriations from the general fund and from any other fund now or hereafter existing for the payment of salaries and in the same proportion as it pays therefrom the amounts of salaries. In order to enable the commissioner of finance to maintain proper records covering the appropriations

pursuant to this section, he may require certifications in connection therewith as he may deem necessary from any state agency, the Minnesota historical society, or the University of Minnesota whose employees receive benefits pursuant to this chapter. The accounts and funds referred to from which departments receive appropriations under the terms of this section are hereby declared to be a source of revenue for the purposes of any other law or statutory enactment.

Sec. 18. Minnesota Statutes, 1979 Supplement, Section 62D.-22, Subdivision 7, is amended to read:

Subd. 7. A licensed health maintenance organization shall be deemed to be a prepaid group practice plan for the purposes of chapter 43 and shall be allowed to participate as a carrier for state employees subject to any (NEGOTIATED LABOR AGREEMENT) *collective bargaining agreement entered into pursuant to chapter 179* and reasonable restrictions applied to all carriers. *The commissioner of employee relations may refuse to allow a health maintenance organization to continue as a carrier if it was selected by less than 200 employees in the preceding benefit year.*

Sec. 19. Minnesota Statutes 1978, Section 179.63, Subdivision 7, is amended to read:

Subd. 7. "Public employee" or "employee" means any person appointed or employed by a public employer except:

- (a) elected public officials;
- (b) election officers;
- (c) commissioned or enlisted personnel of the Minnesota national guard;
- (d) emergency employees who are employed for emergency work caused by natural disaster;
- (e) part time employees whose service does not exceed the lesser of 14 hours per week or 35 percent of the normal work week in the employee's bargaining unit;
- (f) employees who hold positions of a basically temporary or seasonal character for a period not in excess of 100 working days in any calendar year;

The exclusions of clauses (e) and (f) of this subdivision shall not apply to:

- (1) *an employee hired by a school district to replace an absent teacher who at the time of his absence is a "public*

employee" not within the other exclusions of this subdivision where the replacement employee is employed more than 90 working days as a replacement for that teacher; and

(2) an employee hired by a school district for a teaching position created by increased enrollment, curriculum expansion, courses which are a part of the curriculum whether offered annually or not, or other appropriate reasons.

Employees included as "public employees" pursuant to clauses (1) and (2) shall not be included under master contracts expiring June 30, 1981, for purposes of salary or fringe benefits;

(g) employees of charitable hospitals as defined by section 179.35, subdivision 3;

(h) full time undergraduate students employed by the school which they attend under a work study program or in connection with the receipt of any financial aid, irrespective of number of hours of service per week.

Sec. 20. Minnesota Statutes 1978, Section 179.63, Subdivision 8, is amended to read:

Subd. 8. "Confidential employee" means any employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in meeting and negotiating or who actively participates in the meeting and negotiating on behalf of the public employer. *Provided that when the reference is to executive branch employees of the state of Minnesota or employees of the regents of the University of Minnesota, "confidential employee" means any employee who has access to information subject to use by the public employer in collective bargaining or who actively participates in collective bargaining on behalf of the public employer.*

Sec. 21. Minnesota Statutes, 1979 Supplement, Section 179.63, Subdivision 11, is amended to read:

Subd. 11. "Essential employee" means firefighters, (POLICE) peace officers *subject to licensure pursuant to sections 626.84 to 626.855, (HIGHWAY PATROLMEN,) guards at correctional (INSTITUTIONS) facilities, and employees of hospitals other than state hospitals (AND REGISTERED NURSES, AS DEFINED IN SECTION 148.171, ENGAGED IN THE PRACTICE OF PROFESSIONAL NURSING AND EMPLOYED IN A STATE HOSPITAL OR STATE NURSING HOME); provided that (1) with respect to state employees, "essential employee" means all employees in the law enforcement, health care professional, correctional guards, and supervisory collective bargaining units, irrespective of severance, and no other employees, and (2) with re-*

spect to university of Minnesota employees, "essential employee" means all employees in the law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. The term "firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires.

Sec. 22. Minnesota Statutes 1978, Section 179.64, is amended by adding a subdivision to read:

Subd. 1a. [STRIKES AUTHORIZED.] *Except as otherwise provided by sections 31 and 32, public employees, other than confidential, essential, managerial and supervisory employees and other than principals and assistant principals, may strike only under the following circumstances:*

(1)(a) *The collective bargaining agreement between their exclusive representative and their employer has expired; and*

(b) *The exclusive representative and the employer have participated in mediation over a period of at least 30 days, provided that, in the case of teachers, they shall have participated in mediation over a period of at least 30 days following the expiration date of the collective bargaining agreement. For the purposes of this sub-clause the mediation period commences on the day following receipt by the director of a request for mediation; and*

(c) *Written notification of intent to strike was served on the employer and the director by the exclusive representative on or after the expiration date of the collective bargaining agreement and at least ten days prior to the commencement of the strike, provided that if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification; or*

(2) *The requirements of clause 1 have been satisfied and a request for binding arbitration has been rejected pursuant to section 179.69; or*

(3) *The employer violates section 179.68, subdivision 2, clause (9); or*

(4) *In the case of state employees,*

(a) *The legislative commission on employee relations has not given interim approval to a negotiated agreement or arbitration award pursuant to section 179.74, subdivision 5, within 30 days after its receipt; or*

(b) *The entire legislature rejects or fails to ratify a negotiated agreement or arbitration award, which has been approved by the legislative commission on employee relations, at a special legislative session called to consider it, or at its next regular legislative session, whichever occurs first.*

Written notification of intent to strike, under clauses (3) or (4), shall be served on the employer and the director by the exclusive representative at least ten days prior to the commencement of the strike, provided that if more than 30 days have expired after service of a notification of intent to strike, no strike may commence until ten days after service of a new written notification.

Except as authorized in this subdivision, all strikes by public employees shall be illegal. Except as provided in this subdivision, no unfair labor practice or violation of sections 179.61 to 179.76 by a public employer shall give public employees a right to strike. Those factors may be considered, however, by the court in mitigation of or retraction of any penalties provided by this section.

During the period after contract expiration and prior to the date when the right to strike matures, and for additional time if agreed, the terms of an existing contract shall continue in effect and shall be enforceable upon both parties.

Sec. 23. Minnesota Statutes 1978, Section 179.64, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding any other provision of law, any public employee who (VIOLATES) *strikes in violation of the provisions of this section may have his appointment or employment terminated by the employer effective the date the violation first occurs. (SUCH) The termination shall be (EFFECTIVE UPON) made by serving written notice (SERVED) upon the employee. Service may be made by certified mail.*

Sec. 24. Minnesota Statutes 1978, Section 179.64, Subdivision 3, is amended to read:

Subd. 3. For purposes of this subdivision an employee who is absent from any portion of his work assignment without permission, or who abstains wholly or in part from the full performance of his duties without permission from his employer on the date or dates when a strike *not authorized by this section* occurs is prima facie presumed to have engaged in (A) *an illegal strike on (SUCH) the date or dates involved.*

Sec. 25. Minnesota Statutes 1978, Section 179.64, Subdivision 4, is amended to read:

Subd. 4. A public employee who knowingly (VIOLATES) *participates in a strike in violation of the provisions of this section and whose employment has been terminated pursuant to this section (,) may (, SUBSEQUENT TO SUCH VIOLATION,) subsequently be appointed or reappointed, employed or reemployed, but the employee shall be on probation for two years with respect to (SUCH) the civil service status, tenure of employment, or contract of employment (, AS) to which he (MAY HAVE THERETOFORE BEEN) was previously entitled.*

No employee shall be entitled to any daily pay, wages, *reimbursement of expenses*, or per diem for the days on which he engaged in a strike.

Sec. 26. Minnesota Statutes 1978, Section 179.64, Subdivision 5, is amended to read:

Subd. 5. Any public employee (, UPON REQUEST,) shall be entitled (, AS HEREINAFTER PROVIDED,) *to request the opportunity to establish that he did not violate the provisions of this section. (SUCH) The request (MUST) shall be filed in writing with the officer or body having the power to remove (SUCH) the employee, within ten days after notice of termination is served upon him (; WHEREUPON SUCH). The employing officer (,) or body (,) shall within ten days commence a proceeding at which (SUCH PERSON) the employee shall be entitled to be heard for the purpose of determining whether the provisions of this section have been violated by (SUCH) the public employer (, AND). If there (BE) are contractual grievance procedures, laws (AND REGULATIONS) or rules establishing proceedings to remove (SUCH) the public employee, the hearing shall be conducted in accordance (THEREWITH) with whichever procedure the employee elects provided that the election shall be binding and shall terminate any right to the alternative procedures. The same (PROCEEDINGS) proceeding may (UPON APPLICATION TO THE COURT BY AN EMPLOYER, AN EMPLOYEE, OR EMPLOYEE ORGANIZATION AND THE ISSUANCE OF AN APPROPRIATE ORDER BY THE COURT) include more than one employee's employment status if the employees' defenses are identical, analogous or reasonably similar. (SUCH) The proceedings shall be undertaken without unnecessary delay. Any person whose termination is sustained in the administrative or grievance proceeding may secure a review of his removal by serving a notice (SO REQUESTING) of appeal upon the employer removing him within 20 days after the results of the hearing (REFERRED TO HEREIN). have been announced. This notice, with proof of service thereof, shall be filed within ten days after service, with the clerk of the district court in the county where the employer has its principal office or in the county where the employee last was employed by the employer. The district court shall (THEREUPON) have jurisdiction to review the matter*

in the same manner as on appeal from administrative orders and decisions. This hearing shall take precedence over all matters before the court and may be held upon ten days written notice by either party. The court shall make such order (IN THE PREMISES) as (IS) it deems proper (; AND). An employer may obtain review of a decision to reinstate an employee in the same manner as provided for appeals by employees in this subdivision. An appeal may be taken (THEREFROM) from the district court order to the supreme court.

Sec. 27. Minnesota Statutes, 1979 Supplement, Section 179.65, Subdivision 6, is amended to read:

Subd. 6. *Except for confidential employees excluded from bargaining pursuant to section 179.74, subdivision 4, and section 38, supervisory and confidential employees, principals and assistant principals may form their own organizations. An employer shall extend exclusive recognition to a representative of or an organization of supervisory or confidential employees, or principals and assistant principals, for the purpose of negotiating terms or conditions of employment, in accordance with all other provisions of sections 179.61 to 179.76, as though they were essential employees. (UNITS OF) Supervisory or confidential (EMPLOYEES) employee organizations shall not participate in any capacity in any (JOINT) negotiations which involve (THE PARTICIPATION OF) units of employees other than supervisory or confidential employees. (AFFILIATION OF A SUPERVISORY OR CONFIDENTIAL EMPLOYEE WITH ANOTHER EMPLOYEE ORGANIZATION WHICH HAS AS ITS MEMBERS NON-SUPERVISORY EMPLOYEES OR NON-CONFIDENTIAL EMPLOYEES IS PERMITTED.) A supervisory or confidential employee organization which is affiliated, either directly or indirectly, with another employee organization which is the exclusive representative of non-supervisory or non-confidential employees of the same public employer or with a federation or other joint body of employee organizations, any one of whose affiliates is the exclusive representative of non-supervisory or non-confidential employees of the same public employer shall not be certified as, or act as, an exclusive representative pursuant to sections 179.61 to 179.76 or section 40, except in the case of organizations of non-state, non-university of Minnesota essential supervisory employees as defined in section 179.63, subdivision 11.*

Sec. 28. Minnesota Statutes 1978, Section 179.67, Subdivision 4, is amended to read:

Subd. 4. Any employee organization may obtain a certification election upon petition to the director wherein it is stated that at least 30 percent of the employees of a proposed employee unit wish to be represented by the petitioner (OR THAT THE CERTIFIED REPRESENTATIVE NO LONGER REPRESENTS THE MAJORITY OF EMPLOYEES IN THE UNIT). Any employee organization may obtain a representation election

upon petition to the director wherein it is stated that the currently certified representative no longer represents the majority of employees in an established unit and that at least 30 percent of the employees in the established unit wish to be represented by the petitioner rather than by the currently certified representative. An individual employee or group of employees in a unit may obtain a decertification election upon petition to the director wherein it is stated that the certified representative no longer represents the majority of the employees in an established unit and that at least 30 percent of the employees wish to be unrepresented.

Sec. 29. Minnesota Statutes 1978, Section 179.69, Subdivision 1, is amended to read:

179.69 [PROCEDURES.] Subdivision 1. [MEDIATION PETITION.] When any employees or representative of employees shall desire to meet and negotiate an agreement establishing terms and conditions of employment, they shall give written notice to the employer and the director, and it shall thereupon be the duty of the employer to recognize the employee representative for purposes of reaching agreement on terms and conditions of employment of the employees or the employer shall within ten days of receipt of the written notice object or refuse to recognize the employees' representative or the employees as an appropriate unit. The employer or employees' representative may thereupon petition the director to take jurisdiction of the matter whereupon the director shall then be authorized and shall perform those duties as provided in section 179.71, subdivision 2(a) and (b).

Upon the certified exclusive representative and the employer reaching agreement on terms and conditions of employment *or receiving a valid arbitration award*, they shall execute a written contract or memorandum of contract containing the terms of (SUCH) *the negotiated agreement or arbitration award*. The contracts or memoranda shall in every instance be subject to the provisions of section 179.70.

A petition by an employer shall be signed by him or his duly authorized officer or agent; and a petition by an exclusive representative shall be signed by its authorized officer. In either case the petition shall be served by delivering it to the director in person or by sending it by certified mail addressed to him at his office. The petition shall state briefly the nature of the disagreement of the parties. Upon receipt of a petition, the director (, OR BY SEPTEMBER 1, WHICHEVER DATE IS EARLIER) shall fix a time and place for a conference with the parties to *negotiate* the (MATTER UPON THE) issues (INVOLVED) *not agreed upon* in the matter, and he shall then take whatever steps he deems most expedient to bring about a settlement of the matter, including assisting in negotiating and drafting an agreement. It shall be the duty of all parties to

respond to the summons of the director for joint or several conferences with him and to continue in such conference until excused by the director. *However, for other than essential employees, mediation conferences following the expiration date of a collective bargaining agreement, or in the case of teachers following mediation over a period of 30 days after the expiration date of a collective bargaining agreement, shall continue only for durations agreeable to both parties.*

Sec. 30. Minnesota Statutes 1978, Section 179.69, Subdivision 3, is amended to read:

Subd. 3. [BINDING ARBITRATION PETITIONS FOR NON-ESSENTIAL EMPLOYEES.] *For all public employees except those specified in subdivision 3a, the director shall only certify a matter to the board for binding arbitration pursuant to section 179.72 if:*

(a) *the director has determined that further mediation efforts under subdivision 1 would serve no purpose and has certified an impasse, or, the collective bargaining agreement has expired, and,*

(b) *within 15 days of a request by one party for binding arbitration the other party has accepted the request. A request for arbitration is deemed rejected if the other party has not responded within 15 days of the request.*

Subd. 3a. [BINDING ARBITRATION PETITIONS FOR ESSENTIAL EMPLOYEES.] *For all public employees defined as essential pursuant to section 179.73, subdivision 11, or treated as though they were essential pursuant to section 179.65, subdivision 6, the director shall only certify a matter to the board for binding arbitration pursuant to section 179.72 when either or both parties (, EXCEPT FOR ESSENTIAL EMPLOYEES,) petition for binding arbitration stating that an impasse has been reached and the director has determined that further mediation efforts under subdivision 1 would serve no purpose. (UPON SUCH PETITION AND DETERMINATION BY THE MEDIATOR, THE PARTIES SHALL EACH SUBMIT THEIR RESPECTIVE FINAL POSITIONS ON MATTERS NOT AGREED UPON. IF THE EMPLOYER HAS PETITIONED FOR BINDING ARBITRATION AND THE DIRECTOR HAS DETERMINED THAT AN IMPASSE HAS BEEN REACHED SAID PROCEEDINGS SHALL BEGIN WITHIN 15 DAYS THEREOF AND BE BINDING ON BOTH PARTIES. THE DIRECTOR SHALL DETERMINE THE MATTERS NOT AGREED UPON BASED UPON HIS EFFORTS TO MEDiate THE DISPUTE. IF THE EMPLOYEE REPRESENTATIVE HAS PETITIONED FOR BINDING ARBITRATION THE EMPLOYER SHALL HAVE 15 DAYS AFTER THE DIRECTOR OF MEDIATION HAS DETERMINED THAT AN IMPASSE HAS BEEN REACHED TO REJECT THE RE-*

QUEST OR AGREE TO SUBMIT MATTERS NOT AGREED UPON TO BINDING ARBITRATION. IF THE EMPLOYER DOES NOT RESPOND WITHIN 15 DAYS IT SHALL BE REGARDED AS A REJECTION AND SAID REJECTION SHALL BE A REFUSAL BY THE EMPLOYER WITHIN THE MEANING OF SECTION 179.64, SUBDIVISION 7. UNDER A PETITION BY EITHER PARTY THE PARTIES MAY STIPULATE THOSE AGREED UPON ITEMS TO BE EXCLUDED FROM ARBITRATION.)

Subd. 3b. [PROCEDURE.] When the director has certified a matter to the board for binding arbitration pursuant to subdivision 3 or 3a, within 15 days the parties shall each submit their respective final positions on matters not agreed upon. Under a petition by either party the parties may stipulate those agreed upon items to be excluded from arbitration.

Sec. 31. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.691] [NEW EXCLUSIVE REPRESENTATIVE: TEACHERS.] *If a new or different exclusive representative is certified by the director at any time other than the period between 120 days before the termination date of a contract and the termination date of the contract, or if on July 1 of any odd-numbered year a representation proceeding involving the employer and the employer's teachers is before the director, the provisions of subclauses (a) and (b) of clause (1) of section 22 shall not apply. In those cases, the employer and the exclusive representative of the teacher shall execute a written contract or memorandum of contract as provided in section 179.70 no later than 45 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative fail to execute a contract by 45 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated in mediation sessions called pursuant to section 179.69 over a period of no less than 30 days.*

Sec. 32. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.692] [NEW EXCLUSIVE REPRESENTATIVE: NON-TEACHERS.] *If a new or different exclusive representative is certified by the director, or if on the expiration date of an existing contract a representation proceeding is before the director, the provisions of section 179.64, subdivision 1a, clause (1) (a), shall not apply. In those cases, the employer and the exclusive representative of the employees shall execute a written con-*

tract or memorandum of contract as provided in section 179.70 no later than 45 days after a certification by the director of a new or different exclusive representative or the resolution by the director of a representation proceeding. Either party may petition the director of mediation services for assistance in reaching an agreement, as provided in section 179.69, subdivision 1. If the employer and the exclusive representative fail to execute a contract by 45 days after the certification of a new or different exclusive representative or the resolution by the director of a representation proceeding, they shall be conclusively presumed to be at an impasse after having participated for a period of no less than 30 days in mediation sessions called pursuant to section 179.69.

Sec. 33. Minnesota Statutes 1978, Section 179.71, Subdivision 3, is amended to read:

Subd. 3. The director shall determine appropriate units, *except where appropriate units are defined by section 38*. In determining the appropriate unit he shall take into consideration, along with other relevant factors, the principles and the coverage of uniform comprehensive position classification and compensation plans of the employees, involvement of professions and skilled crafts and other occupational classifications, relevant administrative and supervisory levels of authority, geographical location, and the recommendation of the parties, and shall place particular importance upon the history and extent of organization and the desires of the petitioning employee representatives.

In addition, with regard to the inclusion or exclusion of supervisory employees, the director must find that an employee may perform or effectively recommend a majority of those functions referred to in section 179.63, subdivisions 9 or 9a, before an employee may be excluded as supervisory. However, in every case the administrative head, and his assistant, of a municipality, municipal utility, police or fire department shall be considered a supervisory employee.

He shall not designate an appropriate unit which includes employees subject to section 179.63, subdivision 11, with employees not included in section 179.63, subdivision 11.

Sec. 34. Minnesota Statutes 1978, Section 179.71, Subdivision 5, is amended to read:

Subd. 5. In addition to all other duties imposed by 179.77;

(a) (RETAIN) *provide mediation (JURISDICTION OVER) services as requested by the parties for purposes of this subdivision until (SUCH TIME AS) the parties reach agreement; provided, however, he may continue to assist parties after the parties have submitted their final positions as provided or required*

under section 179.72, subdivision 6; or section 179.69 (, SUB-DIVISION 6);

(b) issue notices, subpoenas and orders as may be required by law to carry out his duties under sections 179.61 to 179.77. Issuance of orders shall include those orders of the Minnesota public employment relations board;

(c) certify to the Minnesota public employment relations board those items of dispute between parties to be subject to the action of the Minnesota public employment relations board under section 179.69, subdivision 3;

(d) assist the parties in formulating petitions, notices, and other papers required to be filed with the director or the board;

(e) certify the final results of any election or other voting procedure conducted pursuant to sections 179.61 to 179.77;

((F) FURNISH CLERICAL AND ADMINISTRATIVE SERVICES TO THE MINNESOTA PUBLIC EMPLOYMENT RELATIONS BOARD AS MAY BE REQUIRED;)

((G)) (f) adopt reasonable and proper rules (AND REGULATIONS) relative to and regulating the forms of petitions, notices, orders and the conduct of hearings and elections subject to final approval of the Minnesota public employment relations board. (SUCH) *The* rules (AND REGULATIONS) shall be printed and made available to the public and a copy delivered with each notice of hearing; provided, that (EVERY SUCH) *any* rule (OR REGULATION) shall be filed with the secretary of state, and any change therein or additions thereto shall not take effect until 20 days after (SUCH) *the* filing;

((H)) (g) receive, catalogue and file in a logical manner all orders and decisions of the Minnesota public employment relations board and all arbitration panels authorized by sections 179.61 to 179.77 as well as all grievance arbitration decisions and the director's own orders and decisions. All orders and decisions catalogued and filed shall be made readily available to the public;

((I)) (h) promulgate a grievance procedure to effectuate the purposes of section 179.70, subdivision 1. (SUCH) *The* grievance (PROCEDURES) *procedure* shall not provide for the services of the bureau of mediation services. The exercise of authority granted by this clause shall be subject to the provisions of chapter 15 (; SAID). *The* grievance procedure (TO) *shall* be available to any public employee employed in a unit not covered by a (NEGOTIATED) *contractual* grievance procedure as contained in section 179.70, subdivision 1;

((J)) (i) conduct elections;

(j) *assign state employee classifications and university of Minnesota employees classifications to the appropriate units provided in section 38, when the classifications have not been assigned pursuant to section 38, or have been significantly modified in occupational content subsequent to assignment pursuant to section 38, and assign supervisory employees to the appropriate units provided in section 38 when the positions have not been assigned pursuant to section 38 or have been significantly modified in occupational content. The assignment of the classes shall be made on the basis of the community of interest of the majority of employees in these classes with the employees within the statutory units, and all the employees in the class, excluding supervisory and confidential employees, shall be assigned to a single appropriate unit.*

Sec. 35. Minnesota Statutes 1978, Section 179.72, Subdivision 6, is amended to read:

Subd. 6. When final positions are certified to the board as provided in section 179.69, (SUBDIVISION 3, OR SUBMITTED TO THE BOARD AS PROVIDED IN SECTION 179.69, SUBDIVISION 5,) the board shall constitute an arbitration panel as follows:

The parties shall, under the direction of the chairman of the board, alternately strike names from a list of seven arbitrators until only three names remain, which three members shall be members of the panel; provided, however, that if either party requests the parties shall select a single arbitrator to hear the dispute. If the parties are unable to agree on who shall strike the first name, the question shall be decided by the flip of a coin. In submitting names of arbitrators to the parties the board shall endeavor whenever possible to include names of persons from the general geographical area in which the public employer is located. The panel shall assume and have jurisdiction over the items of dispute certified to the board for which the panel was constituted. The panel's orders shall be issued upon a majority vote of members considering a given dispute. The members of the panel shall be paid their actual and necessary traveling and other expenses incurred in the performance of their duties plus a per diem allowance of \$180 for each day or part thereof while engaged in the consideration of a dispute. All fees, expenses and costs of the panel shall be shared and assessed equally to the parties to the dispute. In those cases where a single arbitrator is hearing a dispute, the fees, expenses and costs of the arbitrator shall also be shared and assessed equally by the parties to the dispute.

Sec. 36. Minnesota Statutes 1978, Section 179.74, Subdivision 2, is amended to read:

Subd. 2. The employer of state employees shall be, for purposes of sections 179.61 to (179.77) 179.76, the commissioner of (PERSONNEL) *employee relations* or his representative.

Sec. 37. Minnesota Statutes 1978, Section 179.74, Subdivision 3, is amended to read:

Subd. 3. In all negotiations between the state and exclusive representatives the state shall be represented by the commissioner of (PERSONNEL) *employee relations* or his representative. The attorney general, and each appointing authority shall cooperate with the commissioner of (PERSONNEL) *employee relations* in conducting negotiations and shall make available (SUCH) *any personnel and other resources as are necessary* to enable the commissioner to conduct effective negotiations.

Sec. 38. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 4, is amended to read:

Subd. 4. The commissioner of (PERSONNEL) *employee relations* shall meet and negotiate with the exclusive representative of (APPROPRIATE) *each of the units specified in section 38, subdivision 1*, in the manner prescribed by sections 179.61 to (179.77; PROVIDED, HOWEVER, THAT THE DIRECTOR OF MEDIATION SERVICES SHALL DEFINE APPROPRIATE UNITS OF STATE EMPLOYEES AS ALL THE EMPLOYEES UNDER THE SAME APPOINTING AUTHORITY EXCEPT WHERE PROFESSIONAL, GEOGRAPHICAL OR OTHER CONSIDERATIONS AFFECTING EMPLOYMENT RELATIONS CLEARLY REQUIRE APPROPRIATE UNITS OF SOME OTHER COMPOSITION) 179.76. *The appropriate units provided for in section 38 shall be the only appropriate units for executive branch state employees.* The positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of (PERSONNEL) *employee relations* in accordance with the provisions of section 43.326 and so designated in the official state compensation schedules, all unclassified positions in the state university system and the community college system defined as managerial by their respective boards, *all positions of physician employees compensated pursuant to section 43.126, the positions of all unclassified employees appointed by the governor, lieutenant governor, secretary of state, attorney general, treasurer and auditor,* all positions in the bureau of mediation services and the public employment relations board, all hearing (EXAMINERS) *examiner positions in the office of hearing examiners, and the positions of all confidential employees (WHO WORK IN THE PERSONNEL OFFICES OF AN APPOINTING AUTHORITY IN THE EXECUTIVE BRANCH AND WHO HAVE ACCESS TO INFORMATION SUBJECT TO USE BY THE APPOINTING AUTHORITY IN MEETING AND NEGOTIATING OR WHO ACTIVELY PARTICIPATE IN THE MEETING AND*

NEGOTIATING ON BEHALF OF THE STATE,) shall be excluded from any appropriate unit. (REGARDLESS OF UNIT DETERMINATION,) The governor may upon the unanimous written request of exclusive representatives of units and (APPOINTING AUTHORITIES) *the commissioner direct that negotiations be conducted for one or more (APPOINTING AUTHORITIES) units in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the basis of appointing authority or geography.*

Sec. 39. Minnesota Statutes, 1979 Supplement, Section 179.74, Subdivision 5, is amended to read:

Subd. 5. The commissioner of (PERSONNEL) *employee relations* is authorized to and may enter into agreements with *exclusive representatives of the units specified in section 38, subdivision 1.* The provisions of the negotiated agreements and arbitration awards shall be submitted to the legislature to be accepted or rejected *in accordance with this section and section 3.855.* (A STATE EMPLOYEE WHOSE EXCLUSIVE REPRESENTATIVE, AS DEFINED BY SECTION 179.63, SUBDIVISION 6, HAS NOT REACHED A PROPOSED AGREEMENT WITH THE STATE WHICH HAS BEEN SUBMITTED BY THE COMMISSIONER TO THE LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS ON OR BEFORE APRIL 15 OF AN ODD NUMBERED YEAR, SHALL NOT RECEIVE THE WAGE AND ECONOMIC FRINGE BENEFIT INCREASES PROVIDED PURSUANT TO AN AGREEMENT EXECUTED AND APPROVED UNDER THIS SUBDIVISION. DISAPPROVAL BY THE LEGISLATIVE COMMISSION ON EMPLOYEE RELATIONS PURSUANT TO SECTION 3.855 OR FAILURE OF THE LEGISLATURE TO APPROVE A NEGOTIATED AGREEMENT OR ARBITRATION AWARD WITH RESPECT TO WAGES AND ECONOMIC FRINGE BENEFITS BY THE TIME OF ADJOURNMENT OF THE REGULAR LEGISLATIVE SESSION IN AN ODD NUMBERED YEAR SHALL BE A DEFENSE TO A VIOLATION OF SECTION 179.64.) *In the event that a proposed agreement or arbitration award is rejected or is not approved by the legislature prior to its adjournment in an odd numbered year, the legislative commission on employee relations is authorized to give interim approval to a proposed agreement or arbitration award. The proposed agreement or arbitration award shall be implemented upon its approval by the commission and state employees covered by the proposed agreement or arbitration award shall not have the right to strike while the interim approval is in effect. The commission shall submit the agreement or arbitration award to the legislature for ratification at a special legislative session called to consider it or at its next regular legislative session. Wages and economic fringe benefit increases provided for in the agreement or arbitration award which were paid pursuant to the interim approval by the commission shall not be affected but such wages and benefit increases shall cease to be paid or provided effective*

upon the rejection of the agreement or arbitration award or upon adjournment by the legislature without acting upon the agreement or arbitration award.

Sec. 40. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.741] [STATE AND UNIVERSITY OF MINNESOTA EMPLOYEES: APPROPRIATE UNITS.] *Subdivision 1. [STATE EMPLOYEES.] Subject to the provisions of section 41, subdivision 5, all appropriate units of state employees certified as of the effective date of this subdivision are abolished. The following shall be the appropriate units of executive branch state employees for the purposes of sections 179.61 to 179.76. All units shall include employees excluded by section 179.74, subdivision 4, and supervisory employees shall only be assigned to units 12 and 16. Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. No additional units of executive branch state employees shall be recognized for the purpose of meeting and negotiating.*

(1) Law enforcement unit. This unit shall consist of all sworn highway patrol personnel, all uniformed conservation officers, and all criminal apprehension agents.

(2) Craft, maintenance, and labor unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.

(3) Service unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.

(4) Health care non-professional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.

(5) Health care professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.

(6) Clerical and office unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.

(7) Technical unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.

(8) *Correctional Guards unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

(9) *State university instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

(10) *Community college instructional unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

(11) *State university administrative unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

(12) *Professional engineering supervisory unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

(13) *Health treatment unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

(14) *General professional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

(15) *Professional state residential instructional unit. This unit shall consist of those classifications assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

(16) *Supervisory employees unit. This unit shall consist of those positions assigned to this unit in the unit composition schedule adopted by the legislative commission on employee relations on March 24, 1980.*

Subd. 2. [STATE EMPLOYEE SEVERANCE.] Each of the following groups of employees shall have the right, as specified in this subdivision, to separate from the general professional, health treatment or general supervisory units provided for in subdivision 1: attorneys, physicians, professional employees of the higher education coordinating board who are compensated pursuant to section 43.064, highway patrol-supervisors, and criminal apprehension investigative-supervisors.

This right shall be exercised by petition during the period commencing on the effective date of this section and concluding thirty days after that date or, after January 1, 1981, during the sixty day period commencing 270 days prior to the termination of a contract covering the units. If one of these groups of employees exercises the right to separate from the units they shall have no right to meet and negotiate, but shall retain the right to meet and confer with the commissioner of employee relations and with the appropriate appointing authority on any matter of concern to them. The manner of exercise of the right to separate shall be as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a state-wide basis wish to separate from their units may petition the director for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the director shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from the units provided in subdivision 1. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from the unit in favor of separate meet and confer status for any one of these groups of employees, the director shall certify that result. This election shall, where not inconsistent with other provisions of this section, be governed by section 179.67. If a group of employees elects to sever they may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.

Subd. 3. [UNIVERSITY OF MINNESOTA.] *All appropriate units of university of Minnesota employees certified as of the effective date of this section are abolished. The following shall be the appropriate units of university of Minnesota employees for the purposes of sections 179.61 to 179.76. All units shall exclude managerial and confidential employees and supervisory employees shall only be assigned to unit 12. No additional units of university of Minnesota employees shall be recognized for the purpose of meeting and negotiating.*

(1) Law enforcement unit. This unit shall consist of the positions of all employees with the power of arrest.

(2) Craft and trades unit. This unit shall consist of the positions of all employees whose work requires specialized manual skills and knowledge acquired through formal training or apprenticeship or equivalent on-the-job training or experience.

(3) Service, maintenance and labor unit. This unit shall consist of the positions of all employees whose work is typically that of maintenance, service or labor and which does not require extensive previous training or experience, except as provided in unit 4.

(4) *Health care non-professional and service unit. This unit shall consist of the positions of all non-professional employees of the university of Minnesota hospitals, dental school and health service whose work is unique to those settings, excluding labor and maintenance employees as defined in unit 3.*

(5) *Nursing professional unit. This unit shall consist of all positions which are required to be filled by registered nurses.*

(6) *Clerical and office unit. This unit shall consist of the positions of all employees whose work is typically clerical or secretarial, including non-technical data recording and retrieval and general office work, except as provided in unit 4.*

(7) *Technical unit. This unit shall consist of the positions of all employees whose work is not typically manual and which requires specialized knowledge or skills acquired through two year academic programs or equivalent experience or on-the-job training, except as provided in unit 4.*

(8) *Twin Cities instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow located on the Twin Cities campuses.*

(9) *Duluth instructional unit. This unit shall consist of the positions of all instructional employees with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, located at the Duluth campus, provided that the positions of instructional employees of the same ranks at the Morris, Crookston or Waseca campuses shall be included within this unit if a majority of the eligible employees voting at a campus so vote during an election conducted by the director. The election shall be held when an employee organization or group of employees petitions the director stating that a majority of the eligible employees at one of these campuses wishes to join the unit when this petition is supported by a showing of at least 30 percent support from eligible employees at that campus and is filed within 60 days of the effective date of this section or during the period between September 1 and November 1.*

(10) *Graduate assistant unit. This unit shall consist of the positions of all graduate assistants who are enrolled in the graduate school and who hold the rank of research assistant, teaching assistant, teaching associate I or II, project assistant, or administrative fellow I or II.*

(11) *Non-instructional professional unit. This unit shall consist of the positions of all employees meeting the requirements of either clause (a) or (b) of section 197.63, subdivision 10, which are not defined as included within the instructional unit.*

(12) *Supervisory employees unit. This unit shall consist of the positions of all supervisory employees.*

The employer shall petition the director within 90 days of the effective date of this subdivision indicating his position with respect to the allocation of all positions to the units provided in this subdivision. The employer shall serve a copy of the petition on the exclusive representatives of the affected employees. When the employer's position with respect to the positions to be included within a unit established by this subdivision is challenged by an employee organization petitioning under section 179.67, the director shall make a determination as to the allocation of the challenged positions under the language of subdivision 3. His determination shall be made within 60 days of receipt of the petitioning organization's challenge and may be appealed only to the supreme court which shall hear the matter on an expedited basis. Should both units 8 and 9 each elect exclusive bargaining representatives those representatives shall jointly negotiate a contract with the regents.

Subd. 4. [UNIVERSITY OF MINNESOTA EMPLOYEE SEVERANCE.] *Each of the following groups of university of Minnesota employees shall have the right, as specified in this subdivision, to separate from the instructional and supervisory units provided for in subdivision 3: (1) health sciences instructional employees at all campuses with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (2) instructional employees of the law school with the rank of professor, associate professor, assistant professor, including research associate, or instructor, including research fellow, (3) instructional supervisors, and (4) non-instructional professional supervisors. This right shall be exercised by petition during the period commencing on the effective date of this section and concluding 60 days after that date or, after January 1, 1981, during the period between September 1 and November 1. If one of these groups of employees exercises the right to separate from their unit they shall have no right to meet and negotiate, but shall retain the right to meet and confer with the appropriate officials on any matter of concern to them. The manner of exercise of the right to separate shall be as follows: An employee organization or group of employees claiming that a majority of any one of these groups of employees on a state-wide basis wish to separate from their unit may petition the director for an election during the petitioning period. If the petition is supported by a showing of at least 30 percent support for the petitioner from the employees, the director shall hold an election to ascertain the wishes of the majority with respect to the issue of remaining within or severing from their unit provided in subdivision 3. This election shall be conducted within 30 days of the close of the petition period. If a majority of votes cast endorse severance from their unit in favor of meet and confer status for any one of these groups of employees, the director shall certify that result. This election*

shall, where not inconsistent with other provisions of this section, be governed by section 179.67. If a group of employees elects to sever they may rejoin that unit by following the same procedures specified above for severance, but may only do so during the periods provided for severance.

Sec. 41. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read:

[179.742] [TRANSITION TO NEW BARGAINING UNIT STRUCTURE FOR STATE AND UNIVERSITY OF MINNESOTA EMPLOYEES.] Subdivision 1. [APPLICATION OF SECTION.] Notwithstanding section 179.65, subdivision 2, or any other law, this section shall govern, where contrary to other law, the initial certification and decertification, if any, of exclusive representatives for the appropriate units of state employees and university of Minnesota employees established by section 38. Subsequent to the initial certification and decertification, if any, pursuant to this section, the provisions of this section shall not apply.

Subd. 2. [EXISTING MAJORITY.] The director shall certify an employee organization as exclusive representative for an appropriate unit established by section 38 upon a petition filed with the director by the organization within 30 days of the effective date of this section for state employees and within 180 days of the effective date of this section for university of Minnesota employees stating that the petitioner is certified pursuant to section 179.67 as the exclusive representative of a majority of the employees included within the unit established by section 38 on the effective date of this section. Two or more employee organizations which represent the employees in a unit established by section 38, may petition jointly pursuant to this subdivision, provided that any organization may withdraw from a joint certification in favor of the remaining organization or organizations on 30 days notice to the remaining organization or organizations, the employer, and the director without effect upon the rights and obligations of the remaining organization or organizations or the employer. The director shall make a determination on a timely petition within 45 days of its receipt.

Subd. 3. [NO EXISTING MAJORITY.] (1) If no exclusive representative is certified under subdivision 2, the director shall certify an employee organization as exclusive representative for an appropriate unit established by section 38 upon a petition filed by the organization within the time period provided in subdivision 2, stating that the petitioner is certified pursuant to section 179.67 as the exclusive representative of fewer than a majority of the employees included within the unit established by section 38, where no other employee organization so certified has filed a petition within the time period provided in subdivision 2 so long as a majority of the employees in the unit established

by section 38 are represented by employee organizations pursuant to section 179.67 on the effective date of this section. Two or more employee organizations, each of which represents employees included in the unit established by section 38 may petition jointly pursuant to this clause, provided that any organization may withdraw from a joint certification in favor of the remaining organization or organizations on 30 days notice to the remaining organization or organizations, the employer, and the director without effect upon the rights and obligations of the remaining organization or organizations or the employer. The director shall make a determination on a timely petition within 45 days of its receipt.

(2) If no exclusive representative is certified under subdivision 2 or subdivision 3, clause (1), and an employee organization petitions the director within 45 days of the effective date of this section for state employees and within 195 days of the effective date of this section for university of Minnesota employees stating that at least 30 percent of the employees included within a unit established by section 38 wish to be represented by the petitioner, where this 30 percent is evidenced by current dues deduction rights, signed statements plainly indicating that the signatories wish to be represented for collective bargaining purposes by the petitioner rather than by any other organization, or a combination thereof, the director shall conduct a secret ballot election to determine the wishes of the majority. The election shall be conducted within 75 days of the effective date of this section for state employees and within 225 days of the effective date of this section for university of Minnesota employees and shall, where not inconsistent with other provisions of this section, be governed by section 179.67.

Subd. 4. [DECERTIFICATION.] Prior to January 1, 1981 the director shall consider a petition for decertification of an exclusive representative certified under this section only when the petition is filed within 60 days of the initial certification and only when the certification was made pursuant to subdivisions 2 or 3(1). The petition shall be considered under the provisions of section 179.67 except where they are inconsistent with this subdivision.

Subd. 5. [CONTRACT AND REPRESENTATION RESPONSIBILITIES.] Notwithstanding the provisions of section 40, the exclusive representatives of units of State employees and university of Minnesota employees certified prior to the effective date of this section shall remain responsible for administration of their contracts and for all other contractual duties and shall enjoy the right to dues and fair share fee deduction and all other contractual privileges and rights until June 30, 1981. Exclusive representatives of state employees and university of Minnesota employees certified after the effective date of this section shall immediately upon certification have

the responsibility of bargaining on behalf of employees within the unit. They shall also have the responsibility of administering grievances arising under previous contracts covering employees included within the unit which remain unresolved on June 30, 1981. Where the employer does not object, these responsibilities may be varied by agreement between the outgoing and incoming exclusive representatives. All other rights and duties of representation shall commence on July 1, 1981, except that exclusive representatives certified after the effective date of this section shall immediately upon certification have the right to all employer information and all forms of access to employees within the bargaining unit which would be permitted to the current contract-holder. This section shall in no way affect any existing collective bargaining contract. Should an exclusive bargaining agent not be certified for the unit provided for in section 38, subdivision 3, clause (2), the employees assigned to that unit shall continue to be compensated pursuant to the appropriate university of Minnesota civil service rules, or by the terms of any master or uniform contract of their particular trade which exists between associations of employers in their local area representing all or substantially all of the employees of that trade.

Nothing in sections 1 to 42 shall prevent an exclusive representative certified after the effective date of sections 1 to 42 from assessing fair share or dues deductions immediately upon certification for employees in a unit established under section 38 if the employees were unrepresented for collective bargaining purposes prior to that certification.

Sec. 42. Minnesota Statutes 1978, Chapter 179, is amended by adding a section to read :

[179.743] [STATE EMPLOYEES.] *When no prior determination has been made with respect to the supervisory status of a state employee or his predecessor and no agreement can be reached between the employer and petitioning employee organizations, the commissioner of employee relations may petition the director for a determination. When no agreement can be reached between the employer and petitioning employee organizations on the confidential status of a state employee, the commission of employee relations may petition the director for a determination. The commissioner shall serve a copy of the petition on the exclusive representatives of the affected employees. The director shall not exclude any supervisory or confidential employee from an appropriate unit of nonsupervisory or nonconfidential state employees on the basis of a petition filed later than 30 days after the effective date of this section, except as provided in section 32. The director shall make all determinations under this subdivision within 60 days of receipt of a timely petition. The director shall have full discretion in his determination of the application of sections 179.63, subdivisions 8, 9, and 9a, and 179.71, subdivision 3, paragraph 2 in all cases arising*

under this subdivision. Notwithstanding any other law, his decision shall be final and no appeal whatsoever shall be heard. For the purposes of the certification of a bargaining agent for units provided in subdivision 1 of section 38 employees sought to be excluded by a timely and valid petition as supervisory or confidential shall be counted or shall vote separately in a fashion which shall permit them to be individually excluded or included after a determination as to their status. When a certification is dependent upon challenged employees, the director shall determine the status of the challenged employees prior to deciding the cases of challenged employees whose status need not be determined for a certification. In the latter situation the certification of a bargaining agent shall proceed irrespective of pending challenges.

Sec. 43. Laws 1979, Chapter 332, Article I, Section 114, is amended to read:

Sec. 114. [REPEALER.] Effective July 1, 1981, Minnesota Statutes 1978, Sections 43.03; 43.06; 43.062; 43.063; (43.064;) 43.065; 43.067; 43.068; 43.069; 43.07; 43.09; (43.111;) 43.12, subdivisions 2 to 27; 43.121; 43.122; 43.126 43.127; 43.128; (43.13; 43.14;) 43.162; (43.17; 43.18; 43.19; 43.20; 43.21;) 43.22; 43.222; 43.223; 43.224; 43.23; 43.24; (43.245; 43.321;) 43.322; 43.323; 43.324; 43.326; 43.327; 43.33; 43.44; (43.45; 43.46;) 43.48; and 43.49 (; 43.50; AND 43.51) are repealed.

Sec. 44. Laws 1979, Chapter 332, Article I, Section 116, is amended to read:

Sec. 116. [EFFECTIVE DATE.] The effective dates for Article I are as follows: sections 2, 4, 8, 40, 45, 46, 47, 58, 61, 65, 82-91, and 113 are effective upon final enactment. Section 64, is effective June 30, 1980. Sections 3, 5, 6 and 7 are effective July 1, 1981. The remaining provisions of Article I are effective July 1, 1979. The provisions of section 47 shall apply to all disciplinary actions taken on or after the effective date of section 47. *The provisions of section 63 shall expire on July 1, 1981, but shall apply to all arbitration proceedings which are to determine contractual provisions for the 1982-1983 biennium. The provisions of section 64 shall expire on July 1, 1981, but shall apply to all arbitration proceedings which are to determine contractual provisions for the next contract period.* The provisions of sections (63,) 93 to 111 and 113 shall expire on July 1, 1981. The provisions of section 137.02, subdivision 4, shall not apply to sections 93 to 111.

Sec. 45. [REPEALER.] *Minnesota Statutes 1978, Sections 43.003; 43.50, Subdivision 3; 179.64, Subdivision 1; 179.69, Subdivisions 4, 5, and 6; and 482.18; and Minnesota Statutes, 1979 Supplement, Sections 15A.081, Subdivision 5; and 179.64, Subdivision 7, are repealed.*

Sec. 46. [APPROPRIATION.] *Subdivision 1. The amount of \$285,000 is appropriated for the period ending June 30, 1981 to the department of employee relations. The approved complement of the department of employee relations is increased by 5 persons.*

Subd. 2. The amount of \$100,500 is appropriated for the period ending June 30, 1981 to the bureau of mediation services for the purpose of implementing sections 19 to 40.

Subd. 47. [INSTRUCTIONS TO REVISOR.] *In the next and all subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the term "department of employee relations" for "department of personnel" in every place where the latter is used. The revisor of statutes shall substitute the term "commissioner of employee relations" for "commissioner of personnel" in every place where the latter term is used.*

Sec. 48. [EFFECTIVE DATE.] *Section 16 shall be effective on July 1, 1981. The remaining provisions of this act are effective the day following final enactment but shall not alter the terms of any existing collective bargaining agreement before it expires. Any impermissible affiliation of an exclusive representative existing on the effective date of this section may continue until the termination of any labor agreement in effect on the effective date of this section."*

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. No. 2085 was read for the second time.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, April 3, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Thursday, April 3, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

